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**JOURNAL OF THE SENATE  
STATE OF WASHINGTON  
1996 REGULAR SESSION  
FIFTY-FOURTH LEGISLATURE**

**FIRST DAY**

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NOON SESSION  
-----

Senate Chamber, Olympia, Monday, January 8, 1996

Pursuant to law, the Senate of the 1996 Regular Session of the Fifty-fourth Legislature of the state of Washington was called to order at 12:00 noon by Lieutenant Governor Joel Pritchard, President of the Senate.

The Sergeant at Arms Color Guard, consisting of Pages Carol Miller and Emily Miller, presented the Colors. Reverend Bruce Armstrong, pastor of the Lacey Presbyterian Church, offered the prayer.

The President led the Senate in the Pledge of Allegiance.

**INTRODUCTION OF LAKEFAIR QUEEN**

The President welcomed and introduced Kirsten Olsen, the 1996-1997 Lakefair Queen, who was seated on the rostrum. With permission of the Senate, business was suspended for Queen Kirsten to welcome the Senators to Olympia.

**LETTER OF RESIGNATION**

WASHINGTON STATE SENATE  
Senator Marcus S. Gaspard  
25th Legislative District

November 30, 1995

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

I have recently accepted the position of Executive Director for the state's Higher Education Coordinating Board and, therefore, must resign from my elective office of State Senator of the Twenty-fifth Legislative District effective December 1, 1995.

I am grateful for the honor and privilege to have served the citizens of the Twenty-fifth Legislative District and the state of Washington. I have great respect and admiration for the institutions of democracy and for the people who serve in them.

Sincerely yours,  
MARCUS S. GASPARD, State Senator

**RESOLUTION OF APPOINTMENT**

**JOINT RESOLUTION NO. JR95-1  
METROPOLITAN KING COUNTY COUNCIL  
PIERCE COUNTY COUNCIL**

**A JOINT RESOLUTION OF THE METROPOLITAN KING COUNTY COUNCIL AND THE PIERCE COUNTY COUNCIL  
APPOINTING CALVIN GOINGS TO REPRESENT LEGISLATIVE DISTRICT NO. 25 IN THE WASHINGTON STATE SENATE,  
FILLING THE VACANCY LEFT BY THE RESIGNATION OF SENATOR MARCUS GASPARD.**

WHEREAS, a vacancy has been created in the 25th Legislative District of the Washington State Senate, because of the resignation of Senator Marcus Gaspard, a Democrat; and

WHEREAS, Legislative District No. 25 is a multi-jurisdictional District located partly in King County and partly in Pierce County, and the Washington State Constitution Article II, Section 15, provides that in the event of a multi-jurisdiction vacancy that the vacancy shall be filled by joint action of the Boards; and

WHEREAS, the Washington State Democratic Central Committee has submitted the names of three qualified nominees for the Senate vacancy who are to be considered by the Metropolitan King County Council and the Pierce County Council, and the two Councils have met in a joint special meeting and have interviewed the nominees; NOW THEREFORE,

**BE IT RESOLVED BY THE METROPOLITAN KING COUNTY COUNCIL AND THE PIERCE COUNTY COUNCIL:**

**SECTION 1.** Calvin Goings is one of the three nominees recommended by the Washington State Democratic Central Committee, and is qualified to fill the Senate vacancy representing District No. 25.

**SECTION 2.** Calvin Goings is hereby appointed to the Washington State Senate, Legislative District No. 25, to fill the vacancy created by the resignation of Senator Marcus Gaspard.

Jointly Passed this 19th day of December, 1995.

METROPOLITAN KING COUNTY COUNCIL PIERCE COUNTY COUNCIL  
King County, Washington Pierce County, Washington

Kent Pullen, Chair Sally W. Walker, Chair

Attest: Attest:  
Gerald A. Peterson Gerri Rainwater  
Clerk of the Council Clerk of the Council

MESSAGE FROM THE SECRETARY OF STATE

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

I, Ralph Munro, Secretary of State of the state of Washington, do hereby certify that according to the provisions of RCW 29.62.130, I have canvassed the returns of the 1,397,039 votes cast by the 2,834,181 registered voters of the state for and against the initiatives, referendums, constitutional amendments, legislative offices and joint-judicial offices which were submitted to the vote of the people at the state general election held on November 7, 1995, as received from the County Auditors.

INITIATIVE MEASURE 640

"Shall state fishing regulations ensure certain survival rates for nontargeted catch, and commercial and recreational fisheries be prioritized?"

YES 566,880  
NO 767,686

INITIATIVE MEASURE 651

"Shall the state enter into compacts with Indian tribes providing for unrestricted gambling on Indian lands within the state's borders?"

YES 350,708  
NO 1,010,787

REFERENDUM MEASURE 48

"The Washington State Legislature has passed a law that restricts land-use regulations and expands governments' liability to pay for reduced property values of land or improvements thereon caused by certain regulations for public benefit. Should this law be APPROVED OR REJECTED?"

APPROVED 544,788  
REJECTED 796,869

REFERENDUM BILL 45

"Shall the fish and wildlife commission, rather than the governor, appoint the department's director and regulate food fish and shellfish?"

YES 809,083  
NO 517,433

SUBSTITUTE SENATE JOINT RESOLUTION 8210

"Shall the selection process for chief justice be changed, and a constitutional process for reducing the supreme court be adopted?"

YES 723,297  
NO 526,260

STATE SUPREME COURT JUSTICE, Position 1  
(3 Year Unexpired Term)

Richard B. Sanders (NP) 575,822  
Rosselle Pekelis (NP) 496,595

COURT OF APPEALS, DIVISION II, DISTRICT 2, Position 1  
(Clallam, Grays Harbor, Jefferson, Kitsap, Mason, Thurston)  
(New Position - 5 Year Term)

David H. Armstrong (NP) 82,637  
(Joyce) Robin Hunt (NP) 62,553

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

Charles K. Wiggins (NP) 61,241  
John E. Turner (NP) 71,545

COURT OF APPEALS, DIVISION II, DISTRICT 3, Position 1  
(Clark, Cowlitz, Lewis, Pacific, Skamania, Wahkiakum)  
(New Position - 3 Year Term)

C. C. Bridgewater (NP) 71,391

SUPERIOR COURT JUDGE, POSITION 1  
(Klickitat, Skamania)  
(1 Year Unexpired Term)

E. Thompson "Tom" Reynolds (NP) 4,506

STATE SENATOR, District 18  
(Clark, Cowlitz, Lewis)  
(1 Year Unexpired Term)

Jim Springer (D) 15,760  
Joseph Zarelli (R) 17,967

STATE SENATOR, District 20  
(Lewis, Pierce, Thurston)  
(1 Year Unexpired Term)

Lois Lopez (D) 14,863  
Dan Swecker (R) 16,911

IN WITNESS WHEREOF, I have set my hand  
and affixed the Seal of the state of Washington,  
this sixth day of December, 1995.

(Seal) RALPH MUNRO

Secretary of State

EDITOR'S NOTE: Senator Pat Thibaudeau, 43rd District, representing a single county, was certified by the King County election officials.

OATHS OF OFFICE FOR UNEXPIRED TERM

OATH OF SENATOR FOR THE STATE OF WASHINGTON  
18th LEGISLATIVE DISTRICT

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

SENATOR JOSEPH ZARELLI

Subscribed and sworn to before me this 11th day of December, 1995  
CHRISTINE POMEROY,  
Superior Court Judge, THURSTON COUNTY

OATH OF SENATOR FOR THE STATE OF WASHINGTON  
20th LEGISLATIVE DISTRICT

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

SENATOR DANIEL P. SWECKER

Subscribed and sworn to before me this 18th day of December, 1995  
RICHARD B. SANDERS,  
Supreme Court Justice

OATH OF SENATOR FOR THE STATE OF WASHINGTON  
25th LEGISLATIVE DISTRICT

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

SENATOR CALVIN GOINGS

Subscribed and sworn to before me this 20th day of December, 1995  
PHILIP TALMADGE,  
Supreme Court Justice

#### ROLL CALL

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

#### INTRODUCTION OF SPECIAL GUEST

The President of the Senate welcomed and introduced the Honorable Richard P. Guy, Justice of the Supreme Court, who was seated on the rostrum.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Snyder, McDonald, Loveland and Sellar to escort Senator Calvin Goings, the newly appointed Senator from the Twenty-fifth District, and the newly elected Senators, Senator Dan Swecker from the Eighteenth District, Senator Pat Thibaudeau from the Forty-third District and Senator Joseph Zarelli from the Twentieth District, to the rostrum.

#### OATH OF OFFICE

Supreme Court Justice Richard P. Guy administered the Oath of Office to Senator Calvin Goings.  
The President presented to the newly appointed Senator, a certificate of appointment.  
The Committee of Honor escorted Senator Calvin Goings to his seat in the Senate Chamber.

#### OATHS OF OFFICE

Supreme Court Justice Richard P. Guy administered the Oath of Office to Senators Dan Swecker, Pat Thibaudeau and Joseph Zarelli.  
The President presented to each of the newly elected Senators, a certificate of election.  
The Committee of Honor escorted Senators Swecker, Thibaudeau and Zarelli to their seats in the Senate Chamber.

#### MOTION

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

#### SENATE RESOLUTION 1996-8670

By Senators Snyder, Loveland, McDonald and Sellar

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

#### APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Resolution 1996-8670, the President appointed Senators Finkbeiner, Goings, Deccio and Thibaudeau to notify the House of Representatives that the Senate is organized and ready to transact business.

#### MOTION

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

#### COMMITTEE FROM THE HOUSE

A committee from the House of Representatives, consisting of Representatives Blanton, Linville, Peggy Johnson and Scheurman appeared before the bar of the Senate and notified the Senate that the House is organized and ready to transact business.  
The report was received and the committee returned to the House of Representatives.

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

#### INTRODUCTION AND FIRST READING

SCR 8423 by Senator Snyder

Notifying the governor that the legislature is prepared to conduct business.

#### MOTIONS

On motion of Senator Spanel, the rules were suspended, Senate Concurrent Resolution No. 8423 was advanced to second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, Senate Concurrent Resolution No. 8423 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

SENATE CONCURRENT RESOLUTION NO. 8423 was adopted by voice vote.

#### APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Concurrent Resolution No. 8423, the President appointed Senators Owen and Wood to join a like committee from the House of Representatives to notify the Governor that the Legislature is organized and ready to conduct business.

#### MOTION

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

#### REPORT OF COMMITTEE

The Senate Committee composed of Senators Finkbeiner, Goings, Deccio and Thibaudeau appeared before the bar of the Senate and reported that the House of Representatives had been notified that the Senate is organized and ready to transact business.

The report was received and the committee was discharged.

#### INTRODUCTION AND FIRST READING

SCR 8424 by Senator Snyder

Allowing the reintroduction of all bills from the 1995 regular and special sessions.

#### MOTIONS

On motion of Senator Spanel, the rules were suspended, Senate Concurrent Resolution No. 8424 was advanced to second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, Senate Concurrent Resolution No. 8424 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

SENATE CONCURRENT RESOLUTION NO. 8424 was adopted by voice vote.

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

#### MOTION

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

#### SENATE RESOLUTION 1996-8671

By Senators Snyder and Loveland

BE IT RESOLVED, That Senate Resolution No. 1995-8601, adopting the Rules of the Senate for the 54th Legislature, be amended as follows:

On page 16, beginning on line 13, strike everything down to 25 and insert:

"The following standing committees shall constitute the standing committees of the senate:

1. Agriculture and Agricultural Trade and Development 7
2. Ecology and Parks ~~((6))~~7
3. Education 7
4. Energy, Telecommunications and Utilities 5
5. Financial Institutions and Housing 7
6. Government Operations 7
7. Health and Long-Term Care 9
8. Higher Education ~~((9))~~11
9. Human Services and Corrections 11
10. Labor, Commerce and Trade 9
11. Law and Justice 11
12. Natural Resources 11
13. Rules 19
14. Transportation 13
15. Ways and Means 25"

APPOINTMENT OF 1996 SENATE STANDING COMMITTEES

The President announced the following 1996 Standing Committee Assignments:

**Membership of  
Senate Standing Committees  
1996**

**Agriculture and Agricultural Trade and Development (7) -- Rasmussen, Chair; Loveland, Vice Chair;** Anderson, Bauer, \*Morton, Newhouse, Snyder.  
**Ecology and Parks (7) -- Fraser, Chair; Fairley, Vice Chair;** Hochstatter, McAuliffe, McDonald, Spanel, \*Swecker.  
**Education (7) -- McAuliffe, Chair; Goings, Vice Chair;** Finkbeiner, Hochstatter, \*Johnson, Pelz, Rasmussen.  
**Energy, Telecommunications and Utilities (5) -- Sutherland, Chair; Loveland, Vice Chair;** \*Finkbeiner, Hochstatter, Owen.  
**Financial Institutions and Housing (7) -- Prentice, Chair; Fraser, Vice Chair;** \*Hale, Roach, Sellar, Smith, Sutherland.  
**Government Operations (7) -- Haugen, Chair; Sheldon, Vice Chair;** Goings, Hale, Heavey, McCaslin, \*Winsley.  
**Health and Long-Term Care (9) -- Quigley, Chair; Wojahn, Vice Chair;** Deccio, Fairley, Franklin, \*Moyer, Thibaudeau, Winsley, Wood.  
**Higher Education (11) -- Bauer, Chair; Kohl, Vice Chair;** Anderson, Drew, McAuliffe, Prince, Rasmussen, Sheldon, West, \*Wood, Zarelli.  
**Human Services and Corrections (11) -- Hargrove, Chair; Franklin, Vice Chair;** Kohl, \*Long, Moyer, Prentice, Schow, Smith, Strannigan, Thibaudeau, Zarelli.  
**Labor, Commerce and Trade (9) -- Pelz, Chair; Heavey, Vice Chair;** \*Deccio, Franklin, Fraser, Hale, McDonald, Newhouse, Wojahn.  
**Law and Justice (11) -- Smith, Chair; Fairley, Vice Chair;** Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, \*Roach, Schow.  
**Natural Resources (11) -- Drew, Chair; Spanel, Vice Chair;** Anderson, Hargrove, Haugen, Morton, \*Oke, Owen, Snyder, Strannigan, Swecker.  
**Rules (19) \*\*Pritchard, Chair; Wojahn, Vice Chair;** Bauer, Cantu, Deccio, Fairley, Franklin, Heavey, Kohl, Loveland, McDonald, Newhouse, Oke, Schow, Sellar, Sheldon, Snyder, Spanel, Thibaudeau.  
**Transportation (13) -- Owen, Chair; Heavey, Vice Chair;** Goings, Haugen, Morton, Oke, Prentice, \*Prince, Rasmussen, Schow, Sellar, Thibaudeau, Wood.  
**Ways and Means (25) -- Rinehart, Chair; Loveland, Vice Chair;** Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, \*West, Winsley, Wojahn.  
\* Ranking Minority Member  
\*\* Lt. Governor Pritchard is a voting member

MOTION

On motion of Senator Spanel, the 1996 Senate Standing Committee Assignments were confirmed.

REPORT OF COMMITTEE

The Senate Committee composed of Senators Owen and Wood appeared before the bar of the Senate to report that the Governor had been notified, under the provisions of Senate Concurrent Resolution No. 8423, that the Legislature is organized and ready to transact business.

The report was received and the committee was discharged.

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

INTRODUCTION AND FIRST READING

SCR 8425 by Senators Snyder, McDonald and Sutherland

Authorizing television coverage of the legislature.

MOTIONS

On motion of Senator Spanel, the rules were suspended, Senate Concurrent Resolution No. 8425 was advanced to second reading and read the second time.

Debate ensued.

On motion of Senator Spanel, the rules were suspended, Senate Concurrent Resolution No. 8425 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

SENATE CONCURRENT RESOLUTION NO. 8425 was adopted by voice vote.

CHANGE IN 1996 SENATE STANDING COMMITTEE ASSIGNMENTS

There being no objection, the President announced that Senator McDonald would not be a member of the Senate Ecology and Parks Committee, as was announced earlier today.

MOTION

On motion of Senator Spanel, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

January 8, 1996

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4420, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

January 8, 1996

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4421, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Spanel, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HCR 4420 by Representatives Foreman, Brown and L. Thomas

Convening a joint session for the purpose of the governor's state of the state address.

HCR 4421 by Representatives Foreman, Brown and L. Thomas

Establishing cutoff dates for the 1996 Regular Session of the fifty-fourth legislature.

MOTION

On motion of Senator Spanel, the rules were suspended, House Concurrent Resolution No. 4420 and House Concurrent Resolution No. 4421 were advanced to second reading and placed on the second reading calendar.

MOTION

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

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4420, by Representatives Foreman, Brown and L. Thomas

Convening a joint session for the purpose of the governor's state of the state address.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Spanel, the rules were suspended, House Concurrent Resolution No. 4420 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

HOUSE CONCURRENT RESOLUTION NO. 4420, having received a constitutional majority, was declared passed.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4421, by Representatives Foreman, Brown and L. Thomas

Establishing cutoff dates for the 1996 Regular Session of the fifty-fourth legislature.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Spanel, the rules were suspended, House Concurrent Resolution No. 4421 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

HOUSE CONCURRENT RESOLUTION NO. 4421, having received a constitutional majority, was declared passed.

MOTION

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

MOTION

On motion of Senator Spanel, the following Senate Bills, which were in the Senate Committee on Ways and Means, were referred to the committees as designated:

**BILLS FROM WAYS AND MEANS TO COMMITTEE**

**BILL NO. DESCRIPTION**

**AGRICULTURE AND AGRICULTURAL TRADE AND DEVELOPMENT**

SB 5945 \$ Agricultural trade showcase

**ECOLOGY AND PARKS**

SB 5218 f Watercraft excise tax

**EDUCATION**

SB 5422 f Deaf/hard-of-hearing childrn  
SB 5687 f Instruction in Braille  
SB 5805 f School enrollment reporting  
SB 5908 f Teacher internship credit

**ENERGY, TELECOMMUNICATIONS AND UTILITIES**

SB 5817 \$f Telecomm/info industry devel

**FINANCIAL INSTITUTIONS AND HOUSING**

SB 5179 f Used mobile homes/taxation

**GOVERNMENT OPERATIONS**

SB 5049 f County research services  
SB 5057 \$ Optional county code study  
SB 5223 f County assessor assistance  
SB 5911 Primary candidates' pamphlet

**HEALTH AND LONG-TERM CARE**

SB 5384 f Health care authority duties  
SB 5681 f Tobacco/illegal activities

**HIGHER EDUCATION**

SB 5289 f Future teachers scholarship  
SB 5533 \$f Pharmacy student tuition  
SB 5683 \$f Northwest WA postsecondary ed  
SB 5924 f Tuition surcharges

**HUMAN SERVICES AND CORRECTIONS**

SB 5686 f Early release programs

**LABOR, COMMERCE AND TRADE**

SB 5352 f B&O tax/small busin innovatn  
SB 5507 f Law enforcement collectv bar  
SB 5569 \$f Internatnl capital projects  
SB 5731 f Mobile home/factory built hou  
SB 5932 \$f Alliance for manufacturing

**LAW AND JUSTICE**

SB 5063 f Sex offenders/child victims  
SB 5080 f Fraud/driver' s license/ident  
SB 5081 f Firearms possession

MOTION

On motion of Senator Spanel, the following Senate Bills, which were in the Senate Rules Committee, were referred to the committees as designated:

**BILLS FROM RULES TO ORIGINATING COMMITTEES**

**BILL NO. DESCRIPTION**

**AGRICULTURE AND AGRICULTURAL TRADE AND DEVELOPMENT**

E2SSB 5033 Pesticide registratrn commiss  
SB 5314 f Weights and measures  
SB 5418 f Scanners enforcement  
SSB 5442 \$f Weed control on public lands  
SSB 5513 Lost horse ownership  
ESB 5691 f Commodity commission assessm  
SB 5839 Alternative livestock farming  
ESSB 6009 Malt beverage commission  
ESJM 8000 Pesticide use on minor crops  
SJM 8001 Pesticide residue in foods

#### **ECOLOGY AND PARKS**

SSB 5021 Outdoor burning  
ESB 5074 Wood stove use limitations  
SB 5087 Envr & land use brds/appeals  
ESSB 5131 IAC for outdoor eductn funds  
ESB 5194 f Puget Sound water quality aut  
2SSB 5216 Parks renewal/stewardshp acc  
SB 5217 Personal floatation devices  
SB 5232 f Site exploration/shorelines  
SSB 5247 f Local water quality programs  
SB 5248 f Puget Sound license plates  
SB 5272 f Oil spill risk reduction  
SSB 5343 f Recycled content  
SSB 5489 f Growth management planning  
2SSB 5497 Used oil recycling  
ESSB 5875 Wetlands mitigation banks  
SB 5879 f Shoreline vegetation height  
SSB 6000 Fire training/clean air act  
SJM 8016 Community Solvency Act  
SSJM 8020 Hanford waste site clean-up

#### **EDUCATION**

SSB 5170 f Juvenile records/school dist

ESSB 5447 Student learning goals/grants  
SB 5499 f Essentl academc learning req  
SB 5538 Board of education staff  
SB 5539 Educational waivers  
SB 5641 f World languages instruction  
SB 5642 f Exchange students & teachers  
SSB 5743 \$ Vocational agricul education  
SB 5807 School district surveys  
SB 5830 f Private/publ school transfer  
SB 5878 f School dist levies & bonds  
SB 5915 Truancy  
ESSB 5916 f Racial equality in schools  
SB 5983 Literature courses in school  
SB 5986 f School district bonds  
SJM 8013 K-12/higher ed cooperation  
SJM 8017 School gun safety program  
SJR 8215 f School district levies

#### **UTILITIES**

SSB 5472 f Utility liens  
SB 5483 \$f Publ telecommunicatn access  
SB 5787 f Public drinking water systms  
SB 5869 f UTC administrative hearings  
SB 5938 f Energy project output  
SJM 8002 Copyright Act

#### **ENERGY, TELECOMMUNICATIONS AND**

#### **FINANCIAL INSTITUTIONS AND HOUSING**

SB 5178 f Securities investments  
SB 5202 Bank informatn for customers  
SB 5389 f Escrow agents  
SB 5429 Insurance commissionr deputy  
SB 5581 f Pollution liability insurnce  
SSB 5591 Longshore/harbor workrs' cmp  
SB 5729 Affordable housing eligibilty  
SSB 5747 Housing authorities  
SB 5861 f Credit union share guaranty  
SSB 5884 Housing financing terms  
SB 5890 f Haz substances lender liabl  
SB 5964 f Housing/real estate excse tx  
SB 5975 Affordable housing/tax exemp  
SB 6020 f Insurance consumer education

#### **GOVERNMENT OPERATIONS**

SSB 5026 Coroner/prosecutor duties  
SB 5041 Local elective office vacncy  
SB 5044 City/town initiative petitns  
SB 5047 f State procurement practices  
SB 5048 Local gov chief admin offcers  
SSB 5053 Real estate disclosure  
SB 5054 Travel expenses advancements  
SB 5055 Filing & recording instrmnts  
SB 5058 Law enforcmnt/fire protectn  
SB 5061 LEOFF plan I disability brds  
SB 5068 Executory conditional sales  
SB 5069 f Property tax payments  
ESB 5070 f Growth management act impact  
SB 5071 Local voters' pamphlets  
SB 5072 Open public meetings violatn  
SB 5086 f Contracts administratn costs  
SB 5091 PUD alternative bid procedur  
SB 5094 f Emergency management  
SB 5097 Port district debt limits  
SB 5145 Growth mangmnt hearings brds  
SSB 5163 Candidate filing dates/procd  
SB 5180 f Candidate order on ballot  
ESSB 5199 Boards and commissions  
SSB 5207 Municpl corprtn annexation  
SB 5208 Sewer/water district charges  
SSB 5211 f Locl gov/fedrl & privt funds  
SB 5226 Mail-only-ballot elections  
SB 5238 Park/recreatn distr electns  
E2SSB 5262 f Priv property rights ombudsm  
SB 5273 Election canvassing boards  
SB 5310 Heritage capital projects  
SB 5329 Criminal prosecutions costs  
SB 5337 f Cosmetology advisory board

SSB 5350 Family day-care providers  
ESB 5361 Aircraft noise impact areas  
SSB 5407 f Metropltn park district taxes  
SSB 5469 County ombudsman  
SB 5485 Community councils  
SB 5626 Historic preservation council  
SB 5627 Ballot titles  
SB 5638 f Native Amer/internatl educatn  
SB 5678 f Whistleblowers  
SB 5708 Plat approval  
SSB 5727 Polling/regist places access  
SSB 5757 Publ works bidding requrmnts  
SB 5784 Fire protectn dist charges  
SB 5802 Housing authorities  
SB 5824 City/county health departmnt  
ESB 5837 Gubernatorial appointments  
SB 5864 County public works bids  
SB 5900 f State auditor's office  
ESSB 5901 f Lodging excise tax  
SSB 5993 Disaster relief/paid leave  
SB 6001 School impact fees  
SJR 8200 County charters  
SJR 8201 County boundary changes  
SCR 8400 Vetrns/milit personnel affrs  
ESCR 8404 Fire suppression committee

#### **HEALTH AND LONG-TERM CARE**

SB 5124 Marriage license applicatns  
SSB 5331 Bicycle safety  
SSB 5336 Food sanitation & safety  
SSB 5377 Physician referrals  
SSB 5431 f Rural health care  
SB 5501 Hospital inspectn/regulatn  
SSB 5556 Massage practitrn/prostitutn  
SB 5622 f Long-term care services  
SSB 5653 f Public assistance fraud  
SB 5689 f Cigarette/tobacco giveaways  
SSB 5889 Frail elderly and vulnerable  
ESB 5920 f Nursing care in schools  
SB 5935 \$f Health care consumer protctn  
SB 6033 Hospital worker identificatn  
ESB 6034 f Health insurance mandate rep  
E2SSB 6062 \$f Making welfare work

#### **HIGHER EDUCATION**

SB 5109 f Higher ed program closures  
SB 5229 f Ferry employees/tuition waiv  
SB 5286 f Educational grant account  
2SSB 5557 f Distance learning degree pro  
ESSB 5605 f Higher ed drug & alcohol use  
SSB 5644 Community college in China  
SB 5760 f Foreign students/tuition wai

#### **HUMAN SERVICES AND CORRECTIONS**

SSB 5024 f Offender health care costs  
SB 5030 f Offender sentence noncomplnc  
SSB 5031 f Methadone treatment program  
SB 5032 f Adoption support  
SB 5065 f Felons' additional crimes  
SB 5186 f Juvenile offender transfer  
SB 5203 f Crim offndr recrds/admissibl  
ESB 5204 f Work ethic camps  
2SSB 5236 f Prostitution interventn serv  
SB 5256 f Community networks programs  
ESSB 5258 Comm health & safety netwrks  
SSB 5521 Child care subsidy programs  
SSB 5680 Child care agencies/licenses  
SB 5782 Birth parent/adopted contact  
SSB 5797 f Mental condition examination

#### **LABOR, COMMERCE AND TRADE**

SB 5051 Disabled students/cosmetolgy  
SB 5173 f Liquor licensing  
SSB 5175 Liquor licensee/manufacturs  
SB 5176 f Liquor act enforcement  
SB 5210 f Unfair labor practices  
E2SSB 5280 f Race track facility/tax defr  
SSB 5281 f Horse racing

SSB 5359 Self-employmnt income supprt  
SB 5395 f Workers' comp benefits  
SB 5396 f Elevator inspections  
SSB 5404 Real estate brokers liens  
2SSB 5476 f Shared leave  
SSB 5516 f Drug-free workplaces  
SSB 5545 f Small busn innovation resrch  
SB 5548 f Land surveyors & engineers  
SB 5589 Minimum wage  
SB 5590 f Unemp insur voluntary contri  
SB 5614 f Indust insur appeals/compens  
SB 5615 f Indust insur orders/compent  
SB 5646 f International exchanges  
SSB 5669 Acting in course of emplmnt  
SB 5705 f Work force development progm  
SB 5706 f State trade representative  
SB 5758 f Inmate work programs  
ESB 5768 f Unemployment comp deductions  
SSB 5773 f Workers' comp awards charges  
ESB 5841 f Personnel system reform  
SSB 5858 Workers' comp prompt payment  
ESSCR 8402 Taiwan sister state

#### **LAW AND JUSTICE**

SSB 5002 f Assault of a nurse  
SB 5025 Criminal profiteering act  
SB 5050 Burglary in first degree  
2SSB 5082 Death investigations  
ESSB 5122 Benton/Douglas Co. dist judg  
ESSB 5139 Prostitute patrons/vehicles  
SSB 5140 Drug-free zones  
SSB 5167 Service of process/spouses  
SB 5177 f Crime victims restitution  
ESB 5213 f Domestic relations actions  
SB 5312 f Firearms possession by child  
SB 5328 f Juvenile probation/detention  
ESB 5344 f Child support enforcement  
SB 5354 f DUI/minor passengers  
2ESSB 5375 f Child support/failure to pay  
SB 5379 f Restitution orders  
SB 5416 f Restraining orders registry  
SB 5417 Dependent person abandonment  
SSB 5467 Supreme court size  
SB 5473 f Child support determination  
SSB 5477 Child's family health histry  
SB 5488 f Domestic violence/sentencing

E2SSB 5491 f Juvenile offender dispositns  
SB 5500 f Execution method  
SB 5510 Food stamp crimes  
SSB 5522 Pro tem judges & crt commiss  
SB 5524 f Traffic offenses/decriminalz  
SB 5525 f Muni court judges salaries  
ESSB 5530 Automated traffic enforcemnt  
SSB 5540 Public housing drug-free zne  
SB 5542 Judicial positions/payment  
ESB 5546 Marriage license affidavits  
SB 5565 Child support/higher educatn  
E2SSB 5576 f Campaign practices  
SSB 5588 Private communctns protectn  
SSB 5628 Automobile consumer leases  
SSB 5648 Fuel tax evasion  
SSB 5676 Abusive parents/child visitn  
SB 5693 Corporation financial reprts  
SB 5698 f Muckleshoot Tribe jurisdictn  
SB 5723 f Leased equipment or vehicles  
SSB 5725 Privileged communications  
SB 5759 f Legal abortion obstruction  
ESB 6079 Well-being of children

SSB 5013 f Food fish/enhanced food fish  
SSB 5076 Wildlife habitat corridors  
SSB 5126 Fish & wildlife seizure/forf  
SB 5128 Salmon charter licenses

SB 5153 Life-threatening animal cont  
2SSB 5159 Warm water game fish enhancm  
SB 5271 Fed agents/arrest w/o warrant  
ESB 5409 f Wildlife agents injury compn  
SSB 5449 f Seafood safety enhancement  
SB 5948 Fish/wildlife commissn authr  
SJM 8007 Forest health emergency  
SSJM 8019 Fish & shellfish harvest

SB 5130 f Marine/nonhighway fuel taxes  
SB 5230 f Vehicle load fees  
SB 5233 Transportation fund accounts  
SB 5250 Historic vehicles/collecting  
SB 5252 f Salvage vehicles  
SB 5259 Locomotive bells & whistles  
SB 5268 Licensing dept services acct  
SB 5291 Port rates and charges  
SSB 5305 Licensing subagents  
SB 5313 f Farm vehicle licenses  
SB 5356 f Pilotage license fees  
SB 5357 f Pilotage fees and penalties  
SB 5362 f Airport siting council  
SSB 5393 HOV lane projects funding  
SB 5465 Maritime commission  
ESSB 5502 Service & delivery vehicles  
SSB 5568 Studded tires  
ESSB 5690 f Significant roadside activity  
SB 5700 f License plate replacement  
SSB 5825 Bicycle/pedestrian transprtn  
ESSB 5831 Parking ticket violations  
SB 5860 Transprtn project cost estim  
ESSB 5877 For hire vehicles  
SSB 5899 f Proximate commuting  
SB 6023 f Interest on funds and acctns  
ESSB 6044 f Trans systems & facilities

SSB 5066 f Property tax/hardwood trees  
SSB 5322 f Death benefit award  
SB 5474 f Retirement service credit  
SSB 5496 f Retirement contribtns/exemptn  
ESSB 5607 f State govnmnt performnc audit  
SSB 5818 f Death before retirement/bene  
SB 5819 f Senior/disabled property tax  
ESSB 5914 f Tourism facility financing  
SB 5940 f Direct mail advertising/tax  
SSB 5947 f Faculty salary increments  
SB 5949 f Water supply regulation  
SB 5994 f Attendance incentive program  
ESSB 6047 f Medical care products/tax ex  
SB 6051 f Nonmedicaid therapy costs  
SJR 8202 Fire protectn services fundng

## NATURAL RESOURCES

## TRANSPORTATION

## WAYS AND MEANS

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

#### INTRODUCTION AND FIRST READING

SB 6086 by Senators Loveland, Morton and Rasmussen (by request of Department of Agriculture)

AN ACT Relating to disclosure of agricultural business and commodity commission records; amending RCW 42.17.310; adding a new section to chapter 43.23 RCW; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SB 6087 by Senators Rasmussen, Morton and Loveland (by request of Department of Agriculture)

AN ACT Relating to the department of agriculture grants of rule-making authority; and amending RCW 15.36.021, 15.58.040, and 16.70.040.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SB 6088 by Senators Rasmussen, A. Anderson and Loveland (by request of Department of Agriculture)

AN ACT Relating to the degrade of dairy farm or milk processing plant licenses; and amending RCW 15.36.111 and 15.36.451.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SB 6089 by Senators Rasmussen, Drew, Sheldon, Roach, Oke, A. Anderson and Goings

AN ACT Relating to eligibility for firearms range account funding; and amending RCW 77.12.720.

Referred to Committee on Natural Resources.

SB 6090 by Senators Hale, Haugen, Winsley and Swecker

AN ACT Relating to the recording of instruments via electronic transmission; and amending RCW 65.04.015, 65.04.030, 65.04.040, 65.04.080, 65.04.090, and 65.04.110.

Referred to Committee on Government Operations.

SB 6091 by Senators Haugen, Winsley, Sheldon, Drew, McCaslin, Long, Hale, Snyder, Heavey and Sellar

AN ACT Relating to combining water and sewer districts; amending RCW 57.02.010, 56.02.110, 57.02.030, 57.02.040, 56.02.070, 56.02.100, 57.02.050, 57.04.001, 57.04.020, 57.04.030, 57.04.050, 57.04.060, 57.04.065, 57.04.070, 56.04.080, 57.04.100, 57.04.110, 56.04.120, 56.04.130, 57.08.011, 57.08.012, 57.08.014, 57.08.015, 57.08.016, 57.08.030, 57.08.040, 56.08.060, 57.08.047, 57.08.050, 57.08.060, 57.08.065, 56.08.012, 57.08.100, 57.08.105, 57.08.110, 57.08.120, 57.08.140, 57.08.017, 57.08.180, 57.08.150, 57.08.160, 57.08.170, 57.12.010, 57.12.015, 57.12.045, 57.16.010, 56.08.030, 57.16.140, 57.16.050, 57.16.060, 57.16.073, 57.16.065, 56.20.030, 57.16.070, 57.16.080, 57.16.100, 57.16.090, 57.16.110, 57.16.150, 57.16.020, 57.20.015, 57.16.030, 57.16.035, 57.16.040, 57.20.020, 57.20.023, 57.20.025, 57.20.027, 57.20.030, 57.20.080, 57.20.090, 57.20.100, 57.20.110, 57.20.120, 57.20.130, 57.20.135, 57.20.140, 57.20.150, 57.20.160, 57.20.165, 57.20.170, 57.22.010, 57.22.020, 57.22.030, 57.22.040, 57.22.050, 57.24.010, 57.24.020, 57.24.040, 57.24.050, 57.24.070, 57.24.090, 57.24.170, 57.24.180, 57.24.190, 57.24.200, 57.24.210, 57.24.220, 57.28.010, 57.28.020, 57.28.030, 57.28.035, 57.28.040, 57.28.050, 57.28.060, 57.28.070, 57.28.080, 57.28.090, 57.28.100, 57.28.110, 57.32.010, 57.32.020, 57.32.021, 57.32.022, 57.32.023, 57.32.024, 57.32.130, 57.32.160, 57.36.010, 57.36.020, 57.36.030, 57.36.040, 57.40.135, 57.36.050, 57.42.010, 57.42.020, 57.42.030, 57.46.010, 57.46.020, 57.46.030, 57.90.001, 57.90.010, 57.90.020, 57.90.030, 57.90.040, 57.90.050, and 57.90.100; adding new sections to chapter 57.02 RCW; adding new sections to chapter 57.08 RCW; adding new sections to Title 57 RCW; adding new sections to chapter 57.04 RCW; adding new sections to chapter 57.06 RCW; adding new sections to chapter 57.16 RCW; adding new sections to chapter 57.20 RCW; adding a new section to chapter 57.36 RCW; creating a new section; recodifying RCW 56.02.070, 56.02.100, 56.02.110, 56.04.080, 56.04.120, 56.04.130, 56.02.030, 56.02.080, 56.36.070, 56.08.060, 56.08.012, 56.08.170, 56.08.030, 56.20.030, 57.16.020, 57.16.030, 57.16.035, 57.16.040, and 57.40.135; and repealing RCW 56.02.010, 56.02.040, 56.02.050, 56.02.055, 56.02.060, 56.02.120, 56.04.001, 56.04.020, 56.04.030, 56.04.040, 56.04.050, 56.04.060, 56.04.065, 56.04.070, 56.04.090, 56.08.010, 56.08.013, 56.08.014, 56.08.015, 56.08.020, 56.08.040, 56.08.050, 56.08.065, 56.08.070, 56.08.075, 56.08.080, 56.08.090, 56.08.092, 56.08.100, 56.08.105, 56.08.110, 56.08.120, 56.08.130, 56.08.140, 56.08.150, 56.08.160, 56.08.180, 56.08.190, 56.08.200, 56.12.010, 56.12.015, 56.12.020, 56.12.030, 56.12.040, 56.12.050, 56.16.010, 56.16.020, 56.16.030, 56.16.035, 56.16.040, 56.16.050, 56.16.060, 56.16.065, 56.16.070, 56.16.080, 56.16.085, 56.16.090, 56.16.100, 56.16.110, 56.16.115, 56.16.130, 56.16.135, 56.16.140, 56.16.150, 56.16.160, 56.16.165, 56.16.170, 56.20.010, 56.20.015, 56.20.020, 56.20.032, 56.20.033, 56.20.040, 56.20.050, 56.20.060, 56.20.070, 56.20.080, 56.20.090, 56.20.120, 56.22.010, 56.22.020, 56.22.030, 56.22.040, 56.22.050, 56.24.001, 56.24.070, 56.24.080, 56.24.090, 56.24.100, 56.24.110, 56.24.120, 56.24.130, 56.24.140, 56.24.150, 56.24.180, 56.24.190, 56.24.200, 56.24.205, 56.24.210, 56.24.900, 56.28.001, 56.28.010, 56.28.020, 56.32.001, 56.32.010, 56.32.020, 56.32.030, 56.32.040, 56.32.050, 56.32.060, 56.32.070,

56.32.080, 56.32.090, 56.32.100, 56.32.110, 56.32.115, 56.32.120, 56.32.160, 56.36.001, 56.36.010, 56.36.020, 56.36.030, 56.36.040, 56.36.045, 56.36.050, 56.36.060, 56.40.010, 56.40.020, 56.40.030, 57.08.010, 57.08.045, 57.08.080, 57.08.090, 57.12.030, 57.12.039, 57.40.001, 57.40.100, 57.40.110, 57.40.120, 57.40.130, 57.40.140, and 57.40.150.

Referred to Committee on Government Operations.

SB 6092 by Senators Thibaudeau, Wojahn, Wood and Quigley

AN ACT Relating to creating a department of children and family services; amending RCW 43.17.020; reenacting and amending RCW 43.17.010; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 6093 by Senators Sheldon, Winsley, Drew, Owen, Prentice and Quigley

AN ACT Relating to sidewalk reconstruction; and amending RCW 35.68.010, 35.69.010, 35.69.020, 35.70.010, and 35.70.020.

Referred to Committee on Government Operations.

SB 6094 by Senators Loveland, Haugen, Winsley and Heavey

AN ACT Relating to property tax administration; amending RCW 84.33.130, 84.40.080, and 84.52.018; and adding a new section to chapter 84.34 RCW.

Referred to Committee on Government Operations.

SB 6095 by Senator Rasmussen

AN ACT Relating to standards for location of certain solid waste landfills; amending RCW 70.95.060; and declaring an emergency.

Referred to Committee on Ecology and Parks.

SB 6096 by Senator Rasmussen

AN ACT Relating to financial responsibility requirements for operators of solid waste landfills; amending RCW 70.95.215; and declaring an emergency.

Referred to Committee on Ecology and Parks.

SB 6097 by Senator Rasmussen

AN ACT Relating to apiaries; amending RCW 7.48.310; adding a new section to chapter 15.60 RCW; and creating new sections.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SB 6098 by Senators McAuliffe and Swecker (by request of Department of Ecology)

AN ACT Relating to solid waste permit renewal; and amending RCW 70.95.030, 70.95.180, and 70.95.190.

Referred to Committee on Ecology and Parks.

SB 6099 by Senators McAuliffe and Swecker (by request of Department of Ecology)

AN ACT Relating to funding hydrilla eradication; and amending RCW 43.21A.660.

Referred to Committee on Natural Resources.

SB 6100 by Senators Haugen and Winsley (by request of Department of Ecology)

AN ACT Relating to department of ecology biennial progress reports; and amending RCW 43.99F.040, 70.146.030, 90.48.465, and 90.50A.030.

Referred to Committee on Ways and Means.

SB 6101 by Senators Drew, Strannigan, Spanel, Snyder, Bauer, Rasmussen, Roach and Oke

AN ACT Relating to food fish and shellfish license requirements; and adding new sections to chapter 75.08 RCW.

Referred to Committee on Natural Resources.

SB 6102 by Senator Drew

AN ACT Relating to arrests by United States forest service and park service officers without warrant; and amending RCW 10.88.330.

Referred to Committee on Natural Resources.

SB 6103 by Senators Haugen and Winsley

AN ACT Relating to boundary review board members' per diem; and amending RCW 36.93.070 and 36.93.070.

Referred to Committee on Government Operations.

SB 6104 by Senators Haugen, Winsley, Sheldon, McCaslin, Prentice, Kohl, Franklin and Spanel

AN ACT Relating to fiscal notes for initiatives; and amending RCW 43.88A.040.

Referred to Committee on Government Operations.

SB 6105 by Senators Winsley and Haugen

AN ACT Relating to standardization of recorded documents; amending RCW 36.18.010 and 65.04.050; adding new sections to chapter 65.04 RCW; and providing an effective date.

Referred to Committee on Government Operations.

SB 6106 by Senators Winsley and Sheldon

AN ACT Relating to filing declarations of candidacy; and amending RCW 29.15.020.

Referred to Committee on Government Operations.

SB 6107 by Senators Winsley, Sheldon and Haugen

AN ACT Relating to election procedures; amending RCW 29.10.011, 29.13.020, 29.15.120, 29.30.101, 29.36.013, and 29.36.122; and reenacting and amending RCW 29.36.120.

Referred to Committee on Government Operations.

SB 6108 by Senators Sheldon, Loveland, Winsley, Haugen, Bauer, Quigley, Rasmussen and Oke

AN ACT Relating to the property taxation of senior citizens and persons retired because of physical disability; amending RCW 84.36.381; and declaring an emergency.

Referred to Committee on Government Operations.

SB 6109 by Senators Loveland and Winsley

AN ACT Relating to county treasury management; amending RCW 35.50.030, 35.50.040, 35.50.260, 36.36.045, 36.94.150, 56.16.100, 57.08.080, and 53.36.050; and repealing RCW 36.29.150.

Referred to Committee on Government Operations.

SB 6110 by Senators Haugen, Loveland, Owen, Smith, Thibaudeau and Bauer

AN ACT Relating to death investigations; and amending RCW 70.58.107.

Referred to Committee on Ways and Means.

SB 6111 by Senators Sutherland, Hochstatter, Hargrove, Morton, Finkbeiner, Prince, Fraser, Swecker and Oke

AN ACT Relating to the implementation of the enhanced 911 excise tax study recommendations regarding 911 emergency communications system funding; amending RCW 82.14B.030 and 38.52.540; adding a new section to chapter 38.52 RCW; creating a new section; and providing an effective date.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 6112 by Senator Wojahn

AN ACT Relating to costs allowed for vocational rehabilitation benefits; and amending RCW 51.32.095.

Referred to Committee on Labor, Commerce and Trade.

SB 6113 by Senators Wojahn, Winsley and Smith

AN ACT Relating to paternity; and amending RCW 26.26.040 and 74.20A.055.

Referred to Committee on Law and Justice.

SB 6114 by Senators Kohl, Roach, Owen, Long, Smith, Winsley, Quigley, McAuliffe, Prentice, Franklin, Spanel, Haugen, Goings, Heavey and Schow

AN ACT Relating to providing liquor to persons under age twenty-one; amending RCW 66.44.270; creating a new section; repealing RCW 66.44.320; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6115 by Senators Wojahn, Snyder, Haugen, Goings, Winsley, Bauer and Oke

AN ACT Relating to malicious mischief; amending RCW 9A.48.090 and 4.24.190; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6116 by Senators Thibaudeau, Haugen and Winsley

AN ACT Relating to disclosure of health care information without patient's authorization; and amending RCW 70.02.050.

Referred to Committee on Health and Long-Term Care.

SB 6117 by Senators Quigley, Loveland, Snyder, Rinehart, Spanel, Rasmussen, Thibaudeau, Hale, Swecker, Prince, Long, Morton, West, Deccio, Moyer, Zarelli, McCaslin, Johnson, Strannigan, Finkbeiner, Hochstatter, Wood, A. Anderson, Cantu, Sellar, Schow, McDonald, Winsley, Sheldon, Haugen, Goings, Heavey, Bauer, Drew, McAuliffe, Franklin, Newhouse and Oke

AN ACT Relating to reducing business and occupation taxes by reducing the 1993 service rate increases by fifty percent and increasing tax credits in distressed areas; amending RCW 82.04.255, 82.04.290, and 82.62.030; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

HOLD.

SB 6118 by Senators Sheldon, Loveland, Snyder, Rinehart, Spanel, Rasmussen, Thibaudeau, Hale, Long, Morton, West, Finkbeiner, Sellar, Winsley, Haugen, Goings, Heavey, Bauer, Drew, Quigley, McAuliffe, Newhouse and Oke

AN ACT Relating to reducing the state property tax levy for 1996 by five percent and providing for future reductions with revenues in excess of the state spending limit; amending RCW 43.135.045, 84.48.080, and 84.52.010; reenacting and amending RCW 43.84.092; adding a new section to chapter 84.55 RCW; and declaring an emergency.

HOLD.

SB 6119 by Senator Quigley

AN ACT Relating to insurance coverage for prescription medicine; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; and creating new sections.

Referred to Committee on Health and Long-Term Care.

SB 6120 by Senators Quigley, Fairley, Kohl, McAuliffe, Loveland, Drew, Smith, Thibaudeau, Sheldon, Spanel, Rinehart, Bauer, Franklin, Wojahn, Goings, Winsley, Pelz and Rasmussen

AN ACT Relating to health insurance benefits following the birth of a child; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; and creating new sections.

Referred to Committee on Health and Long-Term Care.

SB 6121 by Senators Quigley, Smith, Fairley, Kohl, Bauer, Drew, Thibaudeau, Sheldon, Snyder, Rinehart, Franklin, Wojahn and Pelz

AN ACT Relating to medicare supplemental insurance; amending RCW 41.05.197; and making an appropriation.

Referred to Committee on Health and Long-Term Care.

SB 6122 by Senators Quigley, Fairley, Kohl, Thibaudeau, Loveland, Sheldon, Franklin, Winsley, Pelz and McAuliffe

AN ACT Relating to the protection of patient choice in health care insurance and in the choice of health care providers; amending RCW 48.43.045; adding a new section to chapter 43.70 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 6123 by Senators Quigley, Fairley, McAuliffe, Kohl, Sheldon, Franklin, Drew, Loveland, Smith, Thibaudeau, Snyder, Spanel, Rinehart, Bauer, Haugen, Rasmussen and Winsley

AN ACT Relating to basic health plan services for agencies licensed under chapter 74.15 RCW; reenacting and amending RCW 70.47.060; and making an appropriation.

Referred to Committee on Health and Long-Term Care.

SB 6124 by Senators Quigley, Fairley, Kohl, Franklin, McAuliffe, Sheldon, Loveland, Drew, Smith, Bauer, Thibaudeau, Snyder, Spanel, Pelz, Roach and Schow

AN ACT Relating to optional basic health plan services; and reenacting and amending RCW 70.47.060.

Referred to Committee on Health and Long-Term Care.

SB 6125 by Senators Loveland, Swecker, Sheldon, Owen, McAuliffe, Fraser, Hale, Kohl, Pelz, Rasmussen, Spanel and Oke

AN ACT Relating to the funding of summer vocational programs at skill centers; amending 1995 2nd sp.s. c 18 s 502 (uncodified); creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6126 by Senators McCaslin, Haugen and Winsley

AN ACT Relating to county treasurer receipting practices; amending RCW 84.56.340; reenacting and amending RCW 84.56.020; adding a new section to chapter 36.29 RCW; and creating a new section.

Referred to Committee on Government Operations.

SB 6127 by Senator McCaslin

AN ACT Relating to dedications required for approval of short plats or subdivisions; and amending RCW 58.17.060.

Referred to Committee on Government Operations.

SB 6128 by Senators McCaslin, Schow and Oke

AN ACT Relating to implied consent for testing of drivers involved in fatal accidents; and amending RCW 46.20.308 and 46.25.120.

Referred to Committee on Law and Justice.

SB 6129 by Senators Fairley and Franklin

AN ACT Relating to mental health services; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health and Long-Term Care.

SB 6130 by Senator Fairley

AN ACT Relating to standards of conduct for adult cabarets and adult theaters; adding a new section to chapter 9.68 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6131 by Senators Fairley, Fraser, Kohl, Quigley and Rasmussen

AN ACT Relating to a civil action as a remedy for coercion in the making of sexually explicit films or videos; adding new sections to chapter 9.68 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6132 by Senator Fairley

AN ACT Relating to campaign financing; and amending RCW 42.17.030.

Referred to Committee on Law and Justice.

SB 6133 by Senator Fairley

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

Referred to Committee on Law and Justice.

SB 6134 by Senators Fairley and Kohl

AN ACT Relating to prostitution; amending RCW 9A.88.030, 9A.88.090, and 9A.88.110; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6135 by Senators Fairley, Winsley and Kohl

AN ACT Relating to using gender-neutral language in Title 35A RCW; amending RCW 35A.01.040, 35A.02.055, 35A.08.020, 35A.08.040, 35A.12.010, 35A.12.030, 35A.12.065, 35A.12.070, 35A.12.080, 35A.12.100, 35A.12.110, 35A.12.120, 35A.12.130, 35A.12.150, 35A.12.170, 35A.13.010, 35A.13.020, 35A.13.030, 35A.13.035, 35A.13.040, 35A.13.050, 35A.13.060, 35A.13.070, 35A.13.080, 35A.13.100, 35A.13.120, 35A.13.130, 35A.13.140, 35A.21.030, 35A.33.010, 35A.33.052, 35A.33.135, 35A.33.160, 35A.36.010, 35A.36.050, 35A.36.060, 35A.42.010, 35A.42.030, and 35A.63.020; and repealing RCW 35A.01.080.

Referred to Committee on Government Operations.

SB 6136 by Senator Fairley

AN ACT Relating to requiring elections on matters concerning public moneys to be held at general elections; amending RCW 14.08.290, 17.28.090, 17.28.252, 17.28.300, 17.28.380, 27.12.030, 27.12.040, 27.12.100, 27.12.120, 27.12.320, 27.12.370, 27.12.395, 27.12.400, 29.13.010, 29.13.020, 29.79.020, 35.02.078, 35.10.410, 35.10.420, 35.13.060, 35.16.010, 35.17.220, 35.17.260, 35.17.300, 35.17.380, 35.17.440, 35.18.250, 35.18.270, 35.18.310, 35.18.320, 35.21.706, 35.22.280, 35.58.080, 35.58.100, 35.58.114, 35.58.116, 35.58.430, 35.58.540, 35.59.060, 35.61.020, 35.61.090, 35.61.110, 35.61.210, 35.61.360, 35.62.041, 35.67.331, 35.92.070, 35.94.020, 35A.02.025, 35A.02.060, 35A.02.070, 35A.06.050, 35A.09.060, 35A.09.070, 35A.10.030, 35A.14.050, 35A.14.299, 35A.16.010, 36.08.010, 36.33.020, 36.68.470, 36.68.480, 36.68.520, 36.68.525, 36.69.065, 36.69.140, 36.69.145, 36.100.010, 36.105.040, 39.36.050, 42.17.390, 52.04.011, 52.04.056, 52.04.071, 52.06.030, 52.16.130, 52.18.050, 53.04.020, 53.04.023, 53.04.080, 53.36.030, 53.36.100, 53.46.010, 53.46.020, 54.04.060, 54.08.060, 56.02.050, 56.04.050, 56.24.080, 56.24.200, 56.32.040, 56.32.100, 56.36.030, 57.04.050, 57.08.012, 57.08.030, 57.16.020, 57.24.020, 57.24.190, 57.28.090, 57.32.022, 57.36.030, 57.40.120, 67.38.110, 67.38.130, 68.52.150, 68.52.250, 68.54.010, 68.54.050, 70.44.020, 70.44.060, 70.44.220, 70.44.235, 70.44.350, 70.44.380, 70.94.091, 80.52.050, 82.14.036, 82.46.021, 82.46.070, 82.47.020, 82.80.010, 82.80.090, 84.09.030, 84.52.052, 84.52.069, 84.55.050, 85.20.030, 85.22.030, 85.38.010, 85.38.060, 85.38.100, 85.38.110, 88.32.230, and 90.72.040; and reenacting and amending RCW 27.12.355 and 82.46.035.

Referred to Committee on Government Operations.

SB 6137 by Senators Kohl, Long, Hargrove, Pelz, Thibaudeau, Rasmussen, Spanel, Snyder, Fraser, Wojahn, Heavey, Bauer, Quigley and McAuliffe

AN ACT Relating to economic incentives for employer-sponsored child care benefits; adding a new section to chapter 82.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Human Services and Corrections.

SB 6138 by Senator Kohl

AN ACT Relating to license revocation of massage practitioners; and amending RCW 18.108.085.

Referred to Committee on Health and Long-Term Care.

SB 6139 by Senators Smith, Haugen, Long, Schow, Winsley, Kohl and Heavey (by request of Department of Corrections)

AN ACT Relating to rape; amending RCW 9A.44.050; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6140 by Senators Winsley, Schow, Haugen, Drew and Thibaudeau

AN ACT Relating to special license plates; amending RCW 46.16.301 and 46.16.313; adding a new section to chapter 46.16 RCW; adding a new chapter to Title 16 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Transportation.

SB 6141 by Senators Swecker, Fraser and Rasmussen

AN ACT Relating to investor-owned water companies; and amending RCW 80.28.060.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 6142 by Senators Swecker, Winsley, McCaslin, Johnson, Hochstatter, McDonald, Strannigan, Owen, West, Zarelli, A. Anderson, Cantu, Sellar, Schow, Roach and Oke

AN ACT Relating to limiting taxes on real property; amending RCW 84.52.065, 84.52.043, 84.52.050, 36.58.150, 36.60.040, 36.69.145, 36.73.060, 36.83.030, 36.100.050, 67.38.130, 84.52.010, 84.69.020, 84.55.010, 84.55.020, 35.61.210, 70.44.060, and 84.08.115; and creating new sections.

Referred to Committee on Ways and Means.

SB 6143 by Senators Swecker and Roach

AN ACT Relating to employment preferences for merchant marines who served in war zones; and amending RCW 41.04.005 and 41.40.170.

Referred to Committee on Labor, Commerce and Trade.

SB 6144 by Senators Swecker and Morton

AN ACT Relating to water supply augmentation; amending RCW 90.03.370; adding new sections to chapter 90.03 RCW; adding a new section to chapter 90.44 RCW; and creating new sections.

Referred to Committee on Ecology and Parks.

SB 6145 by Senator Swecker

AN ACT Relating to permit processing; adding a new section to chapter 43.21C RCW; adding a new section to chapter 70.94 RCW; adding a new section to chapter 75.20 RCW; adding a new section to chapter 90.03 RCW; adding a new section to chapter 90.44 RCW; adding a new section to chapter 90.48 RCW; and adding a new section to chapter 90.58 RCW.

Referred to Committee on Ecology and Parks.

SB 6146 by Senators Loveland, Swecker, Drew and Oke (by request of Department of Fish and Wildlife)

AN ACT Relating to property damage by wildlife; adding new sections to chapter 77.12 RCW; creating new sections; repealing RCW 77.12.265, 77.12.270, 77.12.280, 77.12.290, and 77.12.300; providing an expiration date; and providing an effective date.

Referred to Committee on Natural Resources.

SB 6147 by Senators Haugen, McCaslin, Bauer, Swecker, Franklin, Prince and Winsley (by request of Department of Services for the Blind)

AN ACT Relating to grants for vocational rehabilitation equipment and materials; and amending RCW 74.18.150.

Referred to Committee on Government Operations.

SB 6148 by Senators Swecker and Snyder

AN ACT Relating to aquaculture; amending RCW 79.90.495; adding new sections to chapter 15.85 RCW; adding a new section to chapter 79.96 RCW; and making an appropriation.

Referred to Committee on Natural Resources.

SB 6149 by Senators Fraser, Swecker and Rasmussen

AN ACT Relating to the development of state-wide wastewater reuse standards; creating new sections; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on Ecology and Parks.

SB 6150 by Senators Thibaudeau, Deccio, Kohl, Franklin and Wood

AN ACT Relating to health care professionals doing business as professional service corporations or limited liability companies; and amending RCW 18.100.050 and 25.15.045.

Referred to Committee on Health and Long-Term Care.

SB 6151 by Senator Smith (by request of Administrator for the Courts)

AN ACT Relating to superior court judges; amending RCW 2.08.065; and creating new sections.

Referred to Committee on Law and Justice.

SB 6152 by Senators Long, A. Anderson, McCaslin, Winsley, Swecker and Roach

AN ACT Relating to registration of criminals who have victimized children; amending RCW 4.24.550, 10.01.200, 43.43.540, 70.48.470, and 72.09.330; reenacting and amending RCW 9A.44.130 and 9

Referred to Committee on Law and Justice.

SB 6153 by Senator Smith

AN ACT Relating to veterans; and amending RCW 41.04.005 and 41.04.010.

Referred to Committee on Labor, Commerce and Trade.

SB 6154 by Senators Bauer, Long, Fraser, Winsley and Roach (by request of Joint Committee on Pension Policy)

AN ACT Relating to admitting fire fighters for institutions of higher education into the law enforcement officers' and fire fighters' retirement system; amending RCW 41.26.450; reenacting and amending RCW 41.26.030; creating a new section; and decodifying RCW 41.40.093.

Referred to Committee on Ways and Means.

SB 6155 by Senators Bauer, Long, Fraser, Winsley and Roach (by request of Joint Committee on Pension Policy)

AN ACT Relating to the Washington state teachers' retirement system; amending RCW 41.32.817, 41.32.818, 41.32.840, 41.32.855, 41.32.875, 41.32.895, 41.32.831, 41.34.020, 41.34.040, 41.34.060, 41.50.110, 41.50.670, 41.54.030, and 2.14.080; amending 1995 c 239 s 327 (uncodified); reenacting and amending RCW 41.32.010; adding new sections to chapter 41.32 RCW; adding a new section to chapter 41.34 RCW; repealing RCW 41.32.890, 41.32.885, and 41.54.035; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6156 by Senators Bauer, Long, Fraser, Winsley and Roach (by request of Joint Committee on Pension Policy)

AN ACT Relating to public employees' retirement system plan I members who separate from service without withdrawing their contributions from the retirement system; amending RCW 41.40.150; and creating a new section.

Referred to Committee on Ways and Means.

SB 6157 by Senators Long, Fraser, Bauer and Winsley (by request of Joint Committee on Pension Policy)

AN ACT Relating to portable benefits for dual members; amending RCW 41.54.030, 41.54.030, and 41.54.070; reenacting and amending RCW 41.54.040; and adding new sections to chapter 41.54 RCW.

Referred to Committee on Ways and Means.

SB 6158 by Senators Hargrove, Long and Schow (by request of Department of Corrections)

AN ACT Relating to intercepting, recording, or divulging monitored inmate conversations; and amending RCW 9.73.095.

Referred to Committee on Human Services and Corrections.

SB 6159 by Senators Roach and Schow

AN ACT Relating to interviews of children conducted by the department of social and health services; amending RCW 26.44.030; adding a new section to chapter 26.44 RCW; and adding a new section to chapter 9A.44 RCW.

Referred to Committee on Law and Justice.

SB 6160 by Senators Loveland and Winsley

AN ACT Relating to the preparation of maps by county assessors for listing of real estate; and amending RCW 84.40.160.

Referred to Committee on Government Operations.

SB 6161 by Senators Fraser, Smith, Thibaudeau, Kohl, Fairley, Sellar, Rasmussen, Sheldon, Prince, Long, Moyer, Finkbeiner and Winsley

AN ACT Relating to payment of attorneys' fees and costs in actions for damages to trees, timber, or shrubs; and amending RCW 64.12.030 and 64.12.040.

Referred to Committee on Law and Justice.

SB 6162 by Senators Franklin and Winsley

AN ACT Relating to local public health financing; amending RCW 70.05.125; and providing an effective date.

Referred to Committee on Health and Long-Term Care.

SB 6163 by Senators Wojahn, West and Winsley

AN ACT Relating to a tax exemption for prepayments for health care services provided under Title XVIII (medicare) of the federal social security act; and amending RCW 48.14.0201.

Referred to Committee on Health and Long-Term Care.

SB 6164 by Senators Fairley, Goings, Haugen, Winsley, Sheldon and McCaslin

AN ACT Relating to annexations of territory by direct petition method; and amending RCW 35.13.125, 35.13.130, and 35A.14.120.

Referred to Committee on Government Operations.

SB 6165 by Senators Fraser and Swecker

AN ACT Relating to the exemption from sales and use taxation of the materials used by small companies in the design and development of aircraft parts, auxiliary equipment, and aircraft modification; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SB 6166 by Senators Fraser, Swecker, Fairley and Winsley

AN ACT Relating to protection of Puget Sound; amending RCW 90.70.001, 90.70.005, 90.70.011, 90.70.025, and 90.70.055; adding a new section to chapter 90.70 RCW; creating a new section; repealing RCW 90.70.035, 90.70.045, 90.70.060, 90.70.065, 90.70.090, 90.70.100, 90.70.902, 43.131.369, and 43.131.370; and providing an effective date.

Referred to Committee on Ecology and Parks.

SB 6167 by Senators Smith, Johnson, Newhouse and Winsley

AN ACT Relating to jurisdiction of petitions for dissolution of marriage; and amending RCW 26.09.030.

Referred to Committee on Law and Justice.

SB 6168 by Senators Smith, Johnson, Newhouse and Winsley

AN ACT Relating to limited liability companies; amending RCW 1.16.080, 19.80.005, 19.80.010, 25.15.010, 25.15.020, 25.15.045, 25.15.150, 25.15.270, and 25.15.325; adding new sections to chapter 25.15 RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 6169 by Senators Smith, Johnson, Newhouse and Winsley

AN ACT Relating to amending provisions regarding significant business transactions in the Washington business corporation act; amending RCW 23B.19.020, 23B.19.030, 23B.19.040, 23B.01.400, and 23B.02.020; and repealing RCW 23B.17.020.

Referred to Committee on Law and Justice.

SB 6170 by Senators Winsley and Haugen

AN ACT Relating to consideration of health and environmental regulations in the valuation of real property; and amending RCW 84.40.030.

Referred to Committee on Government Operations.

SB 6171 by Senators Oke, Haugen, McCaslin and Winsley

AN ACT Relating to special purpose district elections; and amending RCW 29.21.015, 36.69.090, 68.52.140, and 68.52.155.

Referred to Committee on Government Operations.

SB 6172 by Senators Haugen, Morton, Drew and Oke

AN ACT Relating to the fee for all duplicate licenses, rebates, permits, tags, and stamps; and amending RCW 77.32.256.

Referred to Committee on Natural Resources.

SB 6173 by Senators Haugen and Schow

AN ACT Relating to motor vehicle dealers; amending RCW 46.70.023, 46.70.051, 46.70.120, 46.70.130, and 46.70.180; and creating a new section.

Referred to Committee on Labor, Commerce and Trade.

SB 6174 by Senators Bauer and Kohl (by request of Higher Education Coordinating Board)

AN ACT Relating to duties of the higher education coordinating board; and amending RCW 28B.80.330.

Referred to Committee on Higher Education.

SB 6175 by Senators Bauer and Kohl (by request of Higher Education Coordinating Board)

AN ACT Relating to the state educational trust fund; and amending RCW 28B.10.821 and 28B.15.762.

Referred to Committee on Higher Education.

SB 6176 by Senators Bauer and Kohl (by request of Higher Education Coordinating Board)

AN ACT Relating to service delivery alternatives for the provision of higher education; creating new sections; and making an appropriation.

Referred to Committee on Higher Education.

SB 6177 by Senators Bauer and Kohl (by request of Higher Education Coordinating Board)

AN ACT Relating to student consumer protection; and amending RCW 28B.85.040.

Referred to Committee on Higher Education.

SB 6178 by Senator Swecker

AN ACT Relating to the use of public funds; amending RCW 42.17.130, 24.03.075, 36.32.350, and 36.47.040; adding a new section to chapter 42.17 RCW; adding a new section to chapter 43.09 RCW; and creating a new section.

Referred to Committee on Government Operations.

SB 6179 by Senator Smith (by request of Administrator for the Courts)

AN ACT Relating to impanelling juries; and amending RCW 4.44.120.

Referred to Committee on Law and Justice.

SB 6180 by Senator Smith (by request of Administrator for the Courts)

AN ACT Relating to superior court judges; and amending RCW 2.08.061.

Referred to Committee on Law and Justice.

SB 6181 by Senator Smith

AN ACT Relating to requirements of a petition for deferred prosecution; and amending RCW 10.05.020.

Referred to Committee on Law and Justice.

SB 6182 by Senators Owen, Prentice, Smith, Goings, Winsley, Schow and Oke

AN ACT Relating to manufacture, delivering, or possession of methamphetamine; amending RCW 69.50.401; reenacting and amending RCW 9.94A.320; adding a new section to chapter 69.50 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6183 by Senators Smith, Long and Schow

AN ACT Relating to possession of firearms; amending RCW 9.41.040 and 9.41.047; reenacting and amending RCW 9.41.010; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6184 by Senators Loveland, Rasmussen, Winsley, Hale and Sheldon

AN ACT Relating to credit against the premium tax for guaranty association assessments paid by insurers; amending RCW 48.32.145 and 48.32A.090; and declaring an emergency.

Referred to Committee on Financial Institutions and Housing.

SB 6185 by Senators Bauer, Kohl, Winsley and Rasmussen (by request of Higher Education Coordinating Board)

AN ACT Relating to incentive grants for innovation and quality; amending RCW 28B.120.010 and 28B.120.020; and making an appropriation.

Referred to Committee on Higher Education.

SB 6186 by Senators Sheldon, Prentice, Wojahn, Thibaudeau, Fairley, Kohl, Bauer, Snyder, Heavey and Winsley

AN ACT Relating to the Washington state organ donor medal; and adding a new chapter to Title 1 RCW.

Referred to Committee on Government Operations.

SB 6187 by Senators Sheldon, Prentice, Thibaudeau and Snyder

AN ACT Relating to mandatory arbitration for actions to quiet title to real property; and reenacting and amending RCW 7.06.020.

Referred to Committee on Law and Justice.

SB 6188 by Senators Sheldon, Prentice, Wojahn, Thibaudeau, Fairley, Kohl, Rinehart, Spanel, Snyder, Winsley and Rasmussen

AN ACT Relating to communications between victims of sexual assaults and their personal representatives; and amending RCW 70.125.060.

Referred to Committee on Law and Justice.

SB 6189 by Senators Haugen, Smith and McCaslin (by request of Supreme Court)

AN ACT Relating to criminal defense; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 2 RCW; and creating a new section.

Referred to Committee on Government Operations.

SB 6190 by Senators Prentice, Hale, Fraser, Sutherland, Loveland, Smith, Sellar and Winsley

AN ACT Relating to interstate banking; amending RCW 30.04.010, 30.04.232, 30.04.280, 30.08.140, 30.20.060, 39.29.040, 32.04.020, 32.08.140, 32.08.142, 32.08.146, and 32.12.020; reenacting and amending RCW 32.04.030 and 32.32.500; adding new sections to chapter 30.04 RCW; adding a new section to chapter 30.49 RCW; adding a new section to chapter 32.04 RCW; adding a new section to chapter 32.08 RCW; adding a new chapter to Title 30 RCW; creating a new section; repealing RCW 30.40.020; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Institutions and Housing.

SB 6191 by Senators Pelz, Bauer, Deccio and Newhouse

AN ACT Relating to studying and testing the use of credit cards in state liquor stores; amending RCW 66.16.040 and 66.08.026; and creating a new section.

Referred to Committee on Labor, Commerce and Trade.

SB 6192 by Senators Snyder, A. Anderson, Owen, Swecker, Spanel and Rasmussen

AN ACT Relating to moneys for department of community, trade, and economic development department duties as a member of the agency rural community assistance task force; amending RCW 84.33.081 and 43.31.641; and adding a new section to chapter 43.31 RCW.

Referred to Committee on Labor, Commerce and Trade.

SB 6193 by Senators Roach, Swecker and Schow

AN ACT Relating to state government organization; amending RCW 43.17.020, 43.70.555, and 69.50.520; reenacting and amending RCW 43.17.010 and 43.17.020; adding new sections to chapter 41.06 RCW; adding a new section to chapter 74.04 RCW; adding a new section to chapter 43.10 RCW; adding new chapters to Title 43 RCW; creating new sections; repealing RCW 70.190.005, 70.190.010, 70.190.020, 70.190.030, 70.190.040, 70.190.050, 70.190.060, 70.190.070, 70.190.080, 70.190.085, 70.190.090, 70.190.100, 70.190.110, 70.190.120, 70.190.130, 70.190.140, 70.190.150, 70.190.160, 70.190.170, 70.190.180, 70.190.900, 70.190.910, and 70.190.920; and providing an effective date.

Referred to Committee on Human Services and Corrections.

SB 6194 by Senators Roach, Swecker and Schow

AN ACT Relating to malfeasance by government officials; amending RCW 10.27.020, 10.27.030, and 9A.80.010; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6195 by Senators Roach, Swecker and Schow

AN ACT Relating to residential burglary; reenacting and amending RCW 9.94A.030; and prescribing penalties.

Referred to Committee on Law and Justice.

#### MOTION

Senator Spanel moved that the rules be suspended and Senate Bill No. 6118 be advanced to second reading and placed on today's second reading calendar.

#### PARLIAMENTARY INQUIRY

Senator Newhouse: "I rise to a point of legislative inquiry or parliamentary inquiry. Does this mean for the second reading calendar for today--for action for today--in which case I would raise Rule 62?"

#### RULING BY THE PRESIDENT

President Pritchard: "She moved to suspend the rules and put it on today's second reading calendar."

Senator Newhouse: "Will you inform the body how much of a vote that will require?"

President Pritchard: "It takes a two-thirds vote."

Senator Newhouse: "Thank you."

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

#### PARLIAMENTARY INQUIRY

Senator Snyder: "Do we have an opportunity to debate the motion?"

#### RULING BY THE PRESIDENT

President Pritchard: "You can if you want to, yes."

Senator Snyder: "Thank you."

Further debate ensued.

#### POINT OF ORDER

Senator West: "A point of order, Mr. President. With the words just spoken by my esteemed colleague across the aisle, it appears to be her intent to delineate the subject matter of the bill and I don't believe that is before us. The only thing that is before us is the decision on whether or not to suspend the rules. I think the argument should be left to the suspension of the rules and not on the subject matter of the bill."

Debate ensued.

#### RULING BY THE PRESIDENT

President Pritchard: "Well, in talking to my lawyer friends here, the decision is that you can describe the bill, but you cannot get into a debate over the bill. The debate is on the motion."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Spanel to suspend the rules and to advance Senate Bill No. 6118 to second reading and to place the bill on today's second reading calendar.

#### ROLL CALL

The Secretary called the roll and the motion to suspend the rules and advance Senate Bill No. 6118 to second reading failed to receive a two-thirds vote by the following vote: Yeas, 25; Nays, 23; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau and Wojahn - 25.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 23.

Absent: Senator Oke - 1.

#### MOTION

On motion of Senator Spanel, Senate Bill No. 6118 was referred to the Committee on Ways and Means.

#### MOTION

Senator Snyder moved that the Committee on Ways and Means Committee be relieved of further consideration of Senate Bill No. 6118 and that the bill be placed on today's second reading calendar.

#### REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Mr. President, the effect of the motion is the same as the previous motion and would still be subject to the two-thirds vote."

#### REMARKS BY SENATOR SNYDER

Senator Snyder: "Mr. President, in the last session, on two different occasions, bills were relieved from committee with twenty-five votes. Our rules say that a committee can be relieved of a bill with twenty-five votes. In reference to those, one of them was the bill that set up the new process for the selection of the Fish and Wildlife Commission and the other one was the so-called Taking's Bill."

#### POINT OF ORDER

Senator West: "Mr. President, there is no dispute that the Legislature can pull a bill from a committee to the floor and dispense with it as they please. The dispute comes into Rule 62 which specifically requires that the Legislature consider every bill on three separate days. Now, this is still the first day of the legislative session. This is not a separate day from the day that we just had fifteen minutes ago. Rule 62 is a rule that says, 'Every bill shall be read on three separate days.' Rule 48, I think, is what Senator Snyder is relying on which says that you can pull a bill from a committee to the floor and deal with it and says that the Legislature, 'may.' One is permission; one is mandatory.

"I believe in the 1960's and I can't give you the specific cite, but I believe that Governor Cherberg was presented with a similar question and he ruled that while you could place it on the second reading calendar, you could not deliberate it or deal with it on the same day that you placed it on the second reading calendar--if it is the one and same day. This action would require a suspension of Rule 62 to consider it today and to suspend Rule 62 would require a two-thirds vote under our rules. I would ask you to provide us with a ruling."

At 1:08 p.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 1:18 p.m. by President Pritchard.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling on the point of order raised by Senator West, the President finds that Senate Rule 48 allows twenty-five Senators to remove a bill from committee. The rule must be read in conjunction with Rule 62, which requires a bill be read on three separate days.

"The President, therefore, finds that Senate Bill No. 6118 may be removed from committee and placed on the second reading calendar on the same day it was introduced, but that it would require a suspension of Rule 62 to work the bill on the same day."

The President declared the question before the Senate to be the motion by Senator Snyder to relieve the Committee on Ways and Means of further consideration of Senate Bill No. 6118 and to place the bill on the second reading calendar.

#### PARLIAMENTARY INQUIRY

Senator Snyder: "So, we can do that with twenty-five votes? If that is successful and it is on the calendar, as you say, according to Rule 62, we cannot work the bill unless we have a two-thirds vote?"

#### RULING BY THE PRESIDENT

President Pritchard: "On the same day. That is correct."

The President declared the question before the Senate to be the motion by Senator Snyder to relieve the Committee on Ways and Means of further consideration of Senate Bill No. 6118 and to place the bill on the second reading calendar.

The motion by Senator Snyder carried and the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 6118 and the bill was placed on the second reading calendar.

#### MOTION

Senator Spanel moved that the rules be suspended and Senate Bill No. 6117 be advanced to second reading and placed on the second reading calendar.

#### POINT OF ORDER

Senator West: "Mr. President, to clarify that, the motion was to suspend the rules to place it on the second reading calendar, that would take a two-thirds vote? Mr. President, the reason I ask the question is that I don't want to get in a position where we put it on the second reading calendar and by our actions agree to start working the amendatory process."

#### RULING BY THE PRESIDENT

President Pritchard: "I think the President believes the intent is the same as the last motion that was made and they would not be working the bill on this same day. Senator Spanel, is that correct?"

#### MOTION

Senator Snyder: "Well, I would like to move that the rules be suspended and we put it on second reading, so we can work the bill today, because I think this is a little different situation."

Further debate ensued.

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

#### MOTION

On motion of Senator Anderson, Senator Oke was excused.

The President declared the question before the Senate to be the motion by Senator Spanel to suspend the rules and to advance Senate Bill No. 6117 to second reading and to place it on today's second reading calendar.

#### ROLL CALL

The Secretary called the roll and the motion to suspend the rules and advance Senate Bill No. 6117 to second reading failed to receive a two-thirds vote by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau and Wojahn - 25.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 23.

Excused: Senator Oke - 1.

#### PARLIAMENTARY INQUIRY

Senator Snyder: "Mr. President, would a motion be in order now to place the bill on the second reading calendar and have it held?"

#### RULING BY THE PRESIDENT

President Pritchard: "I believe it would."

Senator Snyder: "So that way, we get an opportunity, if we wish, to come back at 12:01 and work it tomorrow?"

President Pritchard: "You can make that motion, sure. This bill isn't in committee yet."

Senator Snyder: "Why make a motion to put it in committee and then relieve the committee of further consideration. I thought if we had an understanding it would be placed on the second reading calendar and held for a future day--"

President Pritchard: "If that goes without objection or you can carry a two-thirds vote, yes."

#### MOTION

On motion of Senator Snyder, the rules were suspended and Senate Bill No. 6117 was placed on the second reading calendar and held for a future legislative day.

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

#### MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

May 30, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Busse Nutley, reappointed May 30, 1995, for a term ending at the pleasure of the Governor, as Chair of the Housing Finance Commission.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Financial Institutions and Insurance.

June 5, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Edward L. Barnes, appointed June 5, 1995, for a term ending June 30, 2001, as a member of the Transportation Commission.

Sincerely,

Referred to Committee on Transportation.

MIKE LOWRY, Governor

June 8, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Frank E. Fennerty, Jr., reappointed for a term beginning June 18, 1995, and ending June 17, 2001, as a member of the Board of Industrial Insurance Appeals.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Labor, Commerce and Trade.

June 19, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Tom McKern, appointed June 19, 1995, for a term ending September 30, 1999, as a member of the Board of Trustee for Spokane and Spokane Falls Community College District No. 17.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

June 23, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judith Butler, reappointed June 23, 1995, for a term ending March 26, 1999, as a member of the Higher Education Facilities Authority.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

June 23, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Vaughn Lein, appointed June 21, 1995, for a term ending June 12, 1999, as a member of the Columbia River Gorge Bi-State Commission.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Ecology and Parks.

June 27, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ann Daley, appointed June 27, 1995, for a term ending September 30, 2000, as a member of the Board of Regents for the University of Washington.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

June 27, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Michele Yapp, appointed June 27, 1995, for a term ending September 30, 2000, as a member of the Board of Regents for the University of Washington.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

June 29, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Richard Spangler, appointed June 29, 1995, for a term ending June 30, 1997, as a member of the Work Force Training and Education Coordinating Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

June 30, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Charles Alexander, reappointed for a term beginning July 27, 1995, and ending July 26, 2001, as a member of the Personnel Appeals Board.

Referred to Committee on Government Operations.

Sincerely,  
MIKE LOWRY, Governor

June 30, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Donna E. Dilger, reappointed June 30, 1995, for a term ending June 30, 1999, as a member of the Housing Finance Commission.

Referred to Committee on Financial Institutions and Housing.

Sincerely,  
MIKE LOWRY, Governor

June 30, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ron Forest, reappointed June 30, 1995, for a term ending June 30, 1999, as a member of the Housing Finance Commission.

Referred to Committee on Financial Institutions and Housing.

Sincerely,  
MIKE LOWRY, Governor

June 30, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kevin M. Hughes, reappointed June 30, 1995, for a term ending June 30, 1999, as a member of the Housing Finance Commission.

Referred to Committee on Financial Institutions and Housing.

Sincerely,  
MIKE LOWRY, Governor

June 30, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Josephine V. Tamayo Murray, reappointed June 30, 1995, for a term ending June 30, 1999, as a member of the Housing Finance Commission.

Referred to Committee on Financial Institutions and Housing.

Sincerely,  
MIKE LOWRY, Governor

June 30, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Charlie W. Owens, Jr., appointed for a term beginning July 1, 1995, and ending April 15, 2000, as a member of the Indeterminate Sentence Review Board.

Referred to Committee on Law and Justice.

Sincerely,  
MIKE LOWRY, Governor

June 30, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

S. Don Phelps, appointed June 30, 1995, for a term ending June 30, 2001, as a member of the Gambling Commission.

Referred to Committee on Labor, Commerce and Trade.

Sincerely,  
MIKE LOWRY, Governor

June 30, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Natalie Ybarra, appointed June 30, 1995, for a term ending June 30, 1997, as a member of the Housing Finance Commission.

Referred to Committee on Financial Institutions and Housing.

Sincerely,  
MIKE LOWRY, Governor

July 3, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

David P. Roberts, appointed June 29, 1995, for a term ending April 3, 1998, as a member of the State Board for Community and Technical Colleges.

Referred to Committee on Higher Education.

Sincerely,  
MIKE LOWRY, Governor

July 14, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

James P. Seabeck, reappointed June 29, 1995, for a term ending January 17, 2001, as a member of the Horse Racing Commission.

Referred to Committee on Labor, Commerce and Trade.

Sincerely,  
MIKE LOWRY, Governor

July 18, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

The Reverend James T. Watson, appointed June 30, 1995, for a term ending June 30, 1999, as a member of the Housing Finance Commission.

Referred to Committee on Financial Institutions and Housing.

Sincerely,  
MIKE LOWRY, Governor

August 10, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Steve Kolodney, appointed for a term beginning August 14, 1995, and ending at the pleasure of the Governor, as Director of the Department of Information Services.

Referred to Committee on Government Operations.

Sincerely,  
MIKE LOWRY, Governor

August 15, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Roger J. Contor, appointed August 15, 1995, for a term ending January 19, 2001, as a member of the Fish and Wildlife Commission.

Referred to Committee on Natural Resources.

Sincerely,  
MIKE LOWRY, Governor

August 15, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Aubrey Davis, reappointed August 15, 1995, for a term ending June 30, 2001, as a member of the Transportation Commission.

Referred to Committee on Transportation.

Sincerely,  
MIKE LOWRY, Governor

August 15, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Michael Kleinberg, appointed August 5, 1995, for a term ending January 19, 1999, as a member of the Board of Pharmacy.

Referred to Committee on Health and Long-Term Care.

Sincerely,  
MIKE LOWRY, Governor

August 15, 1995

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

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

Dr. Allan W. Lobb, appointed August 15, 1995, and ending June 19, 1999, as a member of the Health Care Facilities Authority.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Health and Long-Term Care.

August 31, 1995

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

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

Judge Carolyn Brown, appointed August 31, 1995, for a term ending August 2, 1997, as a member of the Sentencing Guidelines Commission.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

August 31, 1995

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

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

Judge Thomas A. Metzger, reappointed August 31, 1995, for a term ending August 2, 1998, as a member of the Sentencing Guidelines Commission.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

August 31, 1995

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

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

Jeanne A. Pelkey, reappointed August 31, 1995, for a term ending July 1, 2000, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Education.

September 1, 1995

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

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

Judge Thomas Felnagle, appointed September 1, 1995, for a term ending August 2, 1998, as a member of the Sentencing Guidelines Commission.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

September 7, 1995

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

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

Delores I. Brown, reappointed for a term beginning September 30, 1995, and ending September 30, 2000, as a member of the Board of Trustees for Lake Washington Technical College District No. 26.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

September 7, 1995

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

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

Alberta J. Canada, reappointed for a term beginning September 30, 1995, and ending September 30, 2000, as a member of the Board of Trustees for Tacoma Community College District No. 22.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

September 7, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Theresa Ceccarelli, reappointed for a term beginning September 30, 1995, and ending September 30, 2000, as a member of the Board of Trustees for Bates Technical College District No. 28.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

September 7, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Karen Gates-Hildt, reappointed for a term beginning September 30, 1995, and ending September 30, 2000, as a member of the Board of Trustees for Peninsula Community College District No. 1.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

September 7, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ronald M. Gould, reappointed for a term beginning September 30, 1995, and ending September 30, 2000, as a member of the Board of Trustees for Bellevue Community College District No. 8.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

September 7, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Emmitt Jackson, reappointed for a term beginning September 30, 1995, and ending September 30, 2000, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

September 7, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Karen Keiser, reappointed for a term beginning September 30, 1995, and ending September 30, 2000, as a member of the Board of Trustees for Highline Community College District No. 9.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

September 7, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Representative Lynn Kessler, reappointed for a term beginning September 30, 1995, and ending September 30, 2000, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

September 7, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Shoubee Liaw, reappointed for a term beginning September 30, 1995, and ending September 30, 2000, as a member of the Board of Trustees for Shoreline Community College District No. 7.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

September 7, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gloria Mitchell, reappointed for a term beginning September 30, 1995, and ending September 30, 2000, as a member of the Board of Trustees for Cascadia Community College District No. 30.

Sincerely,

Referred to Committee on Higher Education.

MIKE LOWRY, Governor

September 7, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Donald V. Rhodes, reappointed for a term beginning September 30, 1995, and ending September 30, 2000, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

September 7, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Susan Ringwood, reappointed for a term beginning September 30, 1995, and ending September 30, 2000, as a member of the Board of Trustees for Renton Community College District No. 27.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

September 7, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Art Runestrand, reappointed for a term beginning September 30, 1995, and ending September 30, 2000, as a member of the Board of Trustees for Bellingham Technical College District No. 25.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

September 7, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

David Schodde, reappointed for a term beginning September 30, 1995, and ending September 30, 2000, as a member of the Board of Trustees for Green River Community College District No. 10.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

September 7, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Patricia Schrom, reappointed for a term beginning September 30, 1995, and ending September 30, 2000, as a member of the Board of Trustees for Big Bend Community College District No. 18.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

September 7, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Paul J. Wysocki, reappointed for a term beginning September 30, 1995, and ending September 30, 2000, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community College District No. 6.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

September 11, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jolene Unsoeld, appointed for a term beginning September 25, 1995, and ending December 31, 2000, as a member of the Fish and Wildlife Commission.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Natural Resources.

October 1, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Morrie Miller, reappointed October 1, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees for Olympic Community College District No. 3.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 3, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Wilfred Woods, reappointed October 3, 1995, for a term ending September 30, 2001, as a member of the Board of Trustees for Central Washington University.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 5, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Craig Cole, reappointed October 5, 1995, for a term ending June 17, 2000, as a member of the Human Rights Commission.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

October 5, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Nathan S. Ford, appointed for a term beginning October 9, 1995, and ending January 15, 1999, as a member of the Liquor Control Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Labor, Commerce and Trade.

October 10, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
David W. Cole, appointed for a term beginning October 12, 1995, and ending September 30, 2001, as a member of the Board of Trustees for Western Washington University.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 10, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Dwight K. Imanaka, reappointed October 10, 1995, for a term ending September 30, 2001, as a member of the Board of Trustees for The Evergreen State College.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 10, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Elizabeth McInturff, appointed October 10, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees for Spokane and Spokane Fall Community College District No. 17.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 10, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Larry B. Ogg, appointed for a term beginning October 23, 1995, and ending September 30, 1999, as a member of the Board of Trustees for Shoreline Community College District No. 7.

Sincerely,

Referred to Committee on Higher Education.

MIKE LOWRY, Governor

October 10, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Michael Ormsby, reappointed October 10, 1995, for a term ending September 30, 2001, as a member of the Board of Trustees for Eastern Washington University.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 12, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Rachel Garson, appointed for a term beginning November 6, 1995, and ending August 2, 1998, as a member of the Lottery Commission.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Labor, Commerce and Trade.

October 13, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Sally G. Schaefer, reappointed October 13, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees for Clark Community College District No. 14.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

October 16, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
D'Alene K. White, appointed October 16, 1995, for a term ending August 2, 1998, as a member of the Sentencing Guidelines Commission.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

November 7, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Dr. Anita Mendez-Peterson, reappointed November 7, 1995, for a term ending September 25, 1997, as a member of the Clemency and Pardons Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

November 7, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Chief Samuel R. Johnston, reappointed November 7, 1995, for a term ending September 25, 1999, as a member of the Clemency and Pardons Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

November 21, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
James R. Faulstich, appointed November 21, 1995, for a term ending June 30, 1999, as a member of the Higher Education Coordinating Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

November 21, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Frederic L. Glover, appointed November 21, 1995, for a term ending September 30, 1999, as a member of the Board of Trustees  
for Central Washington University.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

November 21, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Gary Shimada, appointed November 21, 1995, for a term ending September 30, 1998, as a member of the Board of Trustees for  
Whatcom Community College District No. 21.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

November 21, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Chang Mook Sohn, appointed November 21, 1995, for a term ending June 30, 1996, as a member of the Higher Education  
Coordinating Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

November 21, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Walter Waisath, Jr., appointed November 21, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees  
for Clover Park Technical College District No. 29.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

November 21, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
James Wilson, appointed November 21, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees for  
Whatcom Community College District No. 21.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

November 21, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Judge Robert W. Winsor, appointed November 17, 1995, for a term ending September 25, 1998, as a member of the Clemency  
and Pardons Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

November 27, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Elizabeth Chen, appointed November 27, 1995, for a term ending September 30, 1999, as a member of the Board of Trustees for  
Highline Community College District No. 9.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

November 28, 1995

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Lea Armstrong, appointed November 28, 1995, for a term ending September 30, 1999, as a member of the Board of Trustees for Green River Community College District No. 10.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

November 28, 1995

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

I have the honor to submit the following appointment, subject to your confirmation.  
KayLeen Bye, appointed November 28, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees for Walla Walla Community College District No. 20.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

November 29, 1995

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Vicki McNeill, reappointed November 29, 1995, for a term ending September 30, 1999, as a member of the Higher Education Coordinating Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

December 4, 1995

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

I have the honor to submit the following appointment, subject to your confirmation.  
Douglas D. Peters, appointed December 4, 1995, for a term ending September 30, 1999, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

December 4, 1995

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

I have the honor to submit the following appointment, subject to your confirmation.  
Lyle Quasim, appointed for a term beginning December 11, 1995, for a term ending at the pleasure of the Governor, as Secretary of the Department of Social and Health Services.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Human Services and Corrections.

December 8, 1995

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Jimmy Cason, reappointed December 8, 1995, for a term ending December 31, 1998, as a member of the Investment Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Ways and Means.

December 8, 1995

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

I have the honor to submit the following reappointment, subject to your confirmation.  
George Masten, reappointed December 8, 1995, for a term ending December 31, 1998, as a member of the Investment Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Ways and Means.

December 19, 1995

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

I have the honor to submit the following appointment, subject to your confirmation.  
Joseph B. DeLaCruz, appointed December 19, 1995, for a term ending January 19, 2001, as a member of the Fish and Wildlife Commission.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Natural Resources.

December 19, 1995

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Mari J. Clack, reappointed December 19, 1995, for a term ending September 30, 2001, as a member of the Board of Regents for the University of Washington.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

December 19, 1995

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

I have the honor to submit the following appointment, subject to your confirmation.  
Cindy Zehnder, appointed December 19, 1995, for a term ending September 30, 2001, as a member of the Board of Regents for the University of Washington.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

#### MESSAGE FROM THE SECRETARY OF STATE

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

We herewith respectfully transmit for your consideration a copy of Initiative to the Legislature Number 173, originally filed with this office on April 18, 1995. On December 29, 1995, the sponsor of the proposed initiative filed 20,046 petition sheets in support of the measure. We have completed our preliminary canvass of these petition sheets and have determined that they contain 241,434 signatures.

Accordingly, pursuant to the provisions of Article II, section 1 of the State Constitution, we are provisionally certifying Initiative to the Legislature Number 173 to you at this time. We expect to complete verification of signatures no later than February 7, 1996, and we will provide the Legislature with a final certification as soon as possible thereafter.

IN WITNESS WHEREOF, I have set my hand  
and affixed the Seal of the state of Washington,  
this eighth day of January, 1996.

(Seal) RALPH MUNRO

Secretary of State

#### INITIATIVE 173

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 173 to the Legislature is a true and correct copy as it was received by this office.

AN ACT Relating to education; and adding a new chapter to Title 28A RCW.

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

NEW SECTION. **Sec. 1. PURPOSE.** (1) The people of Washington, desiring to improve the education of children, adopt this chapter to:

- (a) Enable parents to determine which schools best meet their children's needs;
- (b) Empower parents to send their children to such schools;
- (c) Establish academic accountability based on historical national standards;
- (d) Reduce bureaucracy so that more educational dollars reach the classroom;
- (e) Provide greater opportunities for teachers;
- (f) Mobilize the private sector to help accommodate our burgeoning school-age population; and
- (g) Encourage the development of independent and charter schools.

(2) Therefore, eligible persons are hereby empowered to choose any school for their education which meets the requirements of the Washington State Constitution, as provided in this chapter.

NEW SECTION. **Sec. 2. SHORT TITLE.** Chapter . . . , Laws of 1996 (this act) shall be known as **The Choice in Education Act.**

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

(1) "Voucher" or "scholarship voucher" is a payment to a child through his or her parent for pursuing the occupation of full-time student.

(2) "Child" or "Student" means a person eligible to attend kindergarten or grades one through twelve.

(3) "Eligible person" means a full time student otherwise qualified who is attending any school for their education which complies with the requirements of the Washington State Constitution.

(4) "Voucher-redeeming school" means any school located within Washington that meets the requirements of this chapter and is not in violation of the requirements of the Washington State Constitution. No school may be compelled to become a voucher-redeeming school. No school that meets the requirements of this chapter may be prevented from becoming a voucher-redeeming school.

(5) "State and local government spending" includes, but is not limited to, spending funded from all revenue sources, including the general fund, federal funds, local property taxes, lottery funds, and local miscellaneous income such as developer fees, but excluding bond proceeds and charitable donations. Notwithstanding the inclusion of federal funds in the calculation of state and local government spending, federal funds shall constitute no part of any scholarship voucher provided under this section.

(6) "Independent school" is a "private" school which is regulated by chapter 28A.195 RCW.

(7) "Charter school" is a state voucher-redeeming school. It is governed by the terms and conditions of the contract between the charter school and the school district in which it is located. In addition, charter schools are subject to the laws governing independent schools under chapter 28A.195 RCW, and the laws of this chapter.

(8) "State school" means the public schools or common schools referred to in Article IX of the state Constitution and Title 28A RCW.

**NEW SECTION. Sec. 4. SCHOLARSHIP VOUCHERS--EMPOWERMENT OF PARENTS.**

(1) The state shall annually pay a scholarship voucher to every eligible person. Vouchers may be redeemed at any voucher-redeeming school.

(2) The scholarship voucher for each eligible person shall be not less than fifty-five percent of the state and local government spending allocated for each annual average full-time equivalent student under RCW 28A.150.260 and applicable state and local rules during the preceding fiscal year, excluding expenditures on scholarship vouchers granted pursuant to this section and excluding any unfunded pension liability associated with the state school system.

(3) Scholarship vouchers shall be of equal value for every child in any given grade. The legislature may award supplemental funds for reasonable transportation needs for low-income children and special needs attributable to disability. Nothing in this section prevents the use in any school of supplemental assistance from any source, public or private.

(4) Scholarship vouchers provided under this chapter are payment through parents that is earned by children for attending school. Vouchers are not payment for services rendered by the school in which the student is enrolled. Scholarship vouchers are not taxable income. The student shall be free to choose any voucher-redeeming school, and such selection shall not constitute a decision or act of the state or any of its subdivisions.

(5) A scholarship voucher accepted by a voucher-redeeming school, shall be accepted for one hundred percent of the cost of tuition, registration, or any other fees charged the voucher holding student for basic education in grades kindergarten through six. In grades seven through nine the voucher shall be accepted for not less than ninety percent of the total cost of basic education for the voucher holder. In grades 10 through 12 the voucher shall be accepted for not less than eighty percent of the total cost of basic education for the voucher holder.

(6) Beginning with the school year immediately following the effective date of this act, scholarships shall be made available to every otherwise eligible child born on or after September 1, 1989.

(7) Each voucher-redeeming school must choose and administer tests reflecting historical national standards for the purpose of measuring individual academic achievement. Such tests shall be designed and scored by independent parties. Each school's composite results for each grade level shall be released annually to the public the last week of March by legal publication in a county newspaper of record. Individual results shall be released only to the school and the child's parent.

(8) Each voucher-redeeming school must make public by legal publication in a county newspaper of record the last week of March, its budget and the results of an annual independent audit prepared in accordance with generally accepted auditing standards. The audit shall include, but not be limited to: A statement of school mission, enrollment statistics, expenditures per student, budget report in an easily understandable form, student attendance rate, dropout rate, and condition and needs of the school building.

(9) Each teacher in a voucher-redeeming school must hold a college degree in the subject area taught or in education, or pass a subject area competency examination reflecting national standards. Such examination shall be designed and scored by independent parties. Teachers qualified by examination shall be supervised by a state-certificated teacher. This subsection will not prevent the use of classroom teaching assistants.

(10) Governing boards of school districts shall establish a mechanism to survey and publish not later than the March 31 of each year, the location and number of unused classrooms in buildings owned by the district. When a classroom has been unused for six consecutive months the district shall make that classroom available for lease to any voucher-redeeming school under the following terms and conditions: (a) the term of the lease shall be for not less than three years, (b) the voucher-redeeming school will pay a rental amount equal to the reasonable cost for maintaining, insuring, heating, lighting. Janitorial cost will not be included in the rental calculation. Capital costs including original cost of land, building and equipment or replacement cost shall not be considered in determining reasonable rent. Nothing in this section shall prohibit a district from publishing the availability of unused classroom space at any time. If a rental amount cannot be agreed upon, either party may submit the issue to binding arbitration before an arbitrator appointed by the presiding judge of the superior court of the county in which the school is located. The parties will pay their own fees and costs of arbitration.

(11) Disputes between voucher-redeeming schools and the superintendent of public instruction concerning the issuance or renewal of a license to operate a school shall be submitted to arbitration in accordance with this subsection (10) of this section.

**NEW SECTION. Sec. 5. EMPOWERMENT OF SCHOOLS--REDEMPTION OF VOUCHERS.** An independent school may become a voucher-redeeming school by filing with the State Board of Education a statement indicating satisfaction of the legal requirements that apply to independent schools and the requirements of this section.

(1) No school that discriminates on the basis of race, ethnicity, color, disability, economic status or national origin may redeem scholarships.

(2) To the extent permitted by the laws of the state of Washington and the laws of the United States, the state shall prevent from redeeming vouchers any school that advocates unlawful behavior, is not in compliance with the state or federal constitution, teaches bigotry toward any person or group on the basis of race, ethnicity, color, national origin, religion, or gender, or deliberately provides false or misleading information respecting the school.

(3) No school with fewer than twenty-five students may redeem scholarship vouchers, unless the legislature provides otherwise.

(4) It is the legislative intent of this chapter that independent schools, regardless of size, be accorded maximum flexibility to educate students and be free of unnecessary, burdensome or onerous regulation. Any regulation pertaining to health, safety or land use imposed by the state or any county, city, district or other subdivision of the state, shall be established under the criterion that the regulation: (a) is essential to assure the health, safety or education of students, or as to any land use regulation, that the governmental body has a compelling interest in issuing or enacting it; (b) does not unduly burden or impede independent schools or the parents of students therein; and (c) will not harass, injure or suppress independent schools.

(5) Notwithstanding subsection (4) of this section, the legislature may (a) enact civil and criminal penalties for schools and persons who engage in fraudulent conduct in connection with the solicitation of students or the redemption of scholarships, and (b) restrict or prohibit

individuals convicted of (i) any felony, (ii) any offense involving lewd or lascivious conduct, or (iii) any offense involving molestation or other abuse of a child, from owning, contracting with, or being employed by any school, whether state or independent.

(6) Any school, state or independent, may establish a code of conduct and discipline and enforce it with sanctions, including dismissal. A student who is deriving no substantial academic benefit or is responsible for serious or habitual misconduct related to the school may be dismissed.

(7) After the parent designates the enrolling school, the state shall disburse the student's scholarship funds in equal monthly amounts, directly to the school for credit to the student's account. Monthly disbursements shall occur within 30 days of receipt of the school's statement of current enrollment.

(8) Expenditures for vouchers issued under this chapter and savings resulting from the implementation of this chapter shall count toward the minimum funding requirements for basic education established by law. Students enrolled in voucher-redeeming schools shall not be counted toward enrollment in state schools and community colleges for purposes of state funding of education.

**NEW SECTION. Sec. 6. EMPOWERMENT OF TEACHERS--CONVERSION OF SCHOOLS TO CHARTER SCHOOLS.** Within one year after the effective date of this act, the legislature shall establish an expeditious process by which state schools may become state voucher-redeeming charter schools.

(1) Except as otherwise required by law, the Washington State Constitution and the Constitution of the United States, charter schools shall operate under laws and rules no more restrictive than those applicable to independent schools regulated by chapter 28A.195 RCW and this chapter.

(2) Employees of such schools shall be permitted to continue and transfer their pension and health care programs on the same terms as other similarly situated participants employed by their school district as long as they remain in the employ of any such school.

**NEW SECTION. Sec. 7. STATE SCHOOL CHOICE.** Governing boards of school districts shall establish a mechanism consistent with federal law to allocate enrollment capacity based primarily on student choice. Any state school that chooses not to redeem scholarship vouchers shall, after district enrollment assignments based primarily on student choice are complete, open its remaining enrollment capacity to children regardless of residence. For fiscal purposes, children shall be deemed residents of the school district in which they are enrolled.

**NEW SECTION. Sec. 8. IMPLEMENTATION.** No later than May 31, 1997, the legislature shall enact legislation which implements this chapter and bring this title into compliance with the purposes and provisions of this chapter. The legislature shall enact legislation which clearly defines the meaning of "sectarian control or influence" for the purposes of this chapter. The provisions of this act are to be liberally construed to effectuate the policies and purposes of this act. In the event of conflict between this act and any other provision of law, the provisions of this act shall govern.

**NEW SECTION. Sec. 9. HOME-BASED EDUCATION.** Nothing in this chapter affects the laws and rules in existence on the effective date of this section pertaining to home-based instruction, including chapter 28A.200 RCW.

**NEW SECTION. Sec. 10. LIMITATION OF ACTIONS.** Any action or proceeding contesting the validity of (1) this chapter, (2) any provision of this chapter, or (3) the adoption of this chapter, shall be commenced within six months from the date of the election at which this chapter is approved; otherwise this chapter and all of its provisions shall be held valid, legal, and incontestable. However, this limitation shall not of itself preclude an action or proceeding to challenge the application of this chapter or any of its provisions to a particular person or circumstance.

**NEW SECTION. Sec. 11. CAPTIONS NOT LAW.** Captions as used in this chapter do not constitute any part of the law.

**NEW SECTION. Sec. 12.** Sections 1 through 11 of this act shall constitute a new chapter in Title 28A RCW.

**NEW SECTION. Sec. 13. SEVERABILITY.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

#### MESSAGE FROM THE SECRETARY OF STATE

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

We herewith respectfully transmit for your consideration a copy of Initiative to the Legislature Number 177, originally filed with this office on July 17, 1995. On December 29, 1995, the sponsor of the proposed initiative filed 15,498 petition sheets in support of the measure. We have completed our preliminary canvass of these petition sheets and have determined that they contain 248,482 signatures.

Accordingly, pursuant to the provisions of Article II, section 1 of the State Constitution, we are provisionally certifying Initiative to the Legislature Number 177 to you at this time. We expect to complete verification of signatures no later than February 7, 1996, and we will provide the Legislature with a final certification as soon as possible thereafter.

IN WITNESS WHEREOF, I have set my hand  
and affixed the Seal of the state of Washington,  
this eighth day of January, 1996.

(Seal) RALPH MUNRO

Secretary of State

#### INITIATIVE 177

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 177 to the Legislature is a true and correct copy as it was received by this office.

#### **The Education Excellence Initiative Initiative 1XX (FILED 8/1/95)**

An Initiative to the Legislature of the State of Washington  
FILED with the Secretary of State on July 17, 1995,  
REVIEWED by the Code Reviser between July 17 - 24, 1995, and  
REFILED with the Secretary of State on August 1, 1995

**for enactment without amendment during the January 1996 legislative session, or if not, to be enacted or rejected by a vote of the  
People no later than November 5, 1996.**

**PROPOSED Ballot Title**  
**(final ballot title to be drafted by the Attorney General):**  
[maximum of 20 words — 20 words shown below]

Shall voters decide whether their local school district should channel per-student funding to nonprofit independent public schools that parents choose?

**PROPOSED Ballot Measure Summary**  
**(final ballot measure summary to be drafted by the Attorney General):**  
[maximum of 75 words — 71 words shown below]

This measure gives local voters the option to renew their own school district. Within renewed school districts, nonprofit organizations may open new, independent public schools which parents may then choose for their own children. Per-student district funds (including any funds for special needs) would follow each student to the independent public schools that parents choose. All independent public schools would enjoy reduced regulations and provide an enrollment preference to low-income students.

AN ACT Relating to education; adding a new chapter to Title 28A RCW; creating a new section; and prescribing penalties.

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

**NEW SECTION. Sec. 1. PURPOSE.** The People have proposed and enacted this initiative to restore accountability, efficiency, and parental choice to public education. The current public school system has lost its academic focus, become excessively bureaucratic, and abridged the rights of parents and taxpayers. Accordingly, the People have chosen to use the initiative process to restore excellence to public education by returning power to parents and our communities.

**NEW SECTION. Sec. 2. SHORT TITLE.** Chapter . . . , Laws of 1996 (this act) shall be known as the Education Excellence Act.

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

(1) **"Renewed public school district"** means any public school district whose voters have voted to adopt the optional public education reforms authorized by this chapter.

(2) **"Public schools"** means both government-operated public schools and independent public schools.

(3) **"Parent" and "parents"** means that person or those persons who have legal custody of a child, including without limitation, a court-appointed guardian.

(4) **"Certificated teacher"** means any person who is certificated by the state board of education, under provisions adopted by the legislature, as qualified to teach at any publicly funded school in Washington, whether or not the person may also be an administrator.

(5) **"Low-income students"** means those students who qualify for assistance under a federally subsidized school meal program or who live in families whose most recent calendar year adjusted gross income was less than one hundred fifty percent of the federal poverty line, or who have met either criteria during any of the prior two years.

(6) **"Special needs students"** means those students who qualify as such under state and/or federal definitions for handicapped or learning assistance programs.

(7) **"Independent public school"** means a non-profit organization that has obtained a license to operate a public school in a renewed public school district in accordance with section 6(6) of this act.

(8) **"Government-operated public school"** means any public school that is managed by a public school district or a renewed public school district.

(9) **"Reasonable monthly rent"** means a monthly rent that does not exceed fair market value, i.e., the rent that would be charged in a free market to rent substantially similar property, without reference to replacement cost.

(10) **"Below-market monthly rent"** means a monthly rent that is more than 10% below fair market value.

**NEW SECTION. Sec. 4. ELIMINATION OF UNNECESSARY BUREAUCRACY IN RENEWED PUBLIC SCHOOL DISTRICTS THROUGH REDUCED REGULATIONS, INCREASED ACCOUNTABILITY AND PARENTAL CHOICE.**

(1) **CREATION OF INDEPENDENT PUBLIC SCHOOLS.** At any time on or before August 1st of each year, non-profit organizations may obtain licenses to open and operate new independent public schools in any renewed public school district, beginning with the first day of the next school year.

(2) **REDUCED REGULATIONS.** All independent public schools shall be exempt from all laws and rules except those that applied to approved private schools on December 31, 1994 or those that are specifically authorized by this chapter. Except for the payment of a reasonable processing fee, which shall not exceed two percent of the funds redistributed to an independent public school, and the payment of a reasonable monthly rent for any real and personal property owned by a renewed public school district and used by an independent public school, an independent public school shall not be required to pay for any services received from the district unless it specifically agrees to do so in writing. Similarly, except for providing transportation services in appropriate circumstances, a renewed public school district is not required to provide any services to any independent public school unless the school specifically agrees in writing to pay for the services. Each independent public school may contract for services with its renewed public school district or with any other willing provider.

(3) **INCREASED ACCOUNTABILITY.** All independent public schools shall be schools of choice: Students will usually attend only if their parents choose the school. Each independent public school shall receive public funding based on the number and special needs status of the students attending the school. In general, an independent public school shall receive more public funding as its enrollment increases, and/or as its enrollment of special needs students increases. Similarly, an independent public school shall receive less public funding as its enrollment decreases, and/or as its enrollment of special needs students decreases. An independent public school shall receive public funding only to the extent that parents choose to enroll their children at the school and educational services are actually provided. Any independent public school that does not have sufficient space to enroll all of the children seeking admission to the school may expand its operations immediately, either at its current site or at one or more additional sites.

(4) **PARENTAL CHOICE.**

(a) **PARENTS' RIGHT TO CHOOSE THE BEST SCHOOL FOR THEIR CHILDREN.** A parent who wants to send his or her school-age child to a public school in a renewed public school district may choose any public school with an opening in the district, or any other district, whether the school is a government-operated public school or an independent public school. In addition, a parent may withdraw his or her school-age child at any time from any government-operated public school or independent public school as long as he or she has already made alternative arrangements approved under state law.

**(b) DISTRICT CHOOSES FOR PARENTS WHO DO NOT CHOOSE.** If the parents of a school-age child fail to make a school choice before June 15th, the district shall assign the child to the public school that the district determines would provide the best educational environment for the child.

**(c) AUTHORIZED LIMITATIONS ON PARENTAL CHOICE.** The superintendent of a renewed public school district may, by sending a letter via certified mail, return receipt requested, limit a parent's choice to one or more of the public schools within the renewed public school district, but only in the following situations:

**(i) Truancy and Expulsions.** With respect to any student who has been expelled from a public school, or who has been absent from school without a reasonable excuse for more than five days during the school year, parental choice may be limited with respect to the balance of the school year only.

**(ii) Excessive School Changes.** With respect to any student who has changed public schools more than twice in any one school year without a change of residence, parental choice may be limited with respect to the balance of the school year only.

**(iii) Criminal Misconduct.** With respect to any student who has been convicted in any jurisdiction of criminal misconduct constituting a gross misdemeanor or a felony, parental choice may be limited indefinitely.

**(iv) Extraordinary Situations.** In extraordinary situations, the superintendent of a renewed school public school district may petition a court of competent jurisdiction to appoint a guardian solely for the purpose of selecting among the public schools in a renewed public school district. In such a proceeding, the superintendent shall have the burden of proving, with clear and convincing evidence, that the petition is in the best interests of the child involved.

**(d) UNAUTHORIZED LIMITATIONS ON PARENTAL CHOICE.** No contract may directly or indirectly limit a parent's right to choose the public school within a renewed public school district that the parent believes is the best public school for his or her child. The part of any contract that violates this section, including any no-competition covenant in any employment contract between a teacher and a public school, is unenforceable.

**NEW SECTION. Sec. 5. RIGHT OF THE PARENTS AND TEACHERS AT ANY GOVERNMENT-OPERATED PUBLIC SCHOOL TO CONVERT THEIR SCHOOL TO AN INDEPENDENT PUBLIC SCHOOL.**

**(1) MAJORITY SUPPORT REQUIRED.** A government-operated public school located in a renewed public school district shall convert to an independent public school if either:

**(a)** At least two-thirds of the families whose children attend the school sign a written petition to convert the school; or

**(b)** A majority of the families and a majority of the teachers employed full time at the school sign such a petition.

**(2) CONSENT MAY BE REVOKED AT ANY TIME BEFORE A PETITION IS FILED.** In two-parent families, either parent may sign on behalf of the family unless the other parent delivers a written and signed notice to the independent public school before the petition is filed with the renewed public school district and the superintendent of public instruction. Similarly, a parent or teacher may, in the same manner, withdraw his or her support for a petition at any time before it is filed with the renewed public school district and the superintendent of public instruction.

**(3) ARBITRATION OF DISPUTES.** Any challenge to a petition, including a challenge asserting a lack of sufficient support among a school's parents and/or teachers, shall be resolved by binding arbitration in accordance with section 21 of this act.

**(4) CONVERSION PROCESS.** The petition shall identify the existing or proposed independent public school that has accepted responsibility for managing the school site after the conversion, as well as the date the conversion shall take place. An independent public school created in this manner may continue to rent, at a reasonable monthly rate, the same school site and/or related facilities previously used by the government-operated public school. The renewed public school district shall not discontinue the rental arrangement as long as the independent public school agrees to and does pay a reasonable rent in a timely manner. Alternatively, the newly created independent public school may rent, lease, or purchase classroom or school facilities elsewhere in the district from any other willing provider.

**NEW SECTION. Sec. 6. REQUIREMENTS FOR INDEPENDENT PUBLIC SCHOOLS.** Independent public schools shall meet all of the following requirements:

**(1) INDEPENDENT PUBLIC SCHOOLS SHALL BE NON-PROFIT ORGANIZATIONS.** Every independent public school shall be a non-profit organization, including but not limited to non-profit corporations created in accordance with Title 24 RCW. The names and work addresses of all officers, principals, and board members of independent public schools shall be a matter of public record.

**(2) INDEPENDENT PUBLIC SCHOOLS SHALL PREPARE EDUCATION ACHIEVEMENT PLANS FOR EACH STUDENT.** An independent public school may receive public funding only for those students enrolled for whom an education achievement plan has been completed. Every request for public funding filed by an independent public school shall include a certification by the independent public school that it has a completed education achievement plan on file for each student listed. For purposes of this section, an education achievement plan shall be deemed completed if it is in writing and signed by the classroom teacher, the principal, and at least one of the student's parents. Every parent shall receive a fully signed copy of his or her student's education achievement plan each time it is prepared or formally reviewed, regardless of whether it is revised. In September, January, and June, each student's education achievement plan shall be prepared or formally reviewed and signed by the classroom teacher, the principal, and at least one of the student's parents.

**(3) INDEPENDENT PUBLIC SCHOOLS SHALL EMPLOY CERTIFICATED TEACHERS.** All independent public schools shall comply with the requirements for "approved" private schools that were in force on December 31, 1994, with respect to the number of teachers employed by the school who must be certificated teachers.

**(4) INDEPENDENT PUBLIC SCHOOLS SHALL MEET ALL OF THE REQUIREMENTS FOR OPERATING AN APPROVED PRIVATE SCHOOL THAT WERE IN FORCE ON 12/31/94.** All independent public schools shall meet all of the requirements for operating an approved private school that were in force on December 31, 1994.

**(5) INDEPENDENT PUBLIC SCHOOLS SHALL NOT BE REQUIRED TO IMPLEMENT "PERFORMANCE-BASED" EDUCATION UNDER HB-1209.** The timelines and requirements of chapter 336, Laws of 1993, also known as "House Bill No. 1209" shall be optional for independent public schools, just as they are optional for private schools and home-based instruction.

**(6) INDEPENDENT PUBLIC SCHOOLS SHALL OBTAIN A LICENSE TO OPERATE EACH YEAR.**

**(a) GENERAL RULES.** All independent public schools shall be licensed. To obtain an independent public school license, a non-profit organization shall file a license application with each renewed public school district in which it intends to operate no later than the August 1st before its first year of operation in the district, and file an application for license renewal during June or July of each subsequent year. All such applications shall include a copy of the applicant's non-profit certificate, articles of incorporation (if any) and bylaws, and a brochure, pamphlet or handout that includes the following information, if the information is reasonably available:

**(i)** The names, addresses, and telephone numbers of the applicant, its principal, and each member of its board of directors;

**(ii)** The scope, sequence, and benchmarks of the applicant's academic program or proposed program;

**(iii)** For renewal applications, if test score information is available, the average student test scores from the latest state-wide, objective, normed tests, and the average annual improvement in same-student test scores;

**(iv)** The names and qualifications of its current teachers and staff;

**(v)** Any affiliations with other institutions, public or private;

**(vi)** The applicant's expectations about student performance and behavior, including a copy of its current or proposed code of conduct;

**(vii)** Any problems known to the applicant's principal and board members that could have a substantial negative impact on the health or safety of its students;

(viii) The amount and kinds of coverage provided by the applicant's liability insurance policy, including the name and phone number of the insurance company, the policy number, and its renewal date; and

(ix) A description of each existing or proposed school site.

**(b) PROCEDURES FOR DENYING A LICENSE APPLICATION.** The renewed public school district shall approve or deny each application within fourteen days of its receipt and promptly forward approved applications to the superintendent of public instruction who shall promptly issue the license. No application may be denied unless the renewed public school district notifies the applicant in writing of specific substantial objections based upon a preponderance of the credible evidence that the applicant does not satisfy one or more of the specific requirements for an independent public school as set forth in this chapter, and unless the applicant is provided with a reasonable opportunity to cure the objections noted. License application denials may be appealed to the superintendent of public instruction or to an arbitrator appointed pursuant to section 21 of this act.

**(c) PROCEDURES FOR REVOKING AN APPROVED LICENSE.** Once an independent public school's initial application has been approved, its status as an independent public school shall not be revoked except upon proof of a substantial violation of the independent public school requirements after notice and an opportunity to cure or, if necessary, defend.

**NEW SECTION. Sec. 7. STUDENT DISCIPLINE AT INDEPENDENT PUBLIC SCHOOLS.**

**(1) GENERAL AUTHORITY OF PRINCIPALS AND BOARDS OF DIRECTORS.** Every independent public school shall promptly notify the superintendent of its renewed public school district of the names of its principal and board of directors. The principal is the person at the independent public school with day-to-day responsibility for school management, while the board of directors has ultimate management authority, including the authority to hire and fire the principal.

**(2) CODE OF CONDUCT AND STUDENT DISCIPLINE.** Each independent public school shall establish a code of conduct by providing a written copy to all enrolled students and student applicants, their parents, and the superintendent of the renewed public school district. Once a code of conduct has been established, the principal may discipline, suspend, or, for serious or habitual misconduct related to the school, expel any student upon giving a written notice and explanation to the student's parents and otherwise providing due process. Copies of all notices related to the suspension or expulsion of a student shall be sent to the superintendent of the renewed public school district, who shall not publicly disclose the identity of the student involved unless required to do so by court order or unless the violation included the use of a gun, knife or similar weapon.

**NEW SECTION. Sec. 8. EMPLOYMENT OF STAFF AT INDEPENDENT PUBLIC SCHOOLS.** An independent public school shall be independent of the renewed public school district for purposes of employment of teachers and other staff. Although the employees of an independent public school are free to designate a union as their collective bargaining representative in accordance with federal and state law, any collective bargaining agreement negotiated by a renewed public school district with respect to its government-operated public schools shall not apply to any independent public schools located within the district. Like any other non-profit organization, an independent public school may hire, fire and compensate its employees, consultants, and other service providers as it deems appropriate, subject to all relevant laws and rules, including those relating to collective bargaining when employees have chosen to be represented by a union.

**NEW SECTION. Sec. 9. LOCAL VOTERS SHALL HAVE THE OPTION TO RENEW THEIR PUBLIC SCHOOL DISTRICT THROUGH REDUCED REGULATIONS, INCREASED ACCOUNTABILITY, AND PARENTAL CHOICE.**

**(1) STATE-WIDE, DISTRICT-BY-DISTRICT ELECTIONS.** Each public school district shall take whatever steps are necessary to place a ballot question before the voters of the district on the earliest possible election day, other than a day in February, following the date this act takes effect, with the ballot question phrased as follows:

"Shall the . . . . public school district be reformed, as authorized by the Education Excellence Act?"

**(2) EFFECT OF "YES" VOTE IN A PARTICULAR SCHOOL DISTRICT.** If a majority of those voting in any public school district vote "yes", to renew the public school district, this chapter shall regulate the renewed public school district until such time, if ever, that a majority of those voting in a subsequent district-wide election vote otherwise. Whether the voters decide to adopt or withdraw from the education reforms authorized by this chapter, the change shall not take place until the beginning of the next school year.

**(3) VOTERS' RIGHT TO CHANGE BACK TO A NON-RENEWED SCHOOL DISTRICT.** Once the voters in a public school district have voted to adopt the education reforms authorized by this chapter, the district may not revert to its former status except by a vote of its electorate held on the election day that is closest to the sixth, twelfth, eighteenth, etc. anniversary of the original vote to become a renewed public school district. The school board may put the issue to the voters at that time in the same manner that a board may ask its voters to approve a bond or levy.

**(4) SCHOOL BOARDS MAY OFFER VOTERS THE CHOICE TO RENEW THE DISTRICT AT ANY TIME.** The school board in every public school district that has not adopted the education reforms authorized by this chapter may put the issue to its voters again at any time in the same manner that a board may ask its voters to approve a bond or levy.

**(5) SCHOOL BOARDS MUST OFFER VOTERS THE CHOICE TO RENEW THE DISTRICT WHENEVER VOTERS ARE ASKED TO APPROVE A BOND OR LEVY.** In every public school district that has never been a renewed public school district, the board shall, whenever it asks its voters to approve a bond or levy, also ask its voters again whether they want to adopt the education reforms authorized by this chapter and thereby convert the district to a renewed public school district.

**NEW SECTION. Sec. 10. REQUIREMENTS FOR ALL GOVERNMENT-OPERATED AND INDEPENDENT PUBLIC SCHOOLS WITHIN A RENEWED PUBLIC SCHOOL DISTRICT.** All public schools within a renewed public school district, whether government-operated or independent, shall satisfy all of the following requirements, with monthly reports due by the 15th of the following month, and annual reports due by August 15:

**(1) DISCRIMINATION PROHIBITED.** Public schools shall not discriminate against prospective or current students or parents based on their race, color, national origin, ethnicity, family income, religion, place of residence, or any criteria forbidden by federal or state constitutions or laws. Although public schools shall not deny admission on the basis of gender, they may teach children using single-gender classrooms.

**(2) HATE GROUPS PROHIBITED.** No public school may advocate unlawful behavior or teach hatred of any person or group.

**(3) EXTRA TUITION PROHIBITED.** No public school may require any tuition or fees in excess of the funds provided by federal, state, and local taxes. However, public schools may charge reasonable fees for extracurricular programs, including non-required summer instruction.

**(4) PREFERENCE FOR LOW-INCOME STUDENTS REQUIRED.** Each public school shall reserve at least fifteen percent of its actual enrollment for low-income students. If timely applications from such students are fewer than the places available, all low-income students who apply shall be admitted; if timely applications from low-income students exceed the places available, the school may use any lawful criteria to select the low-income students who are offered preferred admission. The school board of a renewed public school district may increase the minimum low-income preference percentage from fifteen percent to the district's average percentage enrollment of low-income students, but only if the standard is applied equally to independent public schools and government-operated public schools. Except to the extent necessary to satisfy this requirement, no public school may consider a student's family income when deciding whether to enroll a student.

**(5) PUBLIC DISCLOSURE OF OPENINGS REQUIRED.** Each public school shall disclose monthly to the renewed public school district, as a matter of public record, the number of low income and other students enrolled, the number of students on any waiting list, and whether any openings are available for new students. Unless more than the required minimum percentage of a public school's students

are already low-income students, low-income students who are already on the school's waiting list shall be given the first opportunity to fill any available openings for new students.

**(6) PUBLIC DISCLOSURE OF FINANCIAL PERFORMANCE REQUIRED.** Each public school shall disclose annually to the renewed public school district, as a matter of public record, its financial performance during the previous school year, including all significant categories of revenue and expense, and all significant sources and uses of cash.

**(7) PUBLIC DISCLOSURE OF STUDENT TURNOVER REQUIRED.** Each public school shall disclose annually to the renewed public school district, as a matter of public record, its student turnover, including the number of students attending at the beginning of the school year, the number who transferred in and out, the number expelled, the number who dropped out, and the number who graduated, including the gender and ethnic background of the students in each category.

**(8) CONFIDENTIAL DISCLOSURE OF ATTENDANCE REQUIRED.** Each public school shall disclose monthly, in confidence to the renewed public school district, the attendance of each child enrolled, and whether each absence was excused or unexcused. A brief explanation of all excused absences during the current and previous school year shall be kept on file by the public school. For purposes of this section, a child is in attendance if he or she is physically present in the classroom, although the superintendent of the renewed public school district may grant a waiver of this requirement, as appropriate.

**(9) PUBLIC DISCLOSURE OF WRITTEN COMPLAINTS REQUIRED.** Each public school shall disclose monthly to the renewed public school district, as a matter of public record, all written complaints received which were authored by identified parents, students, or others. The public school may also disclose its written response to any such complaints. All references in the publicly disclosed documents to particular teachers, students, and parents shall be kept confidential, however, to preserve the privacy of the affected parties, unless a court of competent jurisdiction orders otherwise.

**(10) PUBLIC DISCLOSURE OF AVERAGE TEST SCORES REQUIRED.** Subject to the limitation of section 6(5) of this act, the students attending each public school shall participate in any objective, normed tests required by the legislature and administered statewide in all school districts to all students in specific grade or ability levels. To the extent it can be done without compromising the confidentiality of any student's personal scores, each public school shall disclose promptly, to the renewed public school district, as a matter of public record, the following test results: (a) The average score for all students tested by age or grade level; and, if available, (b) the average annual improvement in same-student performance, in total, and also by student age, gender, and ethnicity. Individual results, including percentile performance when available, shall be released only to the student's parents.

**(11) NO SIMULTANEOUS ENROLLMENT; POWER TO CONTRACT FOR SUPPLEMENTAL SERVICES.** An individual student shall only enroll in one public school at one time. Any public school may, however, contract with one or more other public schools to provide part of the education services received by its students.

#### **NEW SECTION. Sec. 11. RESPONSIBILITIES OF SCHOOL BOARDS AND SUPERINTENDENTS IN RENEWED PUBLIC SCHOOL DISTRICTS.**

**(1) AMPLE PROVISION MUST BE MADE FOR THE EDUCATION OF EACH CHILD RESIDING IN A RENEWED PUBLIC SCHOOL DISTRICT.** The superintendent and school board of a renewed public school district shall take every reasonable action available to assure that ample provision is made for the education of every child residing in the district, and that all constitutional mandates are met. Although a child's parents will usually be in the best position to determine which particular public school within the district is best for their child, the superintendent may restrict parental choice in those specific instances set forth in section 4(4)(c) of this act.

**(2) RENEWED PUBLIC SCHOOL DISTRICTS SHALL CHOOSE THE BEST SCHOOL FOR EACH CHILD WHOSE PARENTS DON'T CHOOSE.** If the parents of a school-age child fail to make a school choice before June 15th, the district shall assign the child to the public school that the district determines would provide the best educational environment for the child.

**(3) RENEWED PUBLIC SCHOOL DISTRICTS SHALL ADMINISTER ALL GOVERNMENT-OPERATED PUBLIC SCHOOLS IN THE DISTRICT.** Renewed public school districts shall continue to administer all of the government-operated public schools in the district.

**(4) RENEWED PUBLIC SCHOOL DISTRICTS MAY CONSTRUCT NEW FACILITIES AND SELL EDUCATION-RELATED SERVICES.** Renewed public school districts may continue to own, purchase, and construct schools and other education-related facilities for use by government-operated public schools or for purposes of selling or renting these facilities, at reasonable prices, to independent public schools. In addition, renewed public school districts may, in competition with other providers, offer education enhancement, business management, and other consulting or support services to public schools and related entities.

**(5) RENEWED PUBLIC SCHOOL DISTRICTS MUST RENT SURPLUS SCHOOL PROPERTY TO INTERESTED INDEPENDENT PUBLIC SCHOOLS AND USE THE NET PROCEEDS TO BENEFIT LOW-INCOME STUDENTS.** If a renewed public school district owns school facilities that are vacant or are being used for purposes other than K-12 education, and if an independent public school offers to rent some or all of these facilities under a standard rental agreement at a reasonable monthly rent, the district shall accept the offer. If the parties cannot agree on what constitutes a "standard rental agreement" or a "reasonable rent" the issues shall be resolved by arbitration in accordance with section 21 of this act. The district may not thereafter unilaterally discontinue the rental arrangement as long as the independent public school agrees to pay and pays a reasonable monthly rent in a timely manner. A renewed public school district may accept an offer to pay below-market rent, but only if the independent public school promises that at least fifty percent of its students will be low-income or special needs students, or that it will provide certain specified additional services to these students in exchange for a lower rent. The net proceeds from all such rentals (after deducting the district's costs of maintaining the property rented) shall be deposited in a restricted account controlled by the renewed public school district, but that may be used solely by the district to provide additional incentives for independent public schools to locate or continue operating in neighborhoods populated primarily by low-income students. Districts that do not have any neighborhoods populated primarily by low-income students shall use the money to provide additional incentives for independent public schools to provide additional services to low-income students.

**(6) RENEWED PUBLIC SCHOOL DISTRICTS MAY SELL SURPLUS SCHOOL PROPERTY FOR USE AS SITES FOR INDEPENDENT PUBLIC SCHOOLS AND USE THE NET PROCEEDS TO BENEFIT LOW-INCOME STUDENTS.** Beginning with the initial school year and for a period of ten years thereafter, a renewed public school district that owns school facilities that are vacant or are being used for purposes other than K-12 education may sell the property to any interested buyer but only on condition that the new owner and its heirs and assigns forever agree to use the property solely as the location for one or more independent public schools as long as the district remains a renewed public school district. The net proceeds from any such sale shall be deposited into the restricted account described in subsection (5) of this section. A renewed public school district that owns school facilities that are still vacant or used for purposes other than K-12 education ten years after the initial school year may sell the property to any buyer without any conditions as long as the net proceeds are deposited into the restricted account.

**(7) WIND UP OF FAILING SCHOOLS BY DISTRICT.** If an independent public school for any reason discontinues operation before the end of a school year, the superintendent of the renewed public school district may assume control of the independent public school, employ certificated teachers and staff, and otherwise provide for the operation and management of the school, but only for the balance of the school year. The district shall not, however, be required to assume responsibility for any debts incurred by the independent public school before its wind up by the district.

**(8) DISSEMINATION OF PUBLIC INFORMATION TO INTERESTED PERSONS.** Each renewed public school district shall provide free reasonable access to every interested person to its public records concerning each public school located within the district. Each renewed public school district shall provide free by telephone, mail, facsimile, and electronic mail to any person requesting the information, the names, addresses, and telephone numbers of each public school located in the district, or in any one or more of the postal zip

code areas within the district. Each renewed public school district shall also mail at no charge to any person living in the district the brochures describing up to ten different public schools, but only to the extent that the public schools involved have supplied sufficient copies of their brochures to the district. The district may mail more than ten brochures to interested persons if it chooses to do so.

**(9) STATE'S RESPONSIBILITY FOR UNFUNDED AND UNDERFUNDED MANDATES.** If a court of competent jurisdiction holds that the amount allocated by the state to pay for the education of a special needs child who resides in a renewed public school district is not in fact sufficient to comply with the requirements of state and/or federal law, and if the renewed public school district is found to have spent the allocated dollars appropriately, then, to that extent, the state, and not the renewed public school district, shall bear the cost of complying with the court's ruling.

**NEW SECTION. Sec. 12. ALLOCATION OF PUBLIC EDUCATION FUNDS IN RENEWED PUBLIC SCHOOL DISTRICTS.** If a majority of the voters in any public school district vote to implement the provisions of this chapter in their district, the district shall become a renewed public school district and shall, beginning with the next school year, promptly redistribute all money received from federal, state, and local sources, as follows:

**(1) GOVERNMENT-OPERATED PUBLIC SCHOOLS.** The district shall redistribute to itself all funds received as a result of the number and special needs status of every student enrolled at its government-operated public schools.

**(2) INDEPENDENT PUBLIC SCHOOLS.** Except for the payment of a reasonable processing fee, which shall not exceed two percent of the funds redistributed, the district shall redistribute to each independent public school located within the district a fair share of all federal, state and local funds received by the district, other than funds restricted to transportation expenses or capital improvements.

**(a)** Each renewed public school district shall receive full state funding for every child attending any public school located within the district, regardless of whether these public schools are government-operated or independent.

**(b)** Each renewed public school district shall redistribute to the independent public schools located within the district, by the 20th of each month during the months of October through September, each independent public school's fair share of all federal, state, and local funds received by the district.

**(c)** Funds shall be redistributed to each independent public school based on the following formula:

$$\frac{\text{School days in previous month}}{\text{School days in the school year}} \times \frac{\text{The annual public funding for each child attending the school plus the additional funds provided for each special needs child attending the school}}{\text{The total number of school days in the previous month to the total number of school days in the current school year, multiplied by the annual public funding due for each child enrolled plus the additional annual public funding for each special needs child enrolled.}}$$

Expressed as a sentence, the formula is the ratio of the total number of school days in the previous month to the total number of school days in the current school year, multiplied by the annual public funding due for each child enrolled plus the additional annual public funding for each special needs child enrolled. If exact numbers are not available, the district shall use the best available estimate and then make subsequent adjustments as needed.

**(d)** To be entitled to payment by the 20th of each month, an independent public school shall supply the district, by the 5th of each month, with the identity of all children who attended the school in the previous month, along with their special needs status, and attendance summary.

**(e)** Distributions shall be prorated for each child who was not enrolled at an independent public school during the entire previous month.

**(f)** The district may deduct from all funds redistributed to independent public schools a reasonable processing fee, which shall not exceed two percent of the funds redistributed.

**(g)** The annual public funding due for each child enrolled shall equal the amount of funds the school district expects to receive for all non-special needs children from federal, state and local sources, divided by the number of non-special needs students enrolled in the district.

**(h)** The annual public funding due for each special needs child enrolled shall equal the amount of funds the school district expects to receive for each of the separate categories of special needs children from federal, state and local sources, divided by the number of special needs students in each category that are enrolled in the district.

**(i)** This section does not prohibit any public school from operating on a year-round schedule, or a schedule of more than 180 instructional days, and the legislature may, at its option, provide additional funds for public schools that choose to do so.

**(3) PRIVATE SCHOOLS.** Private schools that do not voluntarily convert to independent public schools shall not receive any state or local funds pursuant to this chapter.

**(4) TRANSPORTATION EXPENSES.** Renewed public school districts shall provide free transportation for all students residing within the district and attending public schools within the district that are not located within a safe walking distance, as defined by the district, as follows:

**(a) LOW-INCOME AND SPECIAL NEEDS STUDENTS.** A renewed public school district shall provide free transportation for every low-income and special needs student, regardless of which government-operated public school or independent public school is chosen.

**(b) OTHER STUDENTS.** A renewed public school district may provide free transportation to every student, regardless of which government-operated public school or independent public school is chosen, or it may limit free transportation to one or more of the nearest government-operated public schools. However, a renewed public school district that is willing to provide free transportation to a student attending a government-operated public school shall also provide free transportation to any independent public school chosen by the student's parents that is located within a one-half mile radius of the government-operated public school. In addition, a renewed public school district shall provide free transportation to any student attending any independent public school if the school agrees in writing to reimburse the district monthly for its marginal cost of providing this service. A renewed public school district may also, at its option, provide free transportation to all or any reasonable category of students attending independent public schools located in the district. A renewed public school district shall be reimbursed by the state for its legitimate transportation expenses as if every independent public school were a government-operated public school.

**(5) CAPITAL IMPROVEMENT EXPENSES.** State funds that are constitutionally restricted to capital improvements must be spent on capital improvements. However, except to the minimum extent required by the state constitution, all other state funds distributed to renewed public school districts shall be distributed without restrictions so as not to discriminate against independent public schools or impair their operational flexibility. Renewed public school districts may, however, subject to voter approval, raise additional funds for capital improvements through local levies and bonds.

**(6) OTHER EXPENSES; SPECIAL RULE FOR FEDERAL FUNDS AND PRIVATE GRANTS.** All money received by a renewed public school district that is not redistributed as a result of the previous subsections shall be redistributed on an equal per student basis among all of the public schools in the district. However, all federal funds and private grants that are received by the district subject to certain conditions shall not be redistributed to any independent public school which refuses to either comply with the conditions or pay its reasonable share of obtaining and administering the funds.

**NEW SECTION. Sec. 13. NO DISCRIMINATION AGAINST RENEWED PUBLIC SCHOOL DISTRICTS OR INDEPENDENT PUBLIC SCHOOLS.**

**(1)** The state shall not discriminate against renewed public school districts in providing funding or in any other manner.

(2) Except for the requirements set forth in this chapter and any rules adopted in accordance with the procedures set forth in this section, there shall be no other requirements or rules imposed on independent public schools, whether by the state or any county, city, or other government or quasi-governmental entity.

(3) Independent public schools shall receive the same tax exemptions and other tax benefits currently enjoyed by public schools in non-renewed public school districts.

(4) Neither the superintendent of public instruction nor the state board of education may issue rules that limit the operational flexibility of independent public schools unless and until the rules are specifically approved by statute or by a majority vote of all independent public schools.

(5) This section does not authorize the legislature to take any action in collaboration with the superintendent of public instruction or state board of education that the legislature would be prohibited from doing on its own.

**NEW SECTION. Sec. 14. LOCAL SCHOOL LEVIES.** A renewed public school district may continue to place levy and bond proposals before the voters in the district, in accordance with the law, but the proposed uses of the proceeds of all such proposals shall be identified in advance of the election and then spent accordingly.

**NEW SECTION. Sec. 15. EQUAL TAX TREATMENT OF NON-GOVERNMENTAL SERVICE PROVIDERS.** Individuals and organizations that compete with renewed public school districts in the sale, lease, or rental of schools, education-related equipment, or supplies to independent public schools shall, with respect to such activities, be taxed by the state and its localities in the same manner and receive the same exemptions as public school districts.

**NEW SECTION. Sec. 16. HOME-BASED EDUCATION PROTECTION CLAUSE.** Nothing in this chapter affects the laws and rules in existence on the effective date of this section pertaining to home-based instruction, including chapter 28A.200 RCW.

**NEW SECTION. Sec. 17. BENEFIT AND SENIORITY PROTECTION FOR EMPLOYEES OF INDEPENDENT PUBLIC SCHOOLS.** To the extent that any employee of an independent public school would be eligible for any state-financed employment benefits if employed at a government-operated school, he or she shall receive the same state-financed employment benefits while employed at an independent public school. Any government entity that currently offers a non-state financed pension, health care plan, or other benefit plan to an employee who subsequently becomes an employee of an independent public school shall offer each such individual the option of continuing to participate without penalty in any or all of the applicable benefit plans as long as the independent public school pays one hundred percent of the cost of his or her continued participation. If their employment with an independent public school terminates, or if the voters in a renewed public school district vote to return the district to a non-renewed district, all certificated teachers and classified employees who were employed by the district in the school year immediately before it became a renewed public school district shall have the right to resume their employment with the district beginning with the next school year without any loss of salary, benefits, or seniority. Any years employed at an independent public school shall be considered as additional years employed by the district.

**NEW SECTION. Sec. 18. RULE OF CONSTRUCTION.** This chapter shall be liberally construed to effectuate its purpose of giving local school district voters the option to improve public education within their district through education reforms based on deregulation, accountability, and parental choice.

**NEW SECTION. Sec. 19. SUPPLEMENTAL RULES.** This chapter is self-executing. However, the state board of education, the superintendent of public instruction, the educational service districts, local school boards, and local school district superintendents shall use their best efforts to facilitate the successful implementation of the letter and intent of this chapter. To that end, they may take actions and/or issue rules, in the manner provided by law, for purposes of facilitating the successful implementation of this chapter, including routine audits of public school records and operations for purposes of monitoring compliance with this chapter. Any delay in issuing rules or performing any other duty created in this chapter shall not be used to justify any delay in its implementation.

**NEW SECTION. Sec. 20. APPLICABILITY OF CONSUMER PROTECTION ACT.** The operation of public schools within a renewed public school district is a matter affecting the public interest for the purpose of applying chapter 19.86 RCW. Any person who is injured by an unfair or deceptive act or practice in connection with a public school within a renewed public school district, including but not limited to fraud, misrepresentation, monopolization, or attempted monopolization, is entitled to all of the remedies provided by the consumer protection act, chapter 19.86 RCW, including, without limitation, its treble damages provision. In any such litigation, the prevailing party shall recover from the other all of its reasonable costs, including attorneys' fees and expert witness fees. The legislature may enact additional civil and criminal penalties for persons who engage in unfair or deceptive conduct in connection with the operation of public schools within renewed public school districts.

**NEW SECTION. Sec. 21. BINDING ARBITRATION OF DISPUTES.**

(1) If a renewed public school district and an independent public school cannot agree on what constitutes a reasonable rent or any other issue, either party may initiate a binding arbitration before an arbitrator appointed by the presiding judge of the local superior court. Each side shall submit in writing its final offer at least fourteen calendar days before the arbitration hearing. The arbitrator's authority is limited to choosing between the proposed monthly rent or other resolution of the dispute submitted by one side or the other, and the prevailing party shall recover from the other all of its reasonable costs of arbitration, including attorneys' fees and expert witness fees. The decision of the arbitrator shall be final with respect to the issue arbitrated. The superior court shall enter judgment on the award at the request of either party in accordance with RCW 7.04.150.

(2) Disputes between an independent public school or applicant and the superintendent of public instruction concerning the renewal or issuance of a license to operate an independent public school shall be resolved in accordance with subsection (1) of this section.

(3) Disputes between an independent public school and anyone challenging the conversion of a government-operated public school to an independent public school pursuant to section 5 of this act shall be resolved in accordance with subsection (1) of this section.

**NEW SECTION. Sec. 22. SEVERABILITY CLAUSE.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 23. CAPTIONS NOT LAW.** Captions used in this act do not constitute any part of the law.

**NEW SECTION. Sec. 24.** Sections 1 through 23 of this act shall constitute a new chapter in Title 28A RCW.

**NEW SECTION. Sec. 25.** Within one year of the enactment of this chapter, the house of representatives and senate committees on education shall develop and recommend legislation to bring Title 28A RCW into compliance with this act. Any failure to pass any such legislation shall not, however, affect the validity and enforceability of this chapter.

## MOTION

On motion of Senator Spanel, the Messages from the Secretary of State regarding Initiative 173 and Initiative 177 were held on the desk.

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

MESSAGES FROM THE HOUSE

January 8, 1996

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8423, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

January 8, 1996

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8424, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

January 8, 1996

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8425, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

January 8, 1996

MR. PRESIDENT:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4420, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

January 8, 1996

MR. PRESIDENT:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4421, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8423.

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8424.

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8425.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4420,  
HOUSE CONCURRENT RESOLUTION NO. 4421.

MOTION

At 1:34 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 1:59 p.m. by President Pritchard.

MESSAGE FROM THE HOUSE

January 8, 1996

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 1023, notwithstanding the Governor's veto, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

Senator Snyder moved that Engrossed House Bill No. 1023 with the Governor's veto message be referred to the Committee on Ways and Means.

POINT OF INQUIRY

Senator McDonald: "Senator Snyder, is it your intention by doing this that we will not deal with these gubernatorial overrides?"  
Senator Snyder: "I am presuming that we are going to pass other bills that deal with the same subjects and if the time comes, my intention is to have a property tax bill and a B & O tax reduction out of here before the session ends. I would like to have them early in the

session so the county officials on the property tax can get it in place, because as Senator Loveland said earlier, January 31 is the drop dead date and we have, in our bill, January 1, 1996, and we would like to expedite these bills and get them passed. We are disappointed we didn't pass those bills today, so one way or another and I won't say that we will not work on them, but we may be forced to act on them. I don't know."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Snyder to refer Engrossed House Bill No. 1023 and the Governor's veto message to the Committee on Ways and Means.

The motion by Senator Snyder carried and Engrossed House Bill No. 1023 and the Governor's veto message were referred to the Committee on Ways and Means.

#### MESSAGE FROM THE HOUSE

January 8, 1996

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1957, notwithstanding the Governor's veto, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Snyder, Engrossed Substitute House Bill No. 1957 and the Governor's veto message were referred to the Committee on Ways and Means.

#### MOTION

At 2:06 p.m., on motion of Senator Spanel, the Senate adjourned until 3:30 p.m., Tuesday, January 9, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FIRST DAY, JANUARY 8, 1996

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**SECOND DAY**

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AFTERNOON SESSION  
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Senate Chamber, Olympia, Tuesday, January 9, 1996  
The Senate was called to order at 3:30 p.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Reed McNeil and Steven McCarron, presented the Colors. Reverend Bruce Armstrong, pastor of the Lacey Presbyterian Church, offered the prayer.

MOTION

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

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

January 4, 1996  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:  
I have the honor to submit the following appointment, subject to your confirmation.  
Kristianne Blake, appointed January 4, 1996, for a term ending September 30, 1997, as a member of the Spokane Joint Center for Higher Education.  
Sincerely,  
MIKE LOWRY, Governor  
Referred to Committee on Higher Education.

January 4, 1996  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:  
I have the honor to submit the following reappointment, subject to your confirmation.  
David Clack, reappointed January 4, 1996, for a term ending September 30, 1999, as a member of the Spokane Joint Center for Higher Education.  
Sincerely,  
MIKE LOWRY, Governor  
Referred to Committee on Higher Education.

January 4, 1996  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:  
I have the honor to submit the following reappointment, subject to your confirmation.  
Maurice McGrath, reappointed January 4, 1996, for a term ending September 30, 1999, as a member of the Spokane Joint Center for Higher Education.  
Sincerely,  
MIKE LOWRY, Governor  
Referred to Committee on Higher Education.

January 4, 1996  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:  
I have the honor to submit the following reappointment, subject to your confirmation.  
Judge Michael Spearman, reappointed January 4, 1996, for a term ending August 2, 1998, as a member of the Sentencing Guidelines Commission.  
Sincerely,  
MIKE LOWRY, Governor  
Referred to Committee on Law and Justice.

January 4, 1996  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Carol A. Wendle, reappointed January 4, 1996, for a term ending September 30, 1999, as a member of the Spokane Joint Center for Higher Education.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

#### INTRODUCTION AND FIRST READING

SB 6196 by Senator Morton

AN ACT Relating to shoreline management exemptions; and reenacting and amending RCW 90.58.030.

Referred to Committee on Ecology and Parks.

SB 6197 by Senator Swecker

AN ACT Relating to water supply augmentation; amending RCW 90.03.370; adding new sections to chapter 90.03 RCW; adding a new section to chapter 90.44 RCW; and creating new sections.

Referred to Committee on Ecology and Parks.

SB 6198 by Senators Long and Fraser (by request of Department of Retirement Systems)

AN ACT Relating to collection of state retirement system overpayments; and adding new sections to chapter 41.50 RCW.

Referred to Committee on Ways and Means.

SB 6199 by Senator Snyder

AN ACT Relating to tax deferrals for a new destination resort hotel; and adding a new chapter to Title 82 RCW.

Referred to Committee on Ways and Means.

SB 6200 by Senators Hargrove, A. Anderson, Fraser, Owen, Swecker, Spanel, Morton, Haugen and Rasmussen

AN ACT Relating to county excise tax on harvesters of timber; and amending RCW 84.33.051.

Referred to Committee on Ways and Means.

SB 6201 by Senators Haugen, Winsley, A. Anderson and McCaslin

AN ACT Relating to the powers of initiative and referendum within counties; and adding new sections to chapter 36.01 RCW.

Referred to Committee on Government Operations.

SB 6202 by Senators Haugen and McCaslin

AN ACT Relating to five-member boards of county commissioners; and amending RCW 36.32.055.

Referred to Committee on Government Operations.

SB 6203 by Senators Haugen, Winsley and Fraser

AN ACT Relating to acquiring and maintaining conservation areas; amending RCW 82.46.070; adding a new section to chapter 82.45 RCW; adding a new section to chapter 43.99 RCW; and providing for submission of this act to a vote of the people.

Referred to Committee on Government Operations.

SB 6204 by Senators Haugen, Smith, Winsley, Hale and Schow

AN ACT Relating to penalties for driving without a driver's license and negligent driving; amending RCW 46.61.525; reenacting and amending RCW 46.20.021 and 46.63.020; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6205 by Senators Haugen, Winsley, Quigley and Long

AN ACT Relating to new counties; amending RCW 36.09.010, 36.09.020, 2.06.030, 36.32.020, and 84.09.030; adding new sections to chapter 36.09 RCW; adding a new section to chapter 47.01 RCW; creating new sections; recodifying RCW 36.09.010 and 36.09.020; repealing RCW 4.12.070, 36.09.035, 36.09.040, and 36.09.050; and prescribing penalties.

Referred to Committee on Government Operations.

SB 6206 by Senators Haugen, Pelz, Winsley, Hale and Prentice

AN ACT Relating to the program regulating cosmetology, barbering, esthetics, and manicuring; amending RCW 18.16.050, 18.16.150, and 18.16.175; and adding a new section to chapter 18.16 RCW.

Referred to Committee on Labor, Commerce and Trade.

SB 6207 by Senators Haugen, Smith, Winsley, Hale, Long, Schow, Roach, Kohl, Prentice and Heavey

AN ACT Relating to investigative interviews of child victim witnesses; adding a new section to chapter 9.73 RCW; and creating new sections.

Referred to Committee on Law and Justice.

SB 6208 by Senators Haugen, Johnson, Bauer, Winsley and Schow

AN ACT Relating to misdemeanor probation services; and amending RCW 10.64.120.

Referred to Committee on Human Services and Corrections.

SB 6209 by Senators Wojahn, Snyder, McDonald and Sellar

AN ACT Relating to special license plates for vehicles registered to foreign organizations; and amending RCW 46.16.371.

Referred to Committee on Transportation.

SB 6210 by Senators Fraser, Swecker, Drew, Owen, Oke, Prentice, A. Anderson, Strannigan, Haugen, Bauer and Rasmussen

AN ACT Relating to habitat mitigation; adding new sections to chapter 90.48 RCW; and adding new sections to chapter 75.20 RCW.

Referred to Committee on Ecology and Parks.

SB 6211 by Senators Haugen, Smith, Hale, McCaslin and Hochstatter

AN ACT Relating to criminal justice costs; adding a new section to chapter 39.34 RCW; and providing an effective date.

Referred to Committee on Government Operations.

SB 6212 by Senators Winsley, Rasmussen and Haugen

AN ACT Relating to noxious aquatic weeds; adding new sections to chapter 90.48 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ecology and Parks.

SB 6213 by Senators Morton, Loveland, Haugen, Swecker, Hale, McDonald, Sellar and Schow

AN ACT Relating to definitions for emergency management; and amending RCW 38.52.010.

Referred to Committee on Government Operations.

SB 6214 by Senators Snyder, Newhouse, Rasmussen, Morton, Prince and Hargrove

AN ACT Relating to horticultural facilities; amending RCW 19.27.015; adding a new section to chapter 19.27 RCW; and declaring an emergency.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SB 6215 by Senators Bauer, Long, Fraser and Winsley (by request of Joint Committee on Pension Policy)

AN ACT Relating to the provision of a one-time adjustment of one and three hundred sixty-six thousands cents to the retirement allowance annual increase; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; creating a new section; and repealing RCW 41.04.275.

Referred to Committee on Ways and Means.

SB 6216 by Senator McAuliffe (by request of Board of Education and Superintendent of Public Instruction Billings)

AN ACT Relating to state board of education office staff; and amending RCW 28A.305.110 and 28A.300.020.

Referred to Committee on Education.

SB 6217 by Senators Johnson and McAuliffe (by request of Board of Education)

AN ACT Relating to demonstrating basic skills for entrance into a teacher preparation program; and amending RCW 28A.410.020.

Referred to Committee on Education.

SB 6218 by Senators Hargrove, Long and Kohl

AN ACT Relating to the protection of community public health and safety network members; and amending RCW 4.92.060, 4.92.070, and 4.92.075.

Referred to Committee on Human Services and Corrections.

SB 6219 by Senators Hargrove, Long and Kohl

AN ACT Relating to revisions to the membership of community public health and safety networks; amending RCW 70.190.060; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 6220 by Senators Owen, Moyer, Swecker, Sutherland, Drew, Rinehart, Goings, Snyder, Quigley, Haugen, Winsley, Oke, Roach, Bauer, Prentice, Hargrove, Sheldon, Wojahn, Finkbeiner and Rasmussen

AN ACT Relating to increased benefits for volunteer fire fighters; amending RCW 41.24.150 and 41.24.160; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6221 by Senators Kohl, Long, Fairley, McAuliffe, Prentice, Franklin, Winsley, Oke, Bauer and Rasmussen

AN ACT Relating to biennial background checks of persons providing services to children, developmentally disabled persons, and vulnerable adults; amending RCW 43.43.832, 43.43.834, and 43.43.838; reenacting and amending RCW 43.43.840; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 6222 by Senators Pelz, Deccio and Newhouse (by request of Department of Labor and Industries)

AN ACT Relating to self-insurance administrative procedures; and amending RCW 51.14.090 and 51.32.190.

Referred to Committee on Labor, Commerce and Trade.

SB 6223 by Senators Pelz, Deccio and Newhouse (by request of Department of Labor and Industries)

AN ACT Relating to uniform construction trade administrative procedures; and amending RCW 18.27.030, 18.106.020, 18.106.100, 18.106.180, 18.106.200, 19.28.123, 19.28.350, 19.28.540, and 19.28.620.

Referred to Committee on Labor, Commerce and Trade.

SB 6224 by Senators Pelz, Deccio, Wojahn and Newhouse (by request of Department of Labor and Industries)

AN ACT Relating to providing flexibility for vocational rehabilitation benefits within the long-term disability pilot projects; amending RCW 51.32.095; and adding a new section to chapter 51.60 RCW.

Referred to Committee on Labor, Commerce and Trade.

SB 6225 by Senators Pelz, Deccio and Newhouse (by request of Department of Labor and Industries)

AN ACT Relating to employer assessments; amending RCW 51.16.155; and repealing RCW 51.48.070.

Referred to Committee on Labor, Commerce and Trade.

SB 6226 by Senators Bauer, Moyer, Haugen and Winsley

AN ACT Relating to the appointment of a medical examiner in more populous counties; amending RCW 36.16.030; and adding a new section to chapter 36.24 RCW.

Referred to Committee on Government Operations.

SB 6227 by Senators Kohl, Long, Fairley, Fraser, Thibaudeau, Franklin, Rasmussen, Oke and McAuliffe

AN ACT Relating to supervision of sex offenders; and amending RCW 72.09.340 and 9.94A.120.

Referred to Committee on Human Services and Corrections.

SB 6228 by Senators Kohl, Long, Fairley, Prentice, Thibaudeau, Fraser, Wojahn, Snyder, Sheldon, Franklin, Owen, Heavey, Rasmussen, Winsley, Bauer and McAuliffe

AN ACT Relating to protecting the developmentally disabled; adding a new section to chapter 4.16 RCW; and creating new sections.

Referred to Committee on Law and Justice.

SB 6229 by Senators Kohl, Pelz, Prentice, Fairley, Thibaudeau, Wojahn, Franklin and Quigley

AN ACT Relating to infant crib safety; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Health and Long-Term Care.

SB 6230 by Senators Kohl, Fairley and Thibaudeau

AN ACT Relating to out-of-home care; amending RCW 74.13.090; adding new sections to chapter 74.15 RCW; creating a new section; and providing an effective date.

Referred to Committee on Human Services and Corrections.

SB 6231 by Senators Kohl, Long, Fairley, Strannigan, Wojahn, Hargrove, Haugen, Winsley, Bauer, Prentice and Rasmussen

AN ACT Relating to the placement of sexually aggressive youth; adding a new section to chapter 13.34 RCW; adding a new section to chapter 13.40 RCW; creating a new section; and providing an effective date.

Referred to Committee on Human Services and Corrections.

SB 6232 by Senators Fraser and Long (by request of Department of Retirement Systems)

AN ACT Relating to actuarially equivalent state retirement system survivor benefits; and amending RCW 41.40.270, 41.26.460, 41.32.530, 41.32.785, 41.40.188, 41.40.660, and 2.10.146.

Referred to Committee on Ways and Means.

SB 6233 by Senators Long and Oke (by request of Department of Retirement Systems)

AN ACT Relating to implementing the military service credit requirements of the federal uniformed services employment and reemployment act; amending RCW 41.26.520, 41.32.810, 41.32.865, and 41.40.710; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6234 by Senators Fraser and Long (by request of Department of Retirement Systems)

AN ACT Relating to a member who dies prior to receiving the first disability retirement payment; and amending RCW 41.40.270.

Referred to Committee on Ways and Means.

SB 6235 by Senators Drew, McDonald, Haugen, Rinehart, Snyder, Kohl, Winsley, Sheldon, Bauer, Wood and Finkbeiner

AN ACT Relating to ethics, technology, and federal standards for conflicts in public service; and amending RCW 42.52.010, 42.52.020, 42.52.030, 42.52.050, 42.52.110, 42.52.120, and 42.52.160.

Referred to Committee on Government Operations.

SB 6236 by Senator Swecker

AN ACT Relating to shoreline management project completion timelines; and adding a new section to chapter 90.58 RCW.

Referred to Committee on Ecology and Parks.

SB 6237 by Senators Prince, Owen, Wood and Prentice

AN ACT Relating to vehicles using wireless communications and computer systems; and amending RCW 46.37.480.

Referred to Committee on Transportation.

SB 6238 by Senators Deccio, Loveland, Hale, Owen, McCaslin, Schow, Haugen, Moyer, Zarelli, Prince, Roach, Wood, Hochstatter, Newhouse, McDonald, Oke, Sellar, Swecker, A. Anderson, Johnson, West, Hargrove, Rasmussen, Bauer, McAuliffe and Finkbeiner

AN ACT Relating to the employment of minors; amending RCW 49.12.121; repealing RCW 49.12.123; and declaring an emergency.

Referred to Committee on Labor, Commerce and Trade.

SB 6239 by Senators Wojahn, Winsley, Thibaudeau, Loveland, Kohl, Long, Fairley, A. Anderson, Prentice, McAuliffe, Sheldon, Wood, Rinehart, Roach, Spanel, Hale, Drew, Franklin, Rasmussen, Snyder, Haugen, Fraser and Bauer

AN ACT Relating to osteoporosis prevention and treatment education; adding new sections to chapter 43.70 RCW; creating a new section; and making an appropriation.

Referred to Committee on Health and Long-Term Care.

SB 6240 by Senators Wojahn, Winsley, Thibaudeau, Loveland, Kohl, Long, Fairley, Wood, Prentice, McAuliffe, Sheldon, Roach, Rinehart, Hale, Spanel, Franklin, Drew, Snyder, Rasmussen, Fraser and Bauer

AN ACT Relating to osteoporosis health services coverage; adding a new section to chapter 41.05 RCW; adding new sections to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; and creating new sections.

Referred to Committee on Health and Long-Term Care.

SB 6241 by Senators Sellar and Snyder

AN ACT Relating to hotel and motel taxes in certain towns; and adding a new section to chapter 67.28 RCW.

Referred to Committee on Ways and Means.

SB 6242 by Senators Spanel, A. Anderson, Snyder, McDonald, Haugen and Kohl

AN ACT Relating to managing of salmon fisheries to assure harvest by Washington citizens of their full nontribal share; adding a new section to chapter 75.08 RCW; and creating a new section.

Referred to Committee on Natural Resources.

SB 6243 by Senators Goings, Hargrove, Rasmussen, Quigley, Bauer, Fraser, Drew, Smith, Wojahn, Franklin, Sheldon, Pelz, Snyder, Haugen, Heavey, Long, Oke, Wood and Johnson

AN ACT Relating to health care services for offenders sentenced to death; and amending RCW 72.10.020.

Referred to Committee on Human Services and Corrections.

SB 6244 by Senators Deccio, Winsley and Haugen

AN ACT Relating to election costs; and amending RCW 29.13.047.

Referred to Committee on Government Operations.

SB 6245 by Senators Thibaudeau, Prentice, Goings, Wood, Sheldon, Winsley, Quigley, Wojahn, Smith, Fraser, Moyer, Franklin, McAuliffe, Deccio and Rasmussen

AN ACT Relating to child death investigations; and adding a new section to chapter 74.13 RCW.

Referred to Committee on Health and Long-Term Care.

SB 6246 by Senators Smith, Winsley, Oke, Long and Johnson

AN ACT Relating to false accusations of child abuse or neglect; amending RCW 26.09.191; adding new sections to chapter 26.44 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6247 by Senators Sheldon, Roach, Long, Quigley, Owen, Hale, Fairley, Swecker and Drew

AN ACT Relating to economic development; amending RCW 43.163.210; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6248 by Senators Quigley, Smith and Goings

AN ACT Relating to gifts to state officers and employees; and amending RCW 42.52.150.

Referred to Committee on Government Operations.

SB 6249 by Senators Quigley, Smith and Goings

AN ACT Relating to campaign finance reform; amending RCW 42.17.390, 42.17.395, 42.17.640, 42.17.510, 42.17.690, and 42.17.090; adding new sections to chapter 42.17 RCW; adding a new section to chapter 29.80 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6250 by Senators Owen, Swecker, McAuliffe, Haugen, Sheldon, Winsley, Rinehart, Fairley, Sellar and Cantu

AN ACT Relating to personal flotation devices; amending RCW 88.12.115; and prescribing penalties.

Referred to Committee on Ecology and Parks.

SB 6251 by Senators Rinehart and West (by request of Office of Financial Management)

AN ACT Relating to fiscal matters; amending 1995 2nd sp.s. c 18 ss 104, 110, 112, 113, 114, 117, 118, 119, 120, 121, 122, 125, 126, 128, 129, 134, 135, 137, 138, 139, 143, 144, 146, 152, 201, 202, 203, 204, 205, 206, 207, 208, 209, 211, 212, 213, 215, 218, 219, 221, 222, 223, 225, 226, 303, 304, 307, 309, 310, 312, 401, 402, 501, 502, 503, 504, 506, 508, 509, 510, 511, 513, 514, 515, 518, 519, 520, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 615, 616, 617, 618, 619, 701, 702, 703, 704, 705, 711, 713, 714, 801, 802, 803, and 805 (uncodified); adding new sections to 1995 2nd sp.s. c 18 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6252 by Senators Smith, Kohl and Long (by request of Sentencing Guidelines Commission)

AN ACT Relating to classification of felonies; amending RCW 9.92.010; adding a new section to chapter 9.94A RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6253 by Senators Smith, Kohl and Long (by request of Sentencing Guidelines Commission)

AN ACT Relating to the sentencing guidelines commission; amending RCW 9.94A.040, 9.94A.060, 13.40.025, 13.40.030, 13.50.010, and 72.09.300; amending 1995 c 269 s 3603 (uncodified); adding a new section to chapter 9.94A RCW; repealing RCW 13.40.027; providing an effective date; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6254 by Senators Wojahn, Winsley, Franklin, Rasmussen, Oke and Goings

AN ACT Relating to charitable, educational, penal, and reformatory real property; creating a new section; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 6255 by Senators Franklin, Wojahn, Kohl, Prentice, Quigley, Thibaudeau and Fairley

AN ACT Relating to approval by the insurance commissioner of premium rates; amending RCW 48.44.022, 48.44.023, 48.46.064, and 48.46.066; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Health and Long-Term Care.

SB 6256 by Senators Franklin, Winsley, Wojahn, Kohl, Pelz, Owen, Bauer, Fairley, Rasmussen, Fraser, Thibaudeau, Prentice, Heavey, Quigley and McAuliffe

AN ACT Relating to funding severe trauma care services to individuals who are unable to pay; amending RCW 43.72.900; adding a new section to chapter 70.168 RCW; and creating new sections.

Referred to Committee on Health and Long-Term Care.

SB 6257 by Senators Franklin, Hargrove, Goings, Long, Sheldon, Fairley, Wojahn, Prentice, Thibaudeau, Fraser and Heavey

AN ACT Relating to guardians and guardians ad litem for minors and incapacitated persons; amending RCW 2.56.030, 4.08.060, 8.25.270, 11.16.083, 11.52.014, 11.52.020, 11.76.080, 11.88.090, 11.92.190, 11.96.180, 13.24.050, 13.34.100, 13.34.120, 26.12.175, 26.26.140, 26.33.070, 26.44.053, 65.12.145, 90.03.150, and 91.08.230; adding a new section to chapter 2.56 RCW; adding new sections to chapter 11.88 RCW; adding new sections to chapter 13.34 RCW; adding new sections to chapter 26.12 RCW; and creating new sections.

Referred to Committee on Human Services and Corrections.

SB 6258 by Senators Wood, Moyer, Hochstatter, Hale, A. Anderson, McCaslin, Sellar, Morton, Oke, Roach, Strannigan, Johnson, McDonald, Winsley, Schow, Deccio, Swecker, Long, Zarelli, West, Newhouse, Cantu and Finkbeiner

AN ACT Relating to making welfare work; amending RCW 74.25.010, 74.25.020, 74.12.420, 26.16.205, 74.20A.020, 74.12.255, 13.34.160, 74.12.250, 74.08.025, 74.08.080, and 74.08.340; reenacting and amending RCW 74.04.005; adding new sections to chapter 74.25 RCW; adding new sections to chapter 74.12 RCW; adding a new section to chapter 44.28 RCW; creating new sections; repealing RCW 74.08.120 and 74.08.125; repealing 1993 c 312 s 7; repealing 1992 c 136 s 1; repealing 1992 c 165 s 1; and providing contingent effective dates.

Referred to Committee on Health and Long-Term Care.

SB 6259 by Senators Wood, Hochstatter, Prince, Winsley, Schow, Roach, Johnson and Finkbeiner

AN ACT Relating to motorcycle equipment; amending RCW 46.37.530 and 46.37.535.

Referred to Committee on Transportation.

SCR 8426 by Senators Wojahn, Winsley, Rasmussen, Franklin, Oke and Goings

Resolving to retain independent legal counsel to determine the legal status of granted lands in the Fort Steilacoom Military Reservation.

Referred to Committee on Health and Long-Term Care.

#### MOTION

At 3:39 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 4:03 p.m. by President Pritchard.

#### SECOND READING

SENATE BILL NO. 6117, by Senators Quigley, Loveland, Snyder, Rinehart, Spanel, Rasmussen, Thibaudeau, Hale, Swecker, Prince, Long, Morton, West, Deccio, Moyer, Zarelli, McCaslin, Johnson, Strannigan, Finkbeiner, Hochstatter, Wood, A. Anderson, Cantu, Sellar, Schow, McDonald, Winsley, Sheldon, Haugen, Goings, Heavey, Bauer, Drew, McAuliffe, Franklin, Newhouse and Oke

Reducing business and occupation tax rates.

The bill was read the second time.

#### MOTION

Senator Deccio moved that the following amendment by Senators Deccio, Hale, Swecker, Morton, Strannigan, Roach, Schow, Zarelli, Newhouse, Wood, Anderson, Hochstatter, Moyer, Cantu, Oke, West, McCaslin, McDonald and Johnson be adopted:

On page 1, beginning on line 7, strike all of sections 1 and 2 and insert the following:

**Sec. 1.** RCW 82.04.255 and 1993 sp.s. c 25 s 202 are each amended to read as follows:

Upon every person engaging within the state as a real estate broker; as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of ~~((2-0))~~ 1.5 percent.

The measure of the tax on real estate commissions earned by the real estate broker shall be the gross commission earned by the particular real estate brokerage office including that portion of the commission paid to salesmen or associate brokers in the same office on a particular transaction: PROVIDED, HOWEVER, That where a real estate commission is divided between an originating brokerage office and a cooperating brokerage office on a particular transaction, each brokerage office shall pay the tax only upon their respective shares of said commission: AND PROVIDED FURTHER, That where the brokerage office has paid the tax as provided herein, salesmen or associate brokers within the same brokerage office shall not be required to pay a similar tax upon the same transaction.

**Sec. 2.** RCW 82.04.290 and 1995 c 229 s 3 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of providing selected business services other than or in addition to those enumerated in RCW 82.04.250 or 82.04.270; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of ~~((2-5))~~ 1.5 percent.

(2) Upon every person engaging within this state in banking, loan, security, investment management, investment advisory, or other financial businesses, other than or in addition to those enumerated in subsection (3) of this section; as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of ~~((1-70))~~ 1.5 percent.

(3) Upon every person engaging within this state in the business of providing international investment management services, as to such persons, the amount of tax with respect to such business shall be equal to the gross income or gross proceeds of sales of the business multiplied by a rate of 0.275 percent.

(4) Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, and 82.04.280, and subsections (1), (2), and (3) of this section; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of ~~((2-0))~~ 1.5 percent.

This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Deccio, Hale, Swecker, Morton, Strannigan, Roach, Schow, Zarelli, Newhouse, Wood, Anderson, Hochstatter, Moyer, Cantu, Oke, West, McCaslin, McDonald and Johnson on page 1, beginning on line 7, to Senate Bill No. 6117.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Roach, Schow, Sellar, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 23.

Voting nay: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau and Wojahn - 26.

#### MOTION

Senator McDonald moved that the following amendment by Senators McDonald, Finkbeiner, Schow, Johnson, McCaslin, Zarelli, Strannigan, Long, Prince, Roach, Swecker, Newhouse, Deccio, Morton, Hochstatter, Moyer, Hale and Cantu be adopted:

On page 4, after line 18, strike all of section 5 and insert the following:

"NEW SECTION. Sec. 5. This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

Debate ensued.

#### POINT OF INQUIRY

Senator McDonald: "Senator Rinehart, if this is not adopted and if what, I think, is inevitable, the Governor vetoes this measure, is it your intention then to bring it up for a vote and have a positive vote on overriding his veto?"

Senator Rinehart: "Senator McDonald, if in fact, that occurs, we will have a reasoned discussion and at that time we will make a decision. One of the first things I ever learned in this career is to never answer hypothetical questions."

#### POINT OF INQUIRY

Senator McDonald: "Senator Snyder, we have had this discussion on several occasions and you have answered in the affirmative at least in those discussions and I wondered if it is your intention, if the Governor vetoes this, that we will have an override vote and a positive vote on this?"

Senator Snyder: "I agree with Senator Rinehart. It is hard to deal in hypothetical questions, but it is our intent to have a reduction in the B & O tax in place before we leave here in sixty days or fifty-eight days or fifty-nine days, whatever it is--and by whatever means it takes to implement that."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators McDonald, Finkbeiner, Schow, Johnson, McCaslin, Zarelli, Strannigan, Long, Prince, Roach, Swecker, Newhouse, Deccio, Morton, Hochstatter, Moyer, Hale and Cantu on page 4, after line 18, to Senate Bill No. 6117.

The motion by Senator McDonald failed and the amendment was not adopted.

#### MOTION

On motion of Senator Rinehart, the rules were suspended, Senate Bill No. 6117 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6117.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6117 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Voting nay: Senators Fraser, Pelz and Sutherland - 3.

SENATE BILL NO. 6117, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6118, by Senators Sheldon, Loveland, Snyder, Rinehart, Spanel, Rasmussen, Thibaudeau, Hale, Long, Morton, West, Finkbeiner, Sellar, Winsley, Haugen, Goings, Heavey, Bauer, Drew, Quigley, McAuliffe, Newhouse and Oke

Reducing the state property tax levy for 1996 and thereafter.

The bill was read the second time.

#### MOTION

Senator Rinehart moved that the following amendment by Senators Rinehart and West be adopted: Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 84.55 RCW to read as follows:

(1) As used in this section, "full levy" means the levy amount that would be allowed otherwise under this chapter without regard to this section or RCW 84.55.012.

(2) The state levy for collection in 1996 shall be reduced by five percent of the full levy for that year. State levies for collection after 1996 shall not exceed the amount that would be allowed otherwise under this chapter if the state levy for collection in 1996 had been set at ninety-five percent of the full levy for that year.

(3) Levies collected before 1996 shall not be used as a base for calculating limits for state levies for collection after 1996.

(4) Levies collected before any reduction under RCW 43.135.045 shall not be used as a base for calculating limits for state levies for collection in following years.

Sec. 2. RCW 43.135.045 and 1994 c 2 s 3 are each amended to read as follows:

(1) The property tax reduction fund and the emergency reserve fund ((is)) are established in the state treasury. During each fiscal year, the state treasurer shall deposit in the ~~((emergency reserve))~~ property tax reduction fund all general fund--state revenues in excess of the state expenditure limit for that fiscal year. Deposits shall be made at the end of each fiscal quarter based on projections of state revenues and the state expenditure limit.

The amount transferred into the property tax reduction fund in any fiscal year may not exceed the amount of tax that would otherwise be levied by the state for the support of the common schools for collection in the second calendar year following the end of the fiscal year, as forecast by the economic and revenue forecast council. All general fund--state revenues for any fiscal year in excess of the amount of tax that would otherwise be levied by the state for the support of the common schools for collection in the second calendar year following the end of the fiscal year, as forecast by the economic and revenue forecast council, shall be deposited into the emergency reserve fund.

The budget document submitted to the legislature by the governor under RCW 43.88.030 shall include a transfer to the general fund, for purposes of reducing the state levy for the support of the common schools, of the amounts deposited in the property tax reduction fund for the previous fiscal year. Moneys deposited in the property tax reduction fund during a fiscal year are subject in the next fiscal year to either: (a) Transfer to the general fund for purposes of reducing the state levy for the support of the common schools in the calendar year following the fiscal year in which the transfer is made; or (b) transfer by the legislature to the emergency reserve fund. Any moneys transferred to the general fund for this purpose shall be credited against the levy under RCW 84.52.065 for collection in the calendar year following the fiscal year in which the transfer is made. Any moneys deposited into the property tax reduction fund in any fiscal year that are not transferred by the legislature in the following fiscal year shall be transferred by the state treasurer to the emergency reserve fund under subsection (2) of this section on September 1st of the second fiscal year following the year in which the moneys were deposited into the property tax reduction fund.

(2) The legislature may appropriate moneys from the emergency reserve fund only with approval of at least two-thirds of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter.

(3) The emergency reserve fund balance shall not exceed five percent of biennial general fund--state revenues as projected by the official state revenue forecast. Any balance in excess of five percent shall be transferred on a quarterly basis by the state treasurer to the education construction fund hereby created in the treasury.

(4)(a) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction.

(b) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

**Sec. 3.** RCW 84.48.080 and 1995 2nd sp.s. c 13 s 3 are each amended to read as follows:

(1) Annually during the months of September and October, the department of revenue shall examine and compare the returns of the assessment of the property in the several counties of the state, and the assessment of the property of railroad and other companies assessed by the department, and proceed to equalize the same, so that each county in the state shall pay its due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the valuation of the property in each county bears to the total valuation of all property in the state.

First. The department shall classify all property, real and personal, and shall raise and lower the valuation of any class of property in any county to a value that shall be equal, so far as possible, to the true and fair value of such class as of January 1st of the current year for the purpose of ascertaining the just amount of tax due from each county for state purposes. In equalizing personal property as of January 1st of the current year, the department shall use the assessment level of the preceding year. Such classification may be on the basis of types of property, geographical areas, or both. For purposes of this section, for each county that has not provided the department with an assessment return by December 1st, the department shall proceed, using facts and information and in a manner it deems appropriate, to estimate the value of each class of property in the county.

Second. The department shall keep a full record of its proceedings and the same shall be published annually by the department.

(2) The department shall levy the state taxes authorized by law. The amount levied in any one year for general state purposes shall not exceed the lawful dollar rate on the dollar of the assessed value of the property of the entire state, which assessed value shall be one hundred percent of the true and fair value of such property in money. The department shall apportion the amount of tax for state purposes levied by the department, among the several counties, in proportion to the valuation of the taxable property of the county for the year as equalized by the department: PROVIDED, That for purposes of this apportionment, the department shall recompute the previous year's levy and the apportionment thereof to correct for changes and errors in taxable values reported to the department after October 1 of the preceding year and shall adjust the apportioned amount of the current year's state levy for each county by the difference between the apportioned amounts established by the original and revised levy computations for the previous year. For purposes of this section, changes in taxable values mean a final adjustment made by a county board of equalization, the state board of tax appeals, or a court of competent jurisdiction and shall include additions of omitted property, other additions or deletions from the assessment or tax rolls, any assessment return provided by a county to the department subsequent to December 1st, or a change in the indicated ratio of a county. Errors in taxable values mean errors corrected by a final reviewing body.

In addition to computing a levy under this subsection that is reduced under RCW 43.135.045 or 84.55.012, the department shall compute a hypothetical levy without regard to the reduction under RCW 43.135.045 or 84.55.012. This hypothetical levy shall also be apportioned among the several counties in proportion to the valuation of the taxable property of the county for the year, as equalized by the department, in the same manner as the actual levy and shall be used by the county assessors for the purpose of recomputing and establishing a consolidated levy under RCW 84.52.010.

(3) The department shall have authority to adopt rules and regulations to enforce obedience to its orders in all matters in relation to the returns of county assessments, the equalization of values, and the apportionment of the state levy by the department.

(4) After the completion of the duties prescribed in this section, the director of the department shall certify the record of the proceedings of the department under this section, the tax levies made for state purposes and the apportionment thereof among the counties, and the certification shall be available for public inspection.

**Sec. 4.** RCW 84.52.010 and 1995 2nd sp.s. c 13 s 4 are each amended to read as follows:

Except as is permitted under RCW 84.55.050, all taxes shall be levied or voted in specific amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 84.52.069, 84.34.230, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, and 84.52.105, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then

these levies shall be reduced as follows: (a) The portion of the levy by a metropolitan park district that is protected under RCW 84.52.120 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; (b) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, shall be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; and (c) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(2) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, shall be reduced on a pro rata basis or eliminated;

(d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 shall be reduced on a pro rata basis or eliminated; and

(e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, library districts, metropolitan park districts under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, shall be reduced on a pro rata basis or eliminated.

In determining whether the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.050, exceeds the limitations provided in that section, the assessor shall use the hypothetical state levy, as apportioned to the county under RCW 84.48.080, that was computed under RCW 84.48.080 without regard to the reduction under RCW 43.135.045 or 84.55.012.

**Sec. 5.** RCW 84.56.010 and 1994 c 301 s 50 are each amended to read as follows:

On or before the first Monday in January next succeeding the date of levy of taxes the county treasurer shall establish tax rolls of his or her county as certified by the county assessor for such assessment year, and said rolls shall be preserved as a public record in the office of the county treasurer. The amount of said taxes levied and extended upon said rolls shall be charged to the treasurer in an account to be designated as treasurer's "Tax roll account" for . . . . and said rolls shall be full and sufficient authority for the county treasurer to receive and collect all taxes therein levied: **PROVIDED**, That the county treasurer shall in no case collect such taxes or issue receipts for the same or enter payment or satisfaction of such taxes upon said assessment rolls before the fifteenth day of February following: **AND PROVIDED FURTHER**, That in 1996 the county treasurer shall in no case collect such taxes or issue receipts for the same or enter payment or satisfaction of such taxes upon said assessment rolls before the fifteenth day of March.

**Sec. 6.** RCW 84.56.070 and 1991 c 245 s 19 are each amended to read as follows:

On the fifteenth day of February succeeding the levy of taxes, and for taxes collected in 1996 on the fifteenth day of March, the county treasurer shall proceed to collect all personal property taxes. The treasurer shall give notice by mail to all persons charged with personal property taxes, and if such taxes are not paid before they become delinquent, the treasurer shall forthwith proceed to collect the same. In the event that he or she is unable to collect the same when due, the treasurer shall prepare papers in distraint, which shall contain a description of the personal property, the amount of taxes, the amount of the accrued interest at the rate provided by law from the date of delinquency, and the name of the owner or reputed owner. The treasurer shall without demand or notice distraint sufficient goods and chattels belonging to the person charged with such taxes to pay the same, with interest at the rate provided by law from the date of delinquency, together with all accruing costs, and shall proceed to advertise the same by posting written notices in three public places in the county in which such property has been distrained, one of which places shall be at the county court house, such notice to state the time when and place where such property will be sold. The county treasurer, or the treasurer's deputy, shall tax the same fees for making the distraint and sale of goods and chattels for the payment of taxes as are allowed by law to sheriffs for making levy and sale of property on execution; traveling fees to be computed from the county seat of the county to the place of making distraint. If the taxes for which such property is distrained, and the interest and costs accruing thereon, are not paid before the date appointed for such sale, which shall be not less than ten days after the taking of such property, such treasurer or treasurer's designee shall proceed to sell such property at public auction, or so much thereof as shall be sufficient to pay such taxes, with interest and costs, and if there be any excess of money arising from the sale of any personal property, the treasurer shall pay such excess less any cost of the auction to the owner of the property so sold or to his or her legal representative: **PROVIDED**, That whenever it shall become necessary to distraint any standing timber owned separately from the ownership of the land upon which the same may stand, or any fish trap, pound net, reef net, set net or drag seine fishing location, or any other personal property as the treasurer shall determine to be incapable or reasonably impracticable of manual delivery, it shall be deemed to have been distrained and taken into possession when the treasurer shall have, at least thirty days before the date fixed for the sale thereof, filed with the auditor of the county wherein such property is located a notice in writing reciting that the treasurer has distrained such property, describing it, giving the name of the owner or reputed owner, the amount of the tax due, with interest, and the time and place of sale; a copy of the notice shall also be sent to the owner or reputed owner at his last known address, by registered letter at least thirty days prior to the date of sale: **AND PROVIDED FURTHER**, That if the county treasurer has reasonable grounds to believe that any personal property upon which taxes have been levied, but not paid, is about to be removed from the county where the same has been assessed, or is about to be destroyed, sold or disposed of, the county treasurer may demand such taxes, without the notice provided for in this section, and if necessary may forthwith distraint sufficient goods and chattels to pay the same.

**Sec. 7.** RCW 43.84.092 and 1995 c 394 s 1 and 1995 c 122 s 12 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state

treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the property tax reduction fund, the public employees' retirement system plan I account, the public employees' retirement system plan II account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan I account, the teachers' retirement system plan II account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' relief and pension principal account, the volunteer fire fighters' relief and pension administrative account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan I retirement account, the Washington law enforcement officers' and fire fighters' system plan II retirement account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the central Puget Sound public transportation account, the city hardship assistance account, the county arterial preservation account, the department of licensing services account, the economic development account, the essential rail assistance account, the essential rail banking account, the ferry bond retirement fund, the gasohol exemption holding account, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway construction stabilization account, the highway safety account, the marine operating fund, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the small city account, the special category C account, the state patrol highway account, the transfer relief account, the transportation capital facilities account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation revolving loan account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**NEW SECTION. Sec. 8.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

#### MOTION

Senator Swecker moved that the following amendment by Senators Swecker, McCaslin and Strannigan to the striking amendment by Senators Rinehart and West be adopted:

On page 1, beginning on line 7, strike section 1 and insert the following:

"**Sec. 1.** RCW 84.52.065 and 1991 sp.s. c 31 s 16 are each amended to read as follows:

(1) Subject to the limitations in RCW 84.55.010, in each year the state shall levy for collection in the following year for the support of common schools of the state a tax ~~((of three dollars and sixty cents per thousand dollars of assessed value))~~ at the rate specified in subsection (2) of this section upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

(2) The rate of state tax in subsection (1) of this section shall be as follows:

(a) Three dollars and sixty cents per thousand dollars of assessed value for taxes levied for collection in 1996, and before;

(b) Three dollars per thousand dollars of assessed value for taxes levied for collection in 1997;

(c) Two dollars and forty cents per thousand dollars of assessed value for taxes levied for collection in 1998;

(d) One dollar and eighty cents per thousand dollars of assessed value for taxes levied for collection in 1999;

(e) One dollar and twenty cents per thousand dollars of assessed value for taxes levied for collection in 2000; and

(f) Sixty cents per thousand dollars of assessed value for taxes levied for collection in 2001.

No tax may be levied under this section for taxes levied for collection in 2002 and thereafter.

(3) As used in this section, "the support of common schools" includes the payment of the principal and interest on bonds issued for capital construction projects for the common schools.

**Sec. 2.** RCW 84.52.043 and 1995 c 99 s 3 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) The levy by the state shall not exceed ~~((three dollars and sixty cents))~~ the dollar rate per thousand dollars of assessed value specified in RCW 84.52.065 adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and ninety cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; (e) levies to finance affordable housing for very low-income housing imposed under RCW 84.52.105; and (f) the portions of levies by metropolitan park districts that are protected under RCW 84.52.120.

**Sec. 3.** RCW 84.52.050 and 1973 1st ex.s. c 194 s 1 are each amended to read as follows:

(1) Except as hereinafter provided, the aggregate of all tax levies upon real and personal property by the state and all taxing districts, now existing or hereafter created, shall not in any year exceed ~~((one percent))~~ the following percentage of the true and fair value of such property in money: ~~((PROVIDED, HOWEVER, THAT))~~

(a) For taxes levied for collection in 1996, and before, 1.0 percent;

(b) For taxes levied for collection in 1997, 0.94 percent;

(c) For taxes levied for collection in 1998, 0.88 percent;

(d) For taxes levied for collection in 1999, 0.82 percent;

(e) For taxes levied for collection in 2000, 0.76 percent;

(f) For taxes levied for collection in 2001, 0.70 percent; and

(g) For taxes levied for collection in 2002 and thereafter, 0.64 percent.

(2) Nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only as authorized by law and in conformity with the provisions of Article VII, section 2(a), (b), or (c) of the Constitution of the state of Washington.

(3) Nothing herein contained shall prohibit the legislature from allocating or reallocating the authority to levy taxes between the taxing districts of the state and its political subdivisions in a manner which complies with the aggregate tax limitation set forth in this section.

**Sec. 4.** RCW 36.58.150 and 1984 c 186 s 25 are each amended to read as follows:

(1) A solid waste disposal district shall not have the power to levy an annual levy without voter approval, but it shall have the power to levy a tax, in excess of the ~~((one percent))~~ limitation in RCW 84.52.050, upon the property within the district for a one year period to be used for operating or capital purposes whenever authorized by the electors of the district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

A solid waste disposal district may issue general obligation bonds for capital purposes only, subject to the limitations prescribed in RCW 39.36.020(1), and may provide for the retirement of the bonds by voter-approved bond retirement tax levies pursuant to Article VII, section 2(b) of the state Constitution and RCW 84.52.056. Such general obligation bonds shall be issued and sold in accordance with chapter 39.46 RCW.

A solid waste disposal district may issue revenue bonds to fund its activities. Such revenue bonds may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030.

(2) Notwithstanding subsection (1) of this section, such revenue bonds may be issued and sold in accordance with chapter 39.46 RCW.

**Sec. 5.** RCW 36.60.040 and 1983 c 303 s 11 are each amended to read as follows:

A county rail district is not authorized to impose a regular ad valorem property tax levy but may:

(1) Levy an ad valorem property tax, in excess of the ~~((one percent))~~ limitation in RCW 84.52.050, upon the property within the district for a one-year period to be used for operating or capital purposes whenever authorized by the voters of the district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

(2) Provide for the retirement of voter approved general obligation bonds, issued for capital purposes only, by levying bond retirement ad valorem property tax levies, in excess of the one percent limitation, whenever authorized by the voters of the district pursuant to Article VII, section 2(b) of the state Constitution and RCW 84.52.056.

**Sec. 6.** RCW 36.69.145 and 1994 c 156 s 3 are each amended to read as follows:

(1) A park and recreation district may impose regular property tax levies in an amount equal to sixty cents or less per thousand dollars of assessed value of property in the district in each year for six consecutive years when specifically authorized so to do by a majority of at least three-fifths of the voters thereof approving a proposition authorizing the levies submitted at a special election or at the regular election of the district, at which election the number of voters voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the number of voters voting in such district at the last preceding general election when the number of voters voting on the proposition does not exceed forty per centum of the number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the voters thereof voting on the proposition if the number of voters voting on the proposition exceeds forty per centum of the number of voters voting in such taxing district in the last preceding general election. A proposition authorizing the tax levies shall not be submitted by a park and recreation district more than twice in any twelve-month period. Ballot propositions shall conform with RCW 29.30.111. In the event a park and recreation district is levying property taxes, which in combination with property taxes levied by other taxing districts subject to the ~~((one percent))~~ limitation provided for in ~~((Article 7, section 2, of our state Constitution))~~ RCW 84.52.050 result in taxes in excess of the limitation provided for in RCW 84.52.043, the park and recreation district property tax levy shall be reduced or eliminated before the property tax levies of other taxing districts are reduced.

(2) The limitation in RCW 84.55.010 shall not apply to the first levy imposed under this section following the approval of the levies by the voters under subsection (1) of this section.

**Sec. 7.** RCW 36.73.060 and 1987 c 327 s 6 are each amended to read as follows:

(1) A transportation benefit district may levy an ad valorem property tax in excess of the ~~((one percent))~~ limitation in RCW 84.52.050 upon the property within the district for a one-year period whenever authorized by the voters of the district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

(2) A district may provide for the retirement of voter-approved general obligation bonds, issued for capital purposes only, by levying bond retirement ad valorem property tax levies in excess of the one percent limitation whenever authorized by the voters of the district pursuant to Article VII, section 2(b) of the state Constitution and RCW 84.52.056.

**Sec. 8.** RCW 36.83.030 and 1983 c 130 s 3 are each amended to read as follows:

(1) A service district may levy an ad valorem property tax, in excess of the ~~((one percent))~~ limitation in RCW 84.52.050, upon the property within the district for a one-year period whenever authorized by the voters of the district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

(2) A service district may provide for the retirement of voter approved general obligation bonds, issued for capital purposes only, by levying bond retirement ad valorem property tax levies, in excess of the one percent limitation, whenever authorized by the voters of the district pursuant to Article VII, section 2(b) of the state Constitution and RCW 84.52.056.

**Sec. 9.** RCW 36.100.050 and 1988 ex.s. c 1 s 15 are each amended to read as follows:

(1) A public facilities district may levy an ad valorem property tax, in excess of the ~~((one percent))~~ limitation in RCW 84.52.050, upon the property within the district for a one-year period to be used for operating or capital purposes whenever authorized by the voters of the district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

(2) A public facilities district may provide for the retirement of voter-approved general obligation bonds, issued for capital purposes only, by levying bond retirement ad valorem property tax levies, in excess of the one percent limitation, whenever authorized by the voters of the district pursuant to Article VII, section 2(b) of the state Constitution and RCW 84.52.056.

**Sec. 10.** RCW 67.38.130 and 1984 c 131 s 4 are each amended to read as follows:

The governing body of a cultural arts, stadium and convention district may levy or cause to levy the following ad valorem taxes:

(1) Regular ad valorem property tax levies in an amount equal to twenty-five cents or less per thousand dollars of the assessed value of property in the district in each year for six consecutive years when specifically authorized so to do by a majority of at least three-fifths of the electors thereof approving a proposition authorizing the levies submitted at a general or special election, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percentum of the total votes cast in such taxing district at the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition when the number of electors voting yes on the proposition exceeds forty percentum of the total votes cast in such taxing district in the last preceding general election. Ballot propositions shall conform with RCW 29.30.111.

In the event a cultural arts, stadium and convention district is levying property taxes, which in combination with property taxes levied by other taxing districts subject to the ~~((one percent))~~ limitation provided for in ~~((Article VII, section 2, of our state Constitution))~~ RCW 84.52.050 result in taxes in excess of the limitation provided for in RCW 84.52.043, the cultural arts, stadium and convention district property tax levy shall be reduced or eliminated before the property tax levies of other taxing districts are reduced: PROVIDED, That no cultural arts, stadium, and convention district may pledge anticipated revenues derived from the property tax herein authorized as security for payments of bonds issued pursuant to subsection (1) of this section: PROVIDED, FURTHER, That such limitation shall not apply to property taxes approved pursuant to subsections (2) and (3) of this section.

The limitation in RCW 84.55.010 shall apply to levies after the first levy authorized under this section following the approval of such levy by voters pursuant to this section.

(2) An annual excess ad valorem property tax for general district purposes when authorized by the district voters in the manner prescribed by ~~((section 2;))~~ Article VII, section 2 of the state Constitution and by RCW 84.52.052.

(3) Multi-year excess ad valorem property tax levies used to retire general obligation bond issues when authorized by the district voters in the manner prescribed by ~~((section 2;))~~ Article VII, section 2 of the state Constitution and by RCW 84.52.056.

The district shall include in its regular property tax levy for each year a sum sufficient to pay the interest and principal on all outstanding general obligation bonds issued without voter approval pursuant to RCW 67.38.110 and may include a sum sufficient to create a sinking fund for the redemption of all outstanding bonds.

**Sec. 11.** RCW 84.52.010 and 1995 2nd sp.s. c 13 s 4 are each amended to read as follows:

Except as is permitted under RCW 84.55.050, all taxes shall be levied or voted in specific amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 84.52.069, 84.34.230, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, and 84.52.105, the combined rate of regular property tax levies that are subject to the ~~((one percent))~~ limitation under RCW 84.52.050 exceeds ~~((one percent of the true and fair value of any property))~~ the limitation under RCW 84.52.050, then these levies shall be reduced as follows: (a) The portion of the levy by a metropolitan park district that is protected under RCW 84.52.120 shall be reduced until the combined rate no longer exceeds ~~((one percent of the true and fair value of any property))~~ the limitation under RCW 84.52.050 or shall be eliminated; (b) if the combined rate of regular property tax levies that are subject to the ~~((one percent))~~ limitation under RCW 84.52.050 still exceeds ~~((one percent of the true and fair value of any property))~~ the limitation under RCW 84.52.050, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, shall be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; and (c) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(2) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, shall be reduced on a pro rata basis or eliminated;

(d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 shall be reduced on a pro rata basis or eliminated; and

(e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, library districts, metropolitan park districts under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, shall be reduced on a pro rata basis or eliminated.

In determining whether the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.050, exceeds the limitations provided in that section, the assessor shall use the hypothetical state levy, as apportioned to the county under RCW 84.48.080, that was computed under RCW 84.48.080 without regard to the reduction under RCW 84.55.012.

**Sec. 12.** RCW 84.69.020 and 1994 c 301 s 55 are each amended to read as follows:

On the order of the county treasurer, ad valorem taxes paid before or after delinquency shall be refunded if they were:

(1) Paid more than once; or

(2) Paid as a result of manifest error in description; or

- (3) Paid as a result of a clerical error in extending the tax rolls; or
- (4) Paid as a result of other clerical errors in listing property; or
- (5) Paid with respect to improvements which did not exist on assessment date; or
- (6) Paid under levies or statutes adjudicated to be illegal or unconstitutional; or
- (7) Paid as a result of mistake, inadvertence, or lack of knowledge by any person exempted from paying real property taxes or a portion thereof pursuant to RCW 84.36.381 through 84.36.389, as now or hereafter amended; or
- (8) Paid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person with respect to real property in which the person paying the same has no legal interest; or
- (9) Paid on the basis of an assessed valuation which was appealed to the county board of equalization and ordered reduced by the board; or
- (10) Paid on the basis of an assessed valuation which was appealed to the state board of tax appeals and ordered reduced by the board: PROVIDED, That the amount refunded under subsections (9) and (10) of this section shall only be for the difference between the tax paid on the basis of the appealed valuation and the tax payable on the valuation adjusted in accordance with the board's order; or
- (11) Paid as a state property tax levied upon property, the assessed value of which has been established by the state board of tax appeals for the year of such levy: PROVIDED, HOWEVER, That the amount refunded shall only be for the difference between the state property tax paid and the amount of state property tax which would, when added to all other property taxes within the (~~one percent~~) limitation of Article VII, section 2 of the state Constitution equal (~~one percent~~) the percentage under RCW 84.52.050 of the assessed value established by the board;
- (12) Paid on the basis of an assessed valuation which was adjudicated to be unlawful or excessive: PROVIDED, That the amount refunded shall be for the difference between the amount of tax which was paid on the basis of the valuation adjudged unlawful or excessive and the amount of tax payable on the basis of the assessed valuation determined as a result of the proceeding; or
- (13) Paid on property acquired under RCW 84.60.050, and canceled under RCW 84.60.050(2).

No refunds under the provisions of this section shall be made because of any error in determining the valuation of property, except as authorized in subsections (9), (10), (11), and (12) of this section nor may any refunds be made if a bona fide purchaser has acquired rights that would preclude the assessment and collection of the refunded tax from the property that should properly have been charged with the tax. Any refunds made on delinquent taxes shall include the proportionate amount of interest and penalties paid. The county treasurer may deduct from moneys collected for the benefit of the state's levy, refunds of the state levy including interest on the levy as provided by this section and chapter 84.68 RCW.

The county treasurer of each county shall make all refunds determined to be authorized by this section, and by the first Monday in January of each year, report to the county legislative authority a list of all refunds made under this section during the previous year. The list is to include the name of the person receiving the refund, the amount of the refund, and the reason for the refund."

Renumber the remaining sections and correct any internal references accordingly.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Swecker, McCaslin and Strannigan on page 1, beginning on line 7, to the striking amendment by Senators Rinehart and West to Senate Bill No. 6118.

#### ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 24.

Voting nay: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau and Wojahn - 25.

#### MOTION

Senator Swecker moved that the following amendment by Senators Swecker, McCaslin and Strannigan to the striking amendment by Senators Rinehart and West be adopted:

On page 1, beginning on line 22, strike all of sections 2 through 7.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Swecker, McCaslin and Strannigan on page 1, beginning on line 22, to the striking amendment by Senators Rinehart and West to Senate Bill No. 6118.

#### ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 24.

Voting nay: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau and Wojahn - 25.

#### MOTION

At 4:47 p.m., on motion of Senator Spanel, the Senate retired to the House Chamber for the purpose of a Joint Session.

#### JOINT SESSION

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

The Speaker of the House of Representatives instructed the Sergeant at Arms of the House and the Senate to escort the President of the Senate, Lieutenant Governor Joel Pritchard; President Pro Tempore R. Lorraine Wojahn; Vice President Pro Tempore Rosa Franklin; Majority Leader Sid Snyder and Minority Leader Dan McDonald to seats on the rostrum.

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

The Speaker of the House of Representatives presented the gavel to President Pritchard.

The Clerk of the House called the roll of members of the House.

The Secretary of the Senate called the roll of members of the Senate.

The President of the Senate announced the purpose of the Joint Session was to receive a message from His Excellency, Governor Mike Lowry.

The President of the Senate appointed Senators Kohl and Morton and Representatives Foreman and Murray as a special committee to inform Governor Mike Lowry that the Joint Session had assembled and to escort him from his office to the House Chamber.

The President of the Senate appointed Senators Johnson, Goings, Spanel and Long and Representatives Sheahan, Delvin, Lambert, Dellwo and Costa as a special committee to escort the Supreme Court Justices from the State Reception Room to the House Chamber.

The President of the Senate appointed Senators Sheldon, Bauer, Oke and Winsley and Representatives Mitchell, Cairnes and Poulsen as a special committee to escort the State Elected Officials from the State Reception Room to the House Chamber.

The President of the Senate greeted and introduced the Supreme Court Justices: Chief Justice Barbara Durham, Justice James M. Dolliver, Justice Richard Guy, Justice Charles Z. Smith, Justice Barbara Madson, Justice Gerry Alexander, Justice Phil Talmadge and Justice Richard Sanders.

The President of the Senate greeted and introduced the State Elected Officials: Secretary of State, Ralph Munro; State Treasurer, Dan Grimm; State Attorney General, Christine Gregoire; Insurance Commissioner, Deborah Senn; State Auditor, Brian Sonntag and Superintendent of Public Instruction, Judith Billings.

The President of the Senate welcomed and introduced the members of the Consular Corps:  
From the Russian Federation: Consul General Georgi Vlaskin, Dean of the Consular Corps of Washington. From Canada: Consul General Bernard Gagosz, First Vice Dean of the Consular Corps of Washington, and Consul Terry Storms. From Britain: Her Majesty's Consul Michael Upton. From the Federal Republic of Germany: Consul General Dr. Manfred Birmelin and Mrs. Birmelin. From Japan: Consul General Naotoshi Sugiuchi and Senior Consul Toyoshi Matsuyama. From the Republic of Korea: Consul General Kewin Kim and Mrs Kim. From Mexico: Consul Hugo Abel Castro and Mrs. Castro. From Taiwan: Director General Katharine Chang and Division Director Robert Chen.

The President of the Senate welcomed and introduced Governor Lowry's wife, Mary, who was seated in the gallery.

The President of the Senate turned the gavel over to the Speaker of the House of Representatives.

#### INTRODUCTION OF GOVERNOR BY SPEAKER BALLARD

Speaker Ballard: "Having completed a year and now heading into a second session as Speaker of the House, one of the things that stands out in my mind is the good working relationship I have had with the Governor of our great state. Our Governor has been open and forthright in his dealings with the Legislature. On virtually every issue, he has been willing to work with the Legislature in an attempt to reach common ground.

"Now, there are a few subjects on which we simply could not come to an agreement, yet I respect the Governor for being consistent in sticking with his philosophy and most especially for being true to his word. Even though, we don't agree on every issue, and you can rest assured that I will continue to do everything I can to persuade the Governor to support our proposals, but the bottom line is this Governor's willingness to engage in open discussions with the Legislature and to consider our ideas, contributes to our ability to accomplish good things for the people that we represent.

"Ladies and gentlemen, it is my privilege to introduce the Governor of the state of Washington, the Honorable Mike Lowry."

#### STATE OF THE STATE ADDRESS BY GOVERNOR MIKE LOWRY

Governor Lowry: "Thank you, Mr. President, Mr. Speaker, distinguished members of the State Supreme Court, distinguished state elected officials, distinguished members of the Washington State Legislature, members of the Washington Consular Corps, and citizens of our great state. Thank you for the privilege of serving as your Governor.

"As we meet today, our state is in excellent shape and our future looks bright. I want to thank all of you in this chamber and those watching at home and at work for making that happen. Three years ago, we were facing serious economic problems, and the state had a one and a half billion dollar deficit. Today, we have reversed that and we now have a six hundred and seventy-seven million dollar reserve.

"Three years ago, we were in the midst of huge job layoffs. Today, we have reversed that, creating a hundred and twenty thousand net new jobs in the last two years. Three years ago, we all set out together to make state government more efficient. Since then, we have cut the growth of the state general fund in half and we have reduced the annual growth of state employees to less than a quarter of what it had been in the previous decade.

"Our hard-working public employees, who are often under-recognized for their dedicated work, are a major reason for this success. Washington, as a whole, is in good shape. We have increased our reputation as the nation's top international trade state and we are well on our way to achieving our goal of being one of the world's major high-technology centers. Major manufacturers are choosing to locate here, investing billions of dollars and creating thousands of good-paying jobs. Over the past few months, we have welcomed a number of world-class companies to our state--companies like Intel, BHP Steel, Ponderosa Fibres. So, it's no wonder that state economist Dr. Chang

Mook Sohn recently announced, 'There are no dark clouds on the horizon--this strong growth will continue throughout 1996 and 1997.' That is good news, and something we can all be proud of.

"I would like to pause for a moment to recognize and thank the hard-working legislators and the statewide elected officials who are a major part of our success. Thank you, Speaker Ballard, Majority Leader Snyder, and Representative Appelwick, Senator McDonald and all of you who have shown time and again just how much we can accomplish if we join together in a spirit of cooperation. No elected official in this state has a longer record of bipartisan cooperation than Lieutenant Governor Joel Pritchard.

"The strength of our economy is in the strength of the people who live here. People who care about quality of life, about our environment, and about our schools; People with a strong work ethic in a skilled workforce that has employers around the world taking notice; People who are committed to moving into the future without sacrificing the gains of the past. That commitment is part of the reason why some of the best companies in the world are moving to Washington, because the people who live here, and those who make decisions that guide public policy, share that vision. Our state is a great place to live.

"There is another reason why companies are choosing to move here. We have taken significant, deliberate steps over the past three years to make Washington a great place to do business. We have implemented tax incentives that allow companies, that provide family-wage jobs, to spend less on taxes and more on investments. Three years ago, our state was ranked as one of the worst for manufacturing investment. We are now ranked as one of the very best. Our distressed-area incentive programs have encouraged more than one hundred and seventy companies to move to or expand in counties with high unemployment rates. Our workers' compensation premiums are now the lowest in the country, with the highest level of benefits and our state has gained a remarkable reputation for regulatory teamwork.

"Last October, during the dedication ceremony for the largest economic development project in a decade, in Southeast Washington, Ponderosa Fibres, President Martin Bernstein, said that the application process his company went through for business in our state would have taken three years in other states. In Washington, it took less than six months. Mr. Bernstein said, 'We've not been able to do something like this in the state of Pennsylvania; We've not been able to do something like this in the state of New York; We've not been able to do something like this in the state of Georgia; We've not been able to do something like this in the state of Wisconsin.' But in Washington, Ponderosa Fibres found not only tax policies that were superior to those of most other states, but a spirit of cooperation among government and local communities that gave new meaning to the phrase 'Customer Service.'

"There are other keys to our success. Among those is improved government efficiency. Over the past three years, state spending increases have been held under the rate of inflation and population growth. Travel and equipment costs are down and state agencies recently gave back one hundred and eight million dollars in unspent appropriations.

"In the final analysis, however, all the tax incentives and government efficiency in the world will not, by themselves, convince companies to move to our state. Time after time, business people have told me they are also looking for a skilled workforce with a quality of life that will make their employees want to stay here. In that regard, all roads lead to Washington. We have been under extreme pressure to compromise our commitment to education, to the environment and to our children. We have not done that, and our economy is much better off because we did not. Our work is not finished, but our momentum is clear.

"Today, we are starting to make progress in education reform, so that a child's advancement in school will be based not on what he or she is taught, but on what he or she has learned. There is no higher goal for our state than to achieve our paramount duty of providing an excellent education system. At the same time, we must take steps to ensure that all children come to school ready to learn and that they are not hungry, or sick, or abused-- and that our schools are a safe place to learn. We ask our educators to be miracle workers and they come amazingly close, but we must make sure that they have the support they need to do their very important jobs.

"We have begun to increase access to higher education, opening college doors to more students and helping others who may be long on desire to learn, but short on dollars for tuition. We must continue that commitment.

"We have taken steps to ensure more people have access to health care, including the working poor and their children. We have made health care more affordable for small-business employers and we have reformed our insurance laws so that no one with a pre-existing condition will ever be denied health coverage. We must continue that commitment.

"And, we have maintained our pledge to protect the environment. Good environmental policy is good economic policy and we never, never want to forget that. By the way, for years, our state has carried more than its fair share of high-level U.S. Government nuclear waste. It is time that others accept their responsibility and stop trying to ship dangerous waste products through our ports.

"When you step back and look at how much we have going for us in this state, it is easy to see why so many of us have chosen to live, and work, and raise families here. The challenge before us today is to preserve and enhance what is working in our state, improve where we can, and plan for the future with vision and courage.

"The supplemental budget and legislative agenda I am submitting to the 1996 Legislature will help do that. That budget includes investments in education, children and the environment, an expansion of job-creating tax policies, and a fiscally prudent reserve, in the bank, to prepare for the future. My request to you is to keep enough money in the bank to help offset unexpected emergencies and expected federal cuts of up to \$4.2 billion over the next seven years. Congress has made no secret of their commitment to deep spending reductions and shifting to the states, the funding responsibility for the elderly, children, people with disabilities, education, health care, transportation and the environment.

"Here in Washington, the deepest cuts will not be felt for a while. Under Congress' plan, the cuts will escalate each year, and in seven years, the effect on the state budget will be thirty-three times greater than in 1996. Of course, until Congress and the President agree on a final budget plan, no one will know exactly what's really in store for Washington. We do know, however, that any plan to balance the federal budget in seven years will require a significant reduction in the flow of federal funding to the states and Washington State will be no exception. Therefore, we must resist the call to pass the buck to future Legislatures, future Governors, and future voters.

"That is why, last year, I had to veto tax cuts that were so large that they were a great danger to our state's future if Congress comes even close to the size of funding cuts that they have already announced. In addition, the tax cuts I vetoed would have provided very little tax relief for average-income families in our state, while significantly reducing our savings and jeopardizing our future.

"The property tax bill that I vetoed would have saved nineteen dollars a year, a dollar sixty a month on a hundred thousand dollar house. However, it would have cut the tax on a major downtown office building, such as the Seattle Columbia Center more than thirty-three thousand dollars a year. The B&O tax bill I vetoed last session would have saved a sixty thousand dollar barbershop about a hundred and fifty-six dollar a year- thirteen dollars a month. Meanwhile, it would have saved a five million dollar law firm twenty-five thousand dollars a year. It's pretty obvious to me who would have benefitted from those tax cuts and it wasn't 'Mom and Pop.'

"There is a clear question before the 1996 Legislature. Do we maintain a healthy financial reserve and sound fiscal policies designed to meet major financial unknowns and keep the future bright or do we gamble that future on election-year tax cuts that have a clear vision for November, 1996, but a much cloudier vision for the rest of the decade and the Twenty-first Century?

"I know there are those, for whom I have very great respect, who did not agree with my tax cut vetoes, and there are others, whom I also greatly respect, who advocate large tax cuts now. As individuals, and as friends, I hold you in high regard, but this debate is not about whether there should be tax cuts or not--there will be tax cuts. The question is, will those tax cuts be so large that they damage our state's future? The real debate, is how much should we save today?

"While there are some things that I have asked you not to do this session, and it's primarily the one I just referred to, there are also some things that we must do. Those include protecting children, helping working families, and safeguarding the environment. We must bring more students into the state's higher education system, by increasing the number of spaces available, by offering additional financial aid, and by expanding electronic communications between campuses and communities. We must take steps to protect our watersheds. We must continue the successful Jobs for the Environment program, and we must reauthorize the critically needed Puget Sound Water Quality

Authority. We must strengthen our juvenile system, by increasing sentences on juvenile sex offenders, by improving security at crowded juvenile institutions, and by helping young offenders 'go straight' and avoid a life of crime.

"We must keep violent sexual predators locked up. As a father, a husband, and a Governor, I want to find a way that guarantees that our communities are protected from these very dangerous individuals. I know you do, too. I commend you for your leadership, and we will find a way to get that done. We must increase counseling and treatment services for runaway youth and their families. We must put a stop to this epidemic of domestic violence. Last year, felony charges linked to domestic violence increased forty-six percent. This is absolutely intolerable. We must make sure that working families have access to child-care assistance, and we must provide real property tax relief for people who need it the most--those who stand to lose their homes when property tax bills rise faster than their incomes.

"Finally, we must do a better job of protecting children who are in the state's care. To start with, we simply must reduce the impossible workload of thirty-six at-risk children to one state social worker. That ratio keeps children in too great a danger. There are other challenges ahead. I am deeply concerned that in our nation today, discrimination keeps raising its ugly head. I want to be very clear. The state of Washington is committed to equal opportunity, equal rights and respect for diversity. To those who would bring hate and intolerance of any person into our state, I say, 'hands off.' We will not tolerate discrimination in any form, for any reason and we will not tolerate the sort of back-door discrimination against families and children that many today call 'welfare reform.' The welfare system, which is less than three percent of the state budget--the welfare system is less than three percent of the state budget--may well be broken, but the answer to repairing it is not to break kids.

"Punishing children to get their parents off public assistance is not the answer. It is not fair and it is not welfare reform. True welfare reform promotes self-reliance through education and training, quality child care, affordable health care, and making sure non-custodial parents meet their financial obligations. Anything short of this is discrimination against poor kids. We have in place some of those components of real welfare reform, and this Legislature has done great work for real welfare reform.

"This year, more than sixty-four hundred parents left the welfare system, for a savings to taxpayer of more than thirty-four million dollars. In all, more than ten thousand welfare recipients joined the workforce in 1995--an increase of forty-three percent over the previous year. Real welfare reform that addresses health care, education and training, child care and non-custodial parents make meeting our financial responsibilities work.

"Today, we are facing also a challenge of keeping our communities safe in a world where, despite our important gains in the war against crime, we have seen a terrible increase in violent crime committed by teen-agers. And all too often, kids, are killing kids. That cycle of violence begins during the most impressionable time of life, when a child is abused or sees parents hitting each other. Until we deal with the root causes of violence, until we deal with child abuse and neglect, with domestic violence, with fetal alcohol syndrome, we will continue to spend millions of dollars on new prisons, and our streets won't be much safer. Make no mistake, responsibility, accountability, and tough penalties for serious crimes are important, but until we can stop a child from picking up a gun for the wrong purpose, we have failed.

"Earlier, I spoke of the economic growth that has been such good news for Washington. However, in the midst of this very bright future is a dark reality for a lot of working people. More and more, people's wages are simply not meeting their expenses. Nationally, wages are growing at the smallest rate on record. Economists are calling the national economy a 'wageless recovery,' with record business profits and stagnant wages. We're doing a little better here in our state, but I want us to do a whole lot better.

"Many of us today have become part of the new 'stretch generation,' struggling to contribute toward our children's expenses, whether that means college tuition or braces, while also caring for aging parents. I know what that's like. A lot of families today never imagined that they would have a hard time making ends meet on incomes they once only dreamed of. Most of them never imagined that they might not be able to buy a house or send their kids to college. It is not just two-parent families with college-aged kids that are feeling stressed out these days. People in their twenties and thirties are facing tough choices also about where they can afford to live, and whether they will be able to go on and advance their education--even whether they can afford to start their own families. The 'stretch generation' and others for whom slow-growing wages are a major problem are the reason we must maintain our commitment to affordable higher education, affordable child care for working people, affordable health care, and property tax reform that helps middle-income people afford to buy and stay in their homes.

"There are other hard-working people who aren't getting a fair shake these days either. Tomorrow, tens of thousands of Washington citizens will get out of bed before sunrise, go to work, and put in an eight-hour day and at the end of the day, they will take home about thirty-three dollars in pay--thirty-three dollars. With that, they have to put food on the table, pay part of the rent, and hope no one gets sick before the next payday. People who work forty hours a week ought to be paid enough to survive. That is why I am submitting legislation this session that will take a small step toward wage fairness, by raising the state's minimum wage to \$5.30 an hour. It is the right thing to do. Today, corporate CEOs earn, on an average, one hundred and forty times more than their employees. Surely no one could question that raising the minimum wage is the right thing to do.

"Despite these challenges, our future, as a state, looks bright. We have weathered storms. We have strengthened and diversified our economy and we have created a quality of life that is the envy of people throughout the world. The question today is whether we will have the vision and the courage to make decisions that will carry us forward, not backward--decisions that will continue the course of economic growth that has turned our economy around and positioned our state so well for the years ahead.

"Will we have the vision to look beyond the next election, and say no to short-term political expediency? Will we have the courage to do what is right for our children and for generations to come? In the end, that is more important than anything else. If we take care of our children, they will take care of our future. Our obligations, as elected officials and as citizens, is to create for our children a safe place to live, a chance to grow up healthy, an opportunity to realize their dreams--the chance to learn and to live in a world free of discrimination.

"Years from now, when people look back on the decisions that we make today, my hope is that they will see our past the way I visualize our future. Let them say that we helped hard-working people get a fair deal out of life. Let them say that we created a cleaner environment, a stronger education system, and a better quality of life. Let them say that we spoke for those who had no voice, that we cared for those who most needed help, and that, in the twilight of their lives, we honored those who had given us so much. Most importantly, let them say that we made our decisions with vision and courage.

"Thank you very much."

The President of the Senate instructed the special committee to escort the Governor from the House Chamber.

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

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

#### MOTION

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

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

The Speaker instructed the Sergeant at Arms of the House and the Senate to escort the President of the Senate, Lieutenant Governor Joel Pritchard; President Pro Tempore R. Lorraine Wojahn; Vice President Pro Tempore Rosa Franklin; Majority Leader Sid Snyder; Minority Leader Dan McDonald and the members of the Washington State Senate from the House Chamber.

The Senate was called to order at 5:51 p.m. by President Pritchard.

There being no objection, the Senate resumed consideration of Senate Bill No. 6118, deferred before the Senate retired to the House of Representatives for a Joint Session.

#### MOTION

On motion of Senator Rinehart, the following amendment by Senators Sheldon, Loveland and West to the striking amendment by Senators Rinehart and West was adopted:

On page 7 of the amendment, after line 4, strike all of sections 5 and 6

Renumber the sections consecutively and correct any internal references accordingly

#### STATEMENT FOR THE JOURNAL

I am hereby protesting, in accordance with Senate Rule 34, a ruling made on the Senate floor on the evening of January 9, 1996. Senate Bill No. 6118 was moved and amendments were being considered. The amendment on page 11, after line 33 to the striking amendment, sponsored by me, was moved for adoption and debate began. I spoke in favor of the amendment and at least three other members offered their remarks. Senator Haugen then spoke to the merits of the amendment before raising a point of order regarding the scope and object of the amendment. At that point, I questioned whether Reed's Rules allowed this motion after debate had begun on the merits of the amendment.

Senate Rule 40 states, in part, that, 'The rules of parliamentary practice as contained in Reed's Parliamentary Rules shall govern the senate in all cases to which there are applicable...'

Reed's Rules outlines when a point of order can be raised in rules 111 and 112. Rule 112 states, 'Both these objections to present action must be presented before consideration has been entered upon. After debate has begun or other action has been taken it is too late.'

Clearly, the point of order requested by Senator Haugen was out of order. I protest the ruling made on the floor to recognize Senator Haugen's point of order.

SENATOR MICHAEL HEAVEY, 34th District

#### MOTION

Senator Heavey moved that the following amendment to the striking amendment by Senators Rinehart and West be adopted:

On page 11, after line 33 of the amendment, insert the following:

"Sec. 8. RCW 84.55.120 and 1995 c 251 s 1 are each amended to read as follows:

A taxing district, other than the state, that collects regular levies shall hold a public hearing on revenue sources for the district's following year's current expense budget. The hearing must include consideration of possible increases in property tax revenues and shall be held prior to the time the taxing district levies the taxes or makes the request to have the taxes levied. The county legislative authority, or the taxing district's governing body if the district is a city, town, or other type of district, shall hold the hearing. The levy for a taxing district for collection the following year shall not increase from the current year, other than an additional dollar amount calculated by multiplying the increase in assessed value in that district resulting from new construction, improvements to property, and any increase in the assessed value of state-assessed property for the year, without an affirmative vote of a majority of the members of the county legislative authority, or the taxing district's governing body if the district is a city, town, or other type of district.

For purposes of this section, "current expense budget" means that budget which is primarily funded by taxes and charges and reflects the provision of ongoing services. It does not mean the capital, enterprise, or special assessment budgets of cities, towns, counties, or special purpose districts.

If the taxing district is otherwise required to hold a public hearing on its proposed regular tax levy, a single public hearing may be held on this matter."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

#### POINT OF ORDER

Senator Haugen: "Mr. President, I would like to raise a point of order. I would ask a ruling on whether this is within the scope and object of the bill, because the underlying bill, I believe, deals with the state and this deals with the local taxing authority."

#### POINT OF ORDER

Senator Heavey: "I understand that the rules are probably different than in the House, but debate has begun. I believe under Reed's Rules that once debate has begun on an issue that the matter is to be heard. That is the rule in the House; I don't know what the rule is here, but I assume Reed's Rules apply."

Further debate ensued.

#### RULING BY THE PRESIDENT

President Pritchard: "On your first point, Senator Heavey, the President rules against you on the business of when we can take up a scope and object here in the Senate. It is appropriate anytime until we have a vote."

There being no objection, the President deferred further consideration of the amendment by Senator Heavey on page 11, after line 33 to the striking amendment by Senator Rinehart and West to Senate Bill No. 6118.  
President Pro Tempore Wojahn assumed the Chair.

#### MOTION

Senator Cantu moved that the following amendment to the striking amendment by Senators Rinehart and West be adopted:  
On page 11 of the amendment, after line 33, insert the following:

**"Sec. 8.** RCW 84.55.010 and 1979 ex.s. c 218 s 2 are each amended to read as follows:

(1) Except as provided in this chapter, the levy for a taxing district in any year shall be set so that the regular property taxes payable in the following year shall not exceed one hundred six percent or one hundred percent plus inflation, whichever is lower, of the amount of regular property taxes lawfully levied for such district in the highest of the three most recent years in which such taxes were levied for such district plus an additional dollar amount calculated by multiplying the increase in assessed value in that district resulting from new construction, improvements to property, and any increase in the assessed value of state-assessed property by the regular property tax levy rate of that district for the preceding year.

(2) For the purposes of this section, "inflation" means the percentage change in the implicit price deflator for the United States, as published by the federal department of commerce, for the fiscal year ending June 30th of the year preceding the year in which the taxes are due.

**Sec. 9.** RCW 84.55.020 and 1971 ex.s. c 288 s 21 are each amended to read as follows:

(1) Notwithstanding the limitation set forth in RCW 84.55.010, the first levy for a taxing district created from consolidation of similar taxing districts shall be set so that the regular property taxes payable in the following year shall not exceed one hundred six percent or one hundred percent plus inflation, whichever is lower, of the sum of the amount of regular property taxes lawfully levied for each component taxing district in the highest of the three most recent years in which such taxes were levied for such district plus the additional dollar amount calculated by multiplying the increase in assessed value in each component district resulting from new construction and improvements to property by the regular property tax rate of each component district for the preceding year.

(2) For the purposes of this section, "inflation" means the percentage change in the implicit price deflator for the United States, as published by the federal department of commerce, for the fiscal year ending June 30th of the year preceding the year in which the taxes are due.

**Sec. 10.** RCW 35.61.210 and 1990 c 234 s 3 are each amended to read as follows:

The board of park commissioners may levy or cause to be levied a general tax on all the property located in said park district each year not to exceed fifty cents per thousand dollars of assessed value of the property in such park district. In addition, the board of park commissioners may levy or cause to be levied a general tax on all property located in said park district each year not to exceed twenty-five cents per thousand dollars of assessed valuation. Although park districts are authorized to impose two separate regular property tax levies, the levies shall be considered to be a single levy for purposes of the ~~((one hundred six percent))~~ limitation provided for in chapter 84.55 RCW.

The board is hereby authorized to levy a general tax in excess of its regular property tax levy or levies when authorized so to do at a special election conducted in accordance with and subject to all the requirements of the Constitution and laws of the state now in force or hereafter enacted governing the limitation of tax levies. The board is hereby authorized to call a special election for the purpose of submitting to the qualified voters of the park district a proposition to levy a tax in excess of the seventy-five cents per thousand dollars of assessed value herein specifically authorized. The manner of submitting any such proposition, of certifying the same, and of giving or publishing notice thereof, shall be as provided by law for the submission of propositions by cities or towns.

The board shall include in its general tax levy for each year a sufficient sum to pay the interest on all outstanding bonds and may include a sufficient amount to create a sinking fund for the redemption of all outstanding bonds. The levy shall be certified to the proper county officials for collection the same as other general taxes and when collected, the general tax shall be placed in a separate fund in the office of the county treasurer to be known as the "metropolitan park district fund" and paid out on warrants.

**Sec. 11.** RCW 70.44.060 and 1990 c 234 s 2 are each amended to read as follows:

All public hospital districts organized under the provisions of this chapter shall have power:

(1) To make a survey of existing hospital and other health care facilities within and without such district.

(2) To construct, condemn and purchase, purchase, acquire, lease, add to, maintain, operate, develop and regulate, sell and convey all lands, property, property rights, equipment, hospital and other health care facilities and systems for the maintenance of hospitals, buildings, structures, and any and all other facilities, and to exercise the right of eminent domain to effectuate the foregoing purposes or for the acquisition and damaging of the same or property of any kind appurtenant thereto, and such right of eminent domain shall be exercised and instituted pursuant to a resolution of the commission and conducted in the same manner and by the same procedure as in or may be provided by law for the exercise of the power of eminent domain by incorporated cities and towns of the state of Washington in the acquisition of property rights: **PROVIDED**, That no public hospital district shall have the right of eminent domain and the power of condemnation against any health care facility.

(3) To lease existing hospital and other health care facilities and equipment and/or other property used in connection therewith, including ambulances, and to pay such rental therefor as the commissioners shall deem proper; to provide hospital and other health care services for residents of said district by facilities located outside the boundaries of said district, by contract or in any other manner said commissioners may deem expedient or necessary under the existing conditions; and said hospital district shall have the power to contract with other communities, corporations, or individuals for the services provided by said hospital district; and they may further receive in said hospitals and other health care facilities and furnish proper and adequate services to all persons not residents of said district at such reasonable and fair compensation as may be considered proper: **PROVIDED**, That it must at all times make adequate provision for the needs of the district and residents of said district shall have prior rights to the available hospital and other health care facilities of said district, at rates set by the district commissioners.

(4) For the purpose aforesaid, it shall be lawful for any district so organized to take, condemn and purchase, lease, or acquire, any and all property, and property rights, including state and county lands, for any of the purposes aforesaid, and any and all other facilities necessary or convenient, and in connection with the construction, maintenance, and operation of any such hospitals and other health care facilities, subject, however, to the applicable limitations provided in subsection (2) of this section.

(5) To contract indebtedness or borrow money for corporate purposes on the credit of the corporation or the revenues of the hospitals thereof, and the revenues of any other facilities or services that the district is or hereafter may be authorized by law to provide, and to issue and sell: (a) Revenue bonds, revenue warrants, or other revenue obligations therefor payable solely out of a special fund or funds into which the district may pledge such amount of the revenues of the hospitals thereof, and the revenues of any other facilities or services that the district is or hereafter may be authorized by law to provide, to pay the same as the commissioners of the district may determine, such revenue bonds, warrants, or other obligations to be issued and sold in the same manner and subject to the same provisions as provided for the issuance of revenue bonds, warrants, or other obligations by cities or towns under the Municipal Revenue Bond Act, chapter 35.41 RCW, as may hereafter be amended; (b) general obligation bonds therefor in the manner and form as provided in RCW 70.44.110 and 70.44.130, as may hereafter be amended; or (c) interest-bearing warrants to be drawn on a fund pending deposit in such fund of money sufficient to redeem such warrants and to be issued and paid in such manner and upon such terms and conditions as the board of commissioners may deem to be in

the best interest of the district; and to assign or sell hospital accounts receivable, and accounts receivable for the use of other facilities or services that the district is or hereafter may be authorized by law to provide, for collection with or without recourse. General obligation bonds shall be issued and sold in accordance with chapter 39.46 RCW. Revenue bonds, revenue warrants, or other revenue obligations may be issued and sold in accordance with chapter 39.46 RCW.

(6) To raise revenue by the levy of an annual tax on all taxable property within such public hospital district not to exceed fifty cents per thousand dollars of assessed value, and an additional annual tax on all taxable property within such public hospital district not to exceed twenty-five cents per thousand dollars of assessed value, or such further amount as has been or shall be authorized by a vote of the people. Although public hospital districts are authorized to impose two separate regular property tax levies, the levies shall be considered to be a single levy for purposes of the ~~((one hundred six percent))~~ limitation provided for in chapter 84.55 RCW. Public hospital districts are authorized to levy such a general tax in excess of their regular property taxes when authorized so to do at a special election conducted in accordance with and subject to all of the requirements of the Constitution and the laws of the state of Washington now in force or hereafter enacted governing the limitation of tax levies. The said board of district commissioners is authorized and empowered to call a special election for the purpose of submitting to the qualified voters of the hospital district a proposition or propositions to levy taxes in excess of its regular property taxes. The superintendent shall prepare a proposed budget of the contemplated financial transactions for the ensuing year and file the same in the records of the commission on or before the first Monday in September. Notice of the filing of said proposed budget and the date and place of hearing on the same shall be published for at least two consecutive weeks in a newspaper printed and of general circulation in said county. On the first Monday in October the commission shall hold a public hearing on said proposed budget at which any taxpayer may appear and be heard against the whole or any part of the proposed budget. Upon the conclusion of said hearing, the commission shall, by resolution, adopt the budget as finally determined and fix the final amount of expenditures for the ensuing year. Taxes levied by the commission shall be certified to and collected by the proper county officer of the county in which such public hospital district is located in the same manner as is or may be provided by law for the certification and collection of port district taxes. The commission is authorized, prior to the receipt of taxes raised by levy, to borrow money or issue warrants of the district in anticipation of the revenue to be derived by such district from the levy of taxes for the purpose of such district, and such warrants shall be redeemed from the first money available from such taxes when collected, and such warrants shall not exceed the anticipated revenues of one year, and shall bear interest at a rate or rates as authorized by the commission.

(7) To enter into any contract with the United States government or any state, municipality, or other hospital district, or any department of those governing bodies, for carrying out any of the powers authorized by this chapter.

(8) To sue and be sued in any court of competent jurisdiction: PROVIDED, That all suits against the public hospital district shall be brought in the county in which the public hospital district is located.

(9) To pay actual necessary travel expenses and living expenses incurred while in travel status for (a) qualified physicians who are candidates for medical staff positions, and (b) other qualified persons who are candidates for superintendent or other managerial and technical positions, when the district finds that hospitals or other health care facilities owned and operated by it are not adequately staffed and determines that personal interviews with said candidates to be held in the district are necessary or desirable for the adequate staffing of said facilities.

(10) To make contracts, employ superintendents, attorneys, and other technical or professional assistants and all other employees; to make contracts with private or public institutions for employee retirement programs; to print and publish information or literature; and to do all other things necessary to carry out the provisions of this chapter.

**Sec. 12.** RCW 84.08.115 and 1991 c 218 s 2 are each amended to read as follows:

(1) The department shall prepare a clear and succinct explanation of the property tax system, including but not limited to:

(a) The standard of true and fair value as the basis of the property tax.

(b) How the assessed value for particular parcels is determined.

(c) The procedures and timing of the assessment process.

(d) How district levy rates are determined, including the ~~((one hundred six percent))~~ limit under chapter 84.55 RCW.

(e) How the composite tax rate is determined.

(f) How the amount of tax is calculated.

(g) How a taxpayer may appeal an assessment, and what issues are appropriate as a basis of appeal.

(h) A summary of tax exemption and relief programs, along with the eligibility standards and application processes.

(2) Each county assessor shall provide copies of the explanation to taxpayers on request, free of charge. Each revaluation notice shall include information regarding the availability of the explanation.

**NEW SECTION. Sec. 13.** Sections 8 through 12 of this act apply to taxes levied in 1996 for collection in 1997 and thereafter."

Renumber the sections consecutively and correct any internal references accordingly

#### POINT OF ORDER

Senator Rinehart: "Madam President, I raise the question of scope and object. The amendment appears to add a second subject to the bill."

Further debate ensued.

There being no objection, the President Pro Tempore deferred further consideration of the amendment by Senator Cantu on page 11, after line 33 to the striking amendment by Senators Rinehart and West to Senate Bill No. 6118.

#### MOTION

Senator Swecker moved that the following amendment by Senators Swecker, McCaslin and Strannigan to the striking amendment by Senators Rinehart and West be adopted:

Strike everything after the enacting clause and insert the following:

#### "PART I STATE PROPERTY TAX ELIMINATION

**Sec. 1.** RCW 84.52.065 and 1991 sp.s. c 31 s 16 are each amended to read as follows:

(1) Subject to the limitations in RCW 84.55.010, in each year the state shall levy for collection in the following year for the support of common schools of the state a tax ~~((of three dollars and sixty cents per thousand dollars of assessed value))~~ at the rate specified in subsection (2) of this section upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

(2) The rate of state tax in subsection (1) of this section shall be as follows:

(a) Three dollars and sixty cents per thousand dollars of assessed value for taxes levied for collection in 1996, and before;

- (b) Three dollars per thousand dollars of assessed value for taxes levied for collection in 1997;
- (c) Two dollars and forty cents per thousand dollars of assessed value for taxes levied for collection in 1998;
- (d) One dollar and eighty cents per thousand dollars of assessed value for taxes levied for collection in 1999;
- (e) One dollar and twenty cents per thousand dollars of assessed value for taxes levied for collection in 2000; and
- (f) Sixty cents per thousand dollars of assessed value for taxes levied for collection in 2001.

No tax may be levied under this section for taxes levied for collection in 2002 and thereafter.

(3) As used in this section, "the support of common schools" includes the payment of the principal and interest on bonds issued for capital construction projects for the common schools.

**Sec. 2.** RCW 84.52.043 and 1995 c 99 s 3 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) The levy by the state shall not exceed (~~three dollars and sixty cents~~) the dollar rate per thousand dollars of assessed value specified in RCW 84.52.065 adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and ninety cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; (e) levies to finance affordable housing for very low-income housing imposed under RCW 84.52.105; and (f) the portions of levies by metropolitan park districts that are protected under RCW 84.52.120.

**Sec. 3.** RCW 84.52.050 and 1973 1st ex. s. c 194 s 1 are each amended to read as follows:

(1) Except as hereinafter provided, the aggregate of all tax levies upon real and personal property by the state and all taxing districts, now existing or hereafter created, shall not in any year exceed (~~one percentum~~) the following percentage of the true and fair value of such property in money: (~~PROVIDED, HOWEVER, That~~)

(a) For taxes levied for collection in 1996, and before, 1.0 percent;

(b) For taxes levied for collection in 1997, 0.94 percent;

(c) For taxes levied for collection in 1998, 0.88 percent;

(d) For taxes levied for collection in 1999, 0.82 percent;

(e) For taxes levied for collection in 2000, 0.76 percent;

(f) For taxes levied for collection in 2001, 0.70 percent; and

(g) For taxes levied for collection in 2002 and thereafter, 0.64 percent.

(2) Nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only as authorized by law and in conformity with the provisions of Article VII, section 2(a), (b), or (c) of the Constitution of the state of Washington.

(3) Nothing herein contained shall prohibit the legislature from allocating or reallocating the authority to levy taxes between the taxing districts of the state and its political subdivisions in a manner which complies with the aggregate tax limitation set forth in this section.

**Sec. 4.** RCW 36.58.150 and 1984 c 186 s 25 are each amended to read as follows:

(1) A solid waste disposal district shall not have the power to levy an annual levy without voter approval, but it shall have the power to levy a tax, in excess of the (~~one percent~~) limitation in RCW 84.52.050, upon the property within the district for a one year period to be used for operating or capital purposes whenever authorized by the electors of the district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

A solid waste disposal district may issue general obligation bonds for capital purposes only, subject to the limitations prescribed in RCW 39.36.020(1), and may provide for the retirement of the bonds by voter-approved bond retirement tax levies pursuant to Article VII, section 2(b) of the state Constitution and RCW 84.52.056. Such general obligation bonds shall be issued and sold in accordance with chapter 39.46 RCW.

A solid waste disposal district may issue revenue bonds to fund its activities. Such revenue bonds may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030.

(2) Notwithstanding subsection (1) of this section, such revenue bonds may be issued and sold in accordance with chapter 39.46 RCW.

**Sec. 5.** RCW 36.60.040 and 1983 c 303 s 11 are each amended to read as follows:

A county rail district is not authorized to impose a regular ad valorem property tax levy but may:

(1) Levy an ad valorem property tax, in excess of the (~~one percent~~) limitation in RCW 84.52.050, upon the property within the district for a one-year period to be used for operating or capital purposes whenever authorized by the voters of the district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

(2) Provide for the retirement of voter approved general obligation bonds, issued for capital purposes only, by levying bond retirement ad valorem property tax levies, in excess of the one percent limitation, whenever authorized by the voters of the district pursuant to Article VII, section 2(b) of the state Constitution and RCW 84.52.056.

**Sec. 6.** RCW 36.69.145 and 1994 c 156 s 3 are each amended to read as follows:

(1) A park and recreation district may impose regular property tax levies in an amount equal to sixty cents or less per thousand dollars of assessed value of property in the district in each year for six consecutive years when specifically authorized so to do by a majority of at least three-fifths of the voters thereof approving a proposition authorizing the levies submitted at a special election or at the regular election of the district, at which election the number of voters voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the number of voters voting in such district at the last preceding general election when the number of voters voting on the proposition does not exceed forty per centum of the number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the voters thereof voting on the proposition if the number of voters voting on the proposition exceeds forty per centum of the number of voters voting in such taxing district in the last preceding general election. A proposition authorizing the tax levies shall not be submitted by a park and recreation district more than twice in any twelve-month period. Ballot propositions shall conform with RCW 29.30.111. In the event a park and recreation district is levying property taxes, which in combination with property taxes levied by other taxing districts subject to the (~~one percent~~) limitation provided for in (~~Article 7, section 2, of our state Constitution~~) RCW

84.52.050 result in taxes in excess of the limitation provided for in RCW 84.52.043, the park and recreation district property tax levy shall be reduced or eliminated before the property tax levies of other taxing districts are reduced.

(2) The limitation in RCW 84.55.010 shall not apply to the first levy imposed under this section following the approval of the levies by the voters under subsection (1) of this section.

**Sec. 7.** RCW 36.73.060 and 1987 c 327 s 6 are each amended to read as follows:

(1) A transportation benefit district may levy an ad valorem property tax in excess of the ~~((one percent))~~ limitation in RCW 84.52.050 upon the property within the district for a one-year period whenever authorized by the voters of the district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

(2) A district may provide for the retirement of voter-approved general obligation bonds, issued for capital purposes only, by levying bond retirement ad valorem property tax levies in excess of the one percent limitation whenever authorized by the voters of the district pursuant to Article VII, section 2(b) of the state Constitution and RCW 84.52.056.

**Sec. 8.** RCW 36.83.030 and 1983 c 130 s 3 are each amended to read as follows:

(1) A service district may levy an ad valorem property tax, in excess of the ~~((one percent))~~ limitation in RCW 84.52.050, upon the property within the district for a one-year period whenever authorized by the voters of the district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

(2) A service district may provide for the retirement of voter approved general obligation bonds, issued for capital purposes only, by levying bond retirement ad valorem property tax levies, in excess of the one percent limitation, whenever authorized by the voters of the district pursuant to Article VII, section 2(b) of the state Constitution and RCW 84.52.056.

**Sec. 9.** RCW 36.100.050 and 1988 ex.s. c 1 s 15 are each amended to read as follows:

(1) A public facilities district may levy an ad valorem property tax, in excess of the ~~((one percent))~~ limitation in RCW 84.52.050, upon the property within the district for a one-year period to be used for operating or capital purposes whenever authorized by the voters of the district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

(2) A public facilities district may provide for the retirement of voter-approved general obligation bonds, issued for capital purposes only, by levying bond retirement ad valorem property tax levies, in excess of the one percent limitation, whenever authorized by the voters of the district pursuant to Article VII, section 2(b) of the state Constitution and RCW 84.52.056.

**Sec. 10.** RCW 67.38.130 and 1984 c 131 s 4 are each amended to read as follows:

The governing body of a cultural arts, stadium and convention district may levy or cause to levy the following ad valorem taxes:

(1) Regular ad valorem property tax levies in an amount equal to twenty-five cents or less per thousand dollars of the assessed value of property in the district in each year for six consecutive years when specifically authorized so to do by a majority of at least three-fifths of the electors thereof approving a proposition authorizing the levies submitted at a general or special election, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percentum of the total votes cast in such taxing district at the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition when the number of electors voting yes on the proposition exceeds forty percentum of the total votes cast in such taxing district in the last preceding general election. Ballot propositions shall conform with RCW 29.30.111.

In the event a cultural arts, stadium and convention district is levying property taxes, which in combination with property taxes levied by other taxing districts subject to the ~~((one percent))~~ limitation provided for in ~~((Article VII, section 2, of our state Constitution))~~ RCW 84.52.050 result in taxes in excess of the limitation provided for in RCW 84.52.043, the cultural arts, stadium and convention district property tax levy shall be reduced or eliminated before the property tax levies of other taxing districts are reduced: PROVIDED, That no cultural arts, stadium, and convention district may pledge anticipated revenues derived from the property tax herein authorized as security for payments of bonds issued pursuant to subsection (1) of this section: PROVIDED, FURTHER, That such limitation shall not apply to property taxes approved pursuant to subsections (2) and (3) of this section.

The limitation in RCW 84.55.010 shall apply to levies after the first levy authorized under this section following the approval of such levy by voters pursuant to this section.

(2) An annual excess ad valorem property tax for general district purposes when authorized by the district voters in the manner prescribed by ~~((section 2,))~~ Article VII, section 2 of the state Constitution and by RCW 84.52.052.

(3) Multi-year excess ad valorem property tax levies used to retire general obligation bond issues when authorized by the district voters in the manner prescribed by ~~((section 2,))~~ Article VII, section 2 of the state Constitution and by RCW 84.52.056.

The district shall include in its regular property tax levy for each year a sum sufficient to pay the interest and principal on all outstanding general obligation bonds issued without voter approval pursuant to RCW 67.38.110 and may include a sum sufficient to create a sinking fund for the redemption of all outstanding bonds.

**Sec. 11.** RCW 84.52.010 and 1995 2nd sp.s. c 13 s 4 are each amended to read as follows:

Except as is permitted under RCW 84.55.050, all taxes shall be levied or voted in specific amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 84.52.069, 84.34.230, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, and 84.52.105, the combined rate of regular property tax levies that are subject to the ~~((one percent))~~ limitation under RCW 84.52.050 exceeds ~~((one percent of the true and fair value of any property))~~ the limitation under RCW 84.52.050, then these levies shall be reduced as follows: (a) The portion of the levy by a metropolitan park district that is protected under RCW 84.52.120 shall be reduced until the combined rate no longer exceeds ~~((one percent of the true and fair value of any property))~~ the limitation under RCW 84.52.050 or shall be eliminated; (b) if the combined rate of regular property tax levies that are subject to the ~~((one percent))~~ limitation under RCW 84.52.050 still exceeds ~~((one percent of the true and fair value of any property))~~ the limitation under RCW 84.52.050, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, shall be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; and (c) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(2) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, shall be reduced on a pro rata basis or eliminated;

(d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 shall be reduced on a pro rata basis or eliminated; and

(e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, library districts, metropolitan park districts under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, shall be reduced on a pro rata basis or eliminated.

In determining whether the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.050, exceeds the limitations provided in that section, the assessor shall use the hypothetical state levy, as apportioned to the county under RCW 84.48.080, that was computed under RCW 84.48.080 without regard to the reduction under RCW 84.55.012.

**Sec. 12.** RCW 84.69.020 and 1994 c 301 s 55 are each amended to read as follows:

On the order of the county treasurer, ad valorem taxes paid before or after delinquency shall be refunded if they were:

- (1) Paid more than once; or
- (2) Paid as a result of manifest error in description; or
- (3) Paid as a result of a clerical error in extending the tax rolls; or
- (4) Paid as a result of other clerical errors in listing property; or
- (5) Paid with respect to improvements which did not exist on assessment date; or
- (6) Paid under levies or statutes adjudicated to be illegal or unconstitutional; or
- (7) Paid as a result of mistake, inadvertence, or lack of knowledge by any person exempted from paying real property taxes or a portion thereof pursuant to RCW 84.36.381 through 84.36.389, as now or hereafter amended; or
- (8) Paid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person with respect to real property in which the person paying the same has no legal interest; or
- (9) Paid on the basis of an assessed valuation which was appealed to the county board of equalization and ordered reduced by the board; or
- (10) Paid on the basis of an assessed valuation which was appealed to the state board of tax appeals and ordered reduced by the board: PROVIDED, That the amount refunded under subsections (9) and (10) of this section shall only be for the difference between the tax paid on the basis of the appealed valuation and the tax payable on the valuation adjusted in accordance with the board's order; or

(11) Paid as a state property tax levied upon property, the assessed value of which has been established by the state board of tax appeals for the year of such levy: PROVIDED, HOWEVER, That the amount refunded shall only be for the difference between the state property tax paid and the amount of state property tax which would, when added to all other property taxes within the ~~((one percent))~~ limitation of Article VII, section 2 of the state Constitution equal ~~((one percent))~~ the percentage under RCW 84.52.050 of the assessed value established by the board;

(12) Paid on the basis of an assessed valuation which was adjudicated to be unlawful or excessive: PROVIDED, That the amount refunded shall be for the difference between the amount of tax which was paid on the basis of the valuation adjudged unlawful or excessive and the amount of tax payable on the basis of the assessed valuation determined as a result of the proceeding; or

(13) Paid on property acquired under RCW 84.60.050, and canceled under RCW 84.60.050(2).

No refunds under the provisions of this section shall be made because of any error in determining the valuation of property, except as authorized in subsections (9), (10), (11), and (12) of this section nor may any refunds be made if a bona fide purchaser has acquired rights that would preclude the assessment and collection of the refunded tax from the property that should properly have been charged with the tax. Any refunds made on delinquent taxes shall include the proportionate amount of interest and penalties paid. The county treasurer may deduct from moneys collected for the benefit of the state's levy, refunds of the state levy including interest on the levy as provided by this section and chapter 84.68 RCW.

The county treasurer of each county shall make all refunds determined to be authorized by this section, and by the first Monday in January of each year, report to the county legislative authority a list of all refunds made under this section during the previous year. The list is to include the name of the person receiving the refund, the amount of the refund, and the reason for the refund.

## PART II LIMIT ON PROPERTY TAX INCREASES

**Sec. 13.** RCW 84.55.010 and 1979 ex.s. c 218 s 2 are each amended to read as follows:

Except as provided in this chapter, the levy for a taxing district in any year shall be set so that the regular property taxes payable in the following year shall not exceed either one hundred six percent or one hundred percent plus inflation calculated as the percentage change in the implicit price deflator for the United States for the fiscal year as published by the federal bureau of labor and statistics, whichever is lower, of the amount of regular property taxes lawfully levied for such district in the highest of the three most recent years in which such taxes were levied for such district plus an additional dollar amount calculated by multiplying the increase in assessed value in that district resulting from new construction, improvements to property, and any increase in the assessed value of state-assessed property by the regular property tax levy rate of that district for the preceding year.

**Sec. 14.** RCW 84.55.020 and 1971 ex.s. c 288 s 21 are each amended to read as follows:

Notwithstanding the limitation set forth in RCW 84.55.010, the first levy for a taxing district created from consolidation of similar taxing districts shall be set so that the regular property taxes payable in the following year shall not exceed either one hundred six percent or one hundred percent plus inflation calculated as the percentage change in the implicit price deflator for the United States for fiscal year as published by the federal bureau of labor and statistics, whichever is lower, of the sum of the amount of regular property taxes lawfully levied for each component taxing district in the highest of the three most recent years in which such taxes were levied for such district plus the additional dollar amount calculated by multiplying the increase in assessed value in each component district resulting from new construction and improvements to property by the regular property tax rate of each component district for the preceding year.

**Sec. 15.** RCW 35.61.210 and 1990 c 234 s 3 are each amended to read as follows:

The board of park commissioners may levy or cause to be levied a general tax on all the property located in said park district each year not to exceed fifty cents per thousand dollars of assessed value of the property in such park district. In addition, the board of park commissioners may levy or cause to be levied a general tax on all property located in said park district each year not to exceed twenty-five cents per thousand dollars of assessed valuation. Although park districts are authorized to impose two separate regular property tax levies, the levies shall be considered to be a single levy for purposes of the one hundred six percent or one hundred percent plus inflation limitation provided for in chapter 84.55 RCW.

The board is hereby authorized to levy a general tax in excess of its regular property tax levy or levies when authorized so to do at a special election conducted in accordance with and subject to all the requirements of the Constitution and laws of the state now in force or hereafter enacted governing the limitation of tax levies. The board is hereby authorized to call a special election for the purpose of submitting to the qualified voters of the park district a proposition to levy a tax in excess of the seventy-five cents per thousand dollars of assessed value herein specifically authorized. The manner of submitting any such proposition, of certifying the same, and of giving or publishing notice thereof, shall be as provided by law for the submission of propositions by cities or towns.

The board shall include in its general tax levy for each year a sufficient sum to pay the interest on all outstanding bonds and may include a sufficient amount to create a sinking fund for the redemption of all outstanding bonds. The levy shall be certified to the proper county officials for collection the same as other general taxes and when collected, the general tax shall be placed in a separate fund in the office of the county treasurer to be known as the "metropolitan park district fund" and paid out on warrants.

**Sec. 16.** RCW 70.44.060 and 1990 c 234 s 2 are each amended to read as follows:

All public hospital districts organized under the provisions of this chapter shall have power:

(1) To make a survey of existing hospital and other health care facilities within and without such district.  
(2) To construct, condemn and purchase, purchase, acquire, lease, add to, maintain, operate, develop and regulate, sell and convey all lands, property, property rights, equipment, hospital and other health care facilities and systems for the maintenance of hospitals, buildings, structures, and any and all other facilities, and to exercise the right of eminent domain to effectuate the foregoing purposes or for the acquisition and damaging of the same or property of any kind appurtenant thereto, and such right of eminent domain shall be exercised and instituted pursuant to a resolution of the commission and conducted in the same manner and by the same procedure as in or may be provided by law for the exercise of the power of eminent domain by incorporated cities and towns of the state of Washington in the acquisition of property rights: PROVIDED, That no public hospital district shall have the right of eminent domain and the power of condemnation against any health care facility.

(3) To lease existing hospital and other health care facilities and equipment and/or other property used in connection therewith, including ambulances, and to pay such rental therefor as the commissioners shall deem proper; to provide hospital and other health care services for residents of said district by facilities located outside the boundaries of said district, by contract or in any other manner said commissioners may deem expedient or necessary under the existing conditions; and said hospital district shall have the power to contract with other communities, corporations, or individuals for the services provided by said hospital district; and they may further receive in said hospitals and other health care facilities and furnish proper and adequate services to all persons not residents of said district at such reasonable and fair compensation as may be considered proper: PROVIDED, That it must at all times make adequate provision for the needs of the district and residents of said district shall have prior rights to the available hospital and other health care facilities of said district, at rates set by the district commissioners.

(4) For the purpose aforesaid, it shall be lawful for any district so organized to take, condemn and purchase, lease, or acquire, any and all property, and property rights, including state and county lands, for any of the purposes aforesaid, and any and all other facilities necessary or convenient, and in connection with the construction, maintenance, and operation of any such hospitals and other health care facilities, subject, however, to the applicable limitations provided in subsection (2) of this section.

(5) To contract indebtedness or borrow money for corporate purposes on the credit of the corporation or the revenues of the hospitals thereof, and the revenues of any other facilities or services that the district is or hereafter may be authorized by law to provide, and to issue and sell: (a) Revenue bonds, revenue warrants, or other revenue obligations therefor payable solely out of a special fund or funds into which the district may pledge such amount of the revenues of the hospitals thereof, and the revenues of any other facilities or services that the district is or hereafter may be authorized by law to provide, to pay the same as the commissioners of the district may determine, such revenue bonds, warrants, or other obligations to be issued and sold in the same manner and subject to the same provisions as provided for the issuance of revenue bonds, warrants, or other obligations by cities or towns under the Municipal Revenue Bond Act, chapter 35.41 RCW, as may hereafter be amended; (b) general obligation bonds therefor in the manner and form as provided in RCW 70.44.110 and 70.44.130, as may hereafter be amended; or (c) interest-bearing warrants to be drawn on a fund pending deposit in such fund of money sufficient to redeem such warrants and to be issued and paid in such manner and upon such terms and conditions as the board of commissioners may deem to be in the best interest of the district; and to assign or sell hospital accounts receivable, and accounts receivable for the use of other facilities or services that the district is or hereafter may be authorized by law to provide, for collection with or without recourse. General obligation bonds shall be issued and sold in accordance with chapter 39.46 RCW. Revenue bonds, revenue warrants, or other revenue obligations may be issued and sold in accordance with chapter 39.46 RCW.

(6) To raise revenue by the levy of an annual tax on all taxable property within such public hospital district not to exceed fifty cents per thousand dollars of assessed value, and an additional annual tax on all taxable property within such public hospital district not to exceed twenty-five cents per thousand dollars of assessed value, or such further amount as has been or shall be authorized by a vote of the people. Although public hospital districts are authorized to impose two separate regular property tax levies, the levies shall be considered to be a single levy for purposes of the one hundred six percent or one hundred percent plus inflation limitation provided for in chapter 84.55 RCW. Public hospital districts are authorized to levy such a general tax in excess of their regular property taxes when authorized so to do at a special election conducted in accordance with and subject to all of the requirements of the Constitution and the laws of the state of Washington now in force or hereafter enacted governing the limitation of tax levies. The said board of district commissioners is authorized and empowered to call a special election for the purpose of submitting to the qualified voters of the hospital district a proposition or propositions to levy taxes in excess of its regular property taxes. The superintendent shall prepare a proposed budget of the contemplated financial transactions for the ensuing year and file the same in the records of the commission on or before the first Monday in September. Notice of the filing of said proposed budget and the date and place of hearing on the same shall be published for at least two consecutive weeks in a newspaper printed and of general circulation in said county. On the first Monday in October the commission shall hold a public hearing on said proposed budget at which any taxpayer may appear and be heard against the whole or any part of the proposed budget. Upon the conclusion of said hearing, the commission shall, by resolution, adopt the budget as finally determined and fix the final amount of expenditures for the ensuing year. Taxes levied by the commission shall be certified to and collected by the proper county officer of the county in which such public hospital district is located in the same manner as is or may be provided by law for the certification and collection of port district taxes. The commission is authorized, prior to the receipt of taxes raised by levy, to borrow money or issue warrants of the district in anticipation of the revenue to be derived by such district from the levy of taxes for the purpose of such district, and such warrants shall be redeemed from the first money available from such taxes when collected, and such warrants shall not exceed the anticipated revenues of one year, and shall bear interest at a rate or rates as authorized by the commission.

(7) To enter into any contract with the United States government or any state, municipality, or other hospital district, or any department of those governing bodies, for carrying out any of the powers authorized by this chapter.

(8) To sue and be sued in any court of competent jurisdiction: PROVIDED, That all suits against the public hospital district shall be brought in the county in which the public hospital district is located.

(9) To pay actual necessary travel expenses and living expenses incurred while in travel status for (a) qualified physicians who are candidates for medical staff positions, and (b) other qualified persons who are candidates for superintendent or other managerial and technical positions, when the district finds that hospitals or other health care facilities owned and operated by it are not adequately staffed and determines that personal interviews with said candidates to be held in the district are necessary or desirable for the adequate staffing of said facilities.

(10) To make contracts, employ superintendents, attorneys, and other technical or professional assistants and all other employees; to make contracts with private or public institutions for employee retirement programs; to print and publish information or literature; and to do all other things necessary to carry out the provisions of this chapter.

**Sec. 17.** RCW 84.08.115 and 1991 c 218 s 2 are each amended to read as follows:

(1) The department shall prepare a clear and succinct explanation of the property tax system, including but not limited to:

(a) The standard of true and fair value as the basis of the property tax.

(b) How the assessed value for particular parcels is determined.

(c) The procedures and timing of the assessment process.

(d) How district levy rates are determined, including the one hundred six percent or one hundred percent plus inflation limit under chapter 84.55 RCW.

(e) How the composite tax rate is determined.

(f) How the amount of tax is calculated.

(g) How a taxpayer may appeal an assessment, and what issues are appropriate as a basis of appeal.

(h) A summary of tax exemption and relief programs, along with the eligibility standards and application processes.

(2) Each county assessor shall provide copies of the explanation to taxpayers on request, free of charge. Each revaluation notice shall include information regarding the availability of the explanation.

**NEW SECTION. Sec. 18.** Section 18 through 22 of this act apply to taxes levied in 1996 for collection in 1997 and thereafter.

### **PART III MISCELLANEOUS**

**NEW SECTION. Sec. 19.** Part headings as used in this act do not constitute any part of the law.

**NEW SECTION. Sec. 20.** This act applies to taxes levied in 1996 for collection in 1997 and thereafter."

Debate ensued.

There being no objection, and because the amendment by Senators Swecker, McCaslin and Strannigan is a striking amendment, the President Pro Tempore deferred further consideration of the striking amendment until the decisions have been made on the scope and object rulings to the amendments to the striking amendment by Senators Rinehart and West to Senate Bill No. 6118.

At 6:12 p.m., there being no objection, the President Pro Tempore declared the Senate to be at ease.

The Senate was called to order at 6:31 p.m. by President Pritchard.

There being no objection, the Senate resumed consideration of the amendment by Senator Heavey on page 11, after line 33 to the striking amendment by Senators Rinehart and West to Senate Bill No. 6118, deferred earlier today.

#### **RULING BY THE PRESIDENT**

President Pritchard: "In ruling upon the point of order raised by Senator Haugen, the President finds that Senate Bill No. 6118 is a measure which reduces the state property tax and creates a mechanism to accomplish the reduction.

"The amendment by Senator Heavey on page 11, after line 33 to the striking amendment by Senators Rinehart and West would add requirements for districts other than the state in setting their levies.

"The President, therefore, finds that the amendment to the striking amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Heavey on page 11, after line 33 to the striking amendment by Senators Rinehart and West to Senate Bill No. 6118 was ruled out of order.

President Pro Tempore Wojahn assumed the Chair.

There being no objection, the Senate resumed consideration of the amendment by Senator Cantu on page 11, after line 33 to the striking amendment by Senators Rinehart and West to Senate Bill No. 6118, deferred earlier today.

#### **RULING BY THE PRESIDENT PRO TEMPORE**

President Pro Tempore Wojahn: "In ruling upon the point of order raised by Senator Rinehart, the President finds that Senate Bill No. 6118 is a measure which reduces the state property tax and creates a mechanism to accomplish the reduction.

"The amendment by Senator Cantu on page 11, after line 33 to the striking amendment by Senators Rinehart and West would change the 106 percent levy limitation on various local taxing districts.

"The President, therefore, finds that the amendment to the striking amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Cantu on page 11, after line 33 to the striking amendment by Senators Rinehart and West to Senate Bill No. 6118 was ruled out of order.

President Pritchard assumed the Chair.

There being no objection, the Senate resumed consideration of the striking amendment by Senators Swecker, McCaslin and Strannigan to the striking amendment by Senators Rinehart and West, deferred earlier today.

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

#### **MOTION**

On motion of Senator Anderson, Senators Roach and Wood were excused.  
The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senators Swecker, McCaslin and Strannigan to the striking amendment by Senators Rinehart and West to Senate Bill No. 6118.

#### ROLL CALL

The Secretary called the roll and the striking amendment to the striking amendment was not adopted by the following vote: Yeas, 23; Nays, 24; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Heavey, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prince, Schow, Sellar, Strannigan, Swecker, West, Winsley and Zarelli - 23.

Voting nay: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau and Wojahn - 24.

Excused: Senators Roach and Wood - 2.

The President declared the question before the Senate to be the adoption of the striking amendment, as amended, by Senators Rinehart and West to Senate Bill No. 6118.

Debate ensued.

The striking amendment by Senators Rinehart and West, as amended, to Senate Bill No. 6118 was adopted.

#### MOTIONS

On motion of Senator Rinehart, the following title amendments were considered simultaneously and were adopted:

On page 1, line 3 of the title, after "limit;" strike the remainder of the title and insert "amending RCW 43.135.045, 84.48.080, 84.52.010, 84.56.010, and 84.56.070; reenacting and amending RCW 43.84.092; adding a new section to chapter 84.55 RCW; and declaring an emergency."

On page 12, line 5 of the title amendment, strike "84.52.010, 84.56.010, and 84.56.070" and insert "and 84.52.010"

On motion of Senator Rinehart, the rules were suspended, Engrossed Senate Bill No. 6118 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6118.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6118 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Prentice, Quigley, Rasmussen, Rinehart, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Thibaudeau, West, Winsley and Wojahn - 38.

Voting nay: Senators Fraser, Kohl, Moyer, Pelz, Prince, Schow, Sutherland, Swecker and Zarelli - 9.

Excused: Senators Roach and Wood - 2.

ENGROSSED SENATE BILL NO. 6118, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Pelz: "Mr. President, a point of personal privilege. I have to inform you that that high pitched lament that we recently suffered through was, in fact, the maiden speech of one of our newest members, Senator Zarelli. As you know, under Senate Rule Q, I'm the designated hitter in the Senate and I just want to say that I think that the headache that we all are suffering from will probably not subside until we receive a present from the Senator from the Eighteenth District. Senate Rule Q is vague on this subject. Senator West feels it should be edible, but if nothing from your district is edible, you may substitute it with another gift to the members."

Further debate ensued.

#### MOTION

At 6:53 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Wednesday, January 10, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

#### JOURNAL OF THE SENATE

SECOND DAY, JANUARY 9, 1996

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NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

#### THIRD DAY

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MORNING SESSION

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Senate Chamber, Olympia, Wednesday, January 10, 1996  
The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senator Owen. On motion of Senator Sheldon, Senator Owen was excused.  
The Sergeant at Arms Color Guard, consisting of Pages Monique Strand and Robbie Van Gorkom, presented the Colors. Reverend Bruce Armstrong, pastor of the Lacey Presbyterian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 9, 1996  
SB 5050 Prime Sponsor, Senator Morton: Revising the elements of the crime of burglary in the first degree. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5050 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

January 9, 1996  
SB 5510 Prime Sponsor, Senator Smith: Revising provisions relating to food stamp crimes. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

January 9, 1996  
SB 6086 Prime Sponsor, Senator Loveland: Disclosing agriculture business records. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; A. Anderson, Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

January 9, 1996  
SB 6087 Prime Sponsor, Senator Rasmussen: Rule making by the department of agriculture. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; A. Anderson, Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

January 9, 1996  
SB 6088 Prime Sponsor, Senator Rasmussen: Degrading certain dairy licenses. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; A. Anderson, Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

January 9, 1996  
SB 6190 Prime Sponsor, Senator Prentice: Authorizing and implementing interstate banking. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 6190 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

January 9, 1996

GA 9000 FREDERICK S. ADAIR, appointed June 1, 1994, for a term ending at the pleasure of the Governor, as Chair of the Energy Facility Site Evaluation Council.  
Reported by the Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation. That said appointment be confirmed. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules.

January 9, 1996

GA 9021 DR. WILLIAM R. GILLIS, reappointed January 1, 1995, for a term ending January 1, 2001, as a member of the Utilities and Transportation Commission.  
Reported by the Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation. That said appointment be confirmed. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules.

January 9, 1996

GA 9126 GARY A. MAEHARA, reappointed January 16, 1995, for a term ending December 31, 1999, as a member of the Public Disclosure Commission.  
Reported by the Committee on Law and Justice

MAJORITY Recommendation. That said appointment be confirmed. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Haugen, Johnson, Long, McCaslin, Quigley and Schow.

Passed to Committee on Rules.

January 9, 1996

GA 9150 JOHN LITTLE, reappointed June 17, 1994, for a term ending June 17, 1999, as a member of the Human Rights Commission.  
Reported by the Committee on Law and Justice

MAJORITY Recommendation. That said appointment be confirmed. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Haugen, Long, Quigley and Schow.

Passed to Committee on Rules.

January 9, 1996

GA 9166 CHARLIE W. OWENS, JR., appointed July 1, 1995, for a term ending April 15, 2000, as a member of the Indeterminate Sentence Review Board.  
Reported by the Committee on Law and Justice

MAJORITY Recommendation. That said appointment be confirmed. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Haugen, Johnson, Long, McCaslin, Quigley and Schow.

Passed to Committee on Rules.

January 9, 1996

GA 9185 JUDGE THOMAS A. METZGER, reappointed August 31, 1995, for a term ending August 2, 1998, as a member of the Sentencing Guidelines Commission.  
Reported by the Committee on Law and Justice

MAJORITY Recommendation. That said appointment be confirmed. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Haugen, Johnson, Long, McCaslin, Quigley and Schow.

Passed to Committee on Rules.

January 9, 1996

GA 9191 CRAIG COLE, reappointed October 5, 1995, for a term ending June 17, 2000, as a member of the Human Rights Commission.  
Reported by the Committee on Law and Justice

MAJORITY Recommendation. That said appointment be confirmed. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Haugen, Johnson, Long, McCaslin, Quigley and Schow.

Passed to Committee on Rules.

GA 9235 CHIEF SAMUEL R. JOHNSTON, reappointed November 7, 1995, for a term ending September 25, 1999, as a member of the  
Clemency and Pardons Board.  
Reported by the Committee on Law and Justice

January 9, 1996

MAJORITY Recommendation. That said appointment be confirmed. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Haugen, Long, McCaslin, Quigley and Schow.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

January 9, 1996

MR. PRESIDENT:

The Speaker has signed:  
SENATE CONCURRENT RESOLUTION NO. 8423,  
SENATE CONCURRENT RESOLUTION NO. 8424,  
SENATE CONCURRENT RESOLUTION NO. 8425, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6260 by Senators Drew, Owen, Prince, Haugen, Prentice, Kohl, Wood, Long, Sheldon, Schow, Strannigan, Sellar, Finkbeiner, Heavey, Fairley, McAuliffe, Rasmussen, Quigley, Rinehart, Goings, Thibaudeau and Winsley

AN ACT Relating to ride sharing and commute trip reduction; amending RCW 82.04.4453, 82.04.4454, 82.16.048, and 82.16.049; amending 1994 c 270 s 6 (uncodified); adding a new section to chapter 82.04 RCW; and providing an expiration date.

Referred to Committee on Transportation.

SB 6261 by Senators Fraser, Deccio, Fairley, Swecker, Spanel, McAuliffe, Hochstatter and Long

AN ACT Relating to providing state funding assistance to local brownfield revitalization efforts; amending 1995 2nd sp.s. c 16 s 306 (uncodified); creating a new section; and making an appropriation.

Referred to Committee on Ecology and Parks.

SB 6262 by Senators Morton, Rasmussen, Roach, Swecker, Hochstatter, Prince and Schow

AN ACT Relating to transport tags for game; and amending RCW 77.32.320.

Referred to Committee on Natural Resources.

SB 6263 by Senators Morton, Rasmussen, A. Anderson, Hargrove, Swecker, Hochstatter, Prince, Sellar, Schow and Roach

AN ACT Relating to the normal and usual use of equine and oxen; and amending RCW 16.52.185.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SB 6264 by Senators Morton and Hochstatter

AN ACT Relating to reclamation permits; and amending RCW 78.44.081.

Referred to Committee on Natural Resources.

SB 6265 by Senators Morton, Sellar, West and Schow

AN ACT Relating to school district classification; and amending RCW 28A.315.230.

Referred to Committee on Education.

SB 6266 by Senators Morton, Haugen, McCaslin, Rasmussen, Hargrove and Schow

AN ACT Relating to the establishment of lost and uncertain boundaries; amending RCW 58.04.020 and 58.04.040; adding new sections to chapter 58.04 RCW; repealing RCW 58.04.010 and 58.04.030; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6267 by Senators McAuliffe, Sheldon, Johnson, Winsley, Rasmussen, Hochstatter, Drew and Smith

AN ACT Relating to the principal internship support program; and amending RCW 28A.415.270 and 28A.415.280.

Referred to Committee on Education.

SB 6268 by Senators McAuliffe, Johnson, Snyder, Winsley, Morton, Kohl, Drew, Finkbeiner, Quigley, Fairley, Smith, Fraser, Thibaudeau, Prentice, Sheldon, Bauer, Franklin, Pelz, Owen, Haugen, Rasmussen and Roach

AN ACT Relating to parent involvement in education; amending RCW 28A.625.020, 28A.625.042, and 28A.625.050; creating a new section; and making an appropriation.

Referred to Committee on Education.

SB 6269 by Senators McAuliffe, Fairley, Pelz, Winsley, Drew, Smith, Prentice, Finkbeiner, Wojahn, Snyder, Sheldon, Loveland, Franklin, Rinehart, Bauer, Owen, Rasmussen and Roach

AN ACT Relating to technology grants for school districts; amending RCW 28A.600.370; adding new sections to chapter 28A.650 RCW; adding a new section to chapter 28A.320 RCW; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Education.

SB 6270 by Senators McAuliffe, Fairley and Thibaudeau

AN ACT Relating to public school license plates; amending RCW 46.16.301 and 46.16.313; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.16 RCW; and adding a new section to chapter 28A.150 RCW.

Referred to Committee on Transportation.

SB 6271 by Senators Long and Owen

AN ACT Relating to vehicles that have been rebuilt from salvage; and amending RCW 46.12.005, 46.12.050, and 46.12.075.

Referred to Committee on Transportation.

SB 6272 by Senators McAuliffe, Long, Fairley, Winsley, Fraser, Kohl, Drew, Smith, Thibaudeau, Prentice, Wojahn, Snyder, Sheldon, Loveland, Bauer, Franklin, Rinehart, Haugen, Rasmussen, Owen, Heavey, Quigley, Oke, Schow and Roach

AN ACT Relating to record checks of educational employees; adding a new section to chapter 28A.400 RCW; creating a new section; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

SB 6273 by Senators Quigley, West, Goings, Wood, Winsley, Spanel and Haugen (by request of Public Works Board and Department of Community, Trade, and Economic Development)

AN ACT Relating to appropriations for projects recommended by the public works board; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6274 by Senators Long, Hargrove, Roach, Quigley, Wood, Smith, Schow, Winsley, Oke, A. Anderson, Rasmussen, Haugen and McAuliffe

AN ACT Relating to supervision of sex offenders; amending RCW 9.94A.120 and 9.94A.205; reenacting and amending RCW 9.94A.030; creating new sections; and prescribing penalties.

Referred to Committee on Human Services and Corrections.

SB 6275 by Senators Long, Smith and Schow

AN ACT Relating to obtaining an order staying execution of a writ of restitution; and amending RCW 59.18.390.

Referred to Committee on Law and Justice.

SB 6276 by Senators Long, Smith, Roach, Haugen, Johnson, Quigley, Wood, Hargrove, Schow, Oke, A. Anderson, Rasmussen and McAuliffe

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

Referred to Committee on Law and Justice.

SB 6277 by Senator Drew

AN ACT Relating to vouchers for game fish licenses; and amending RCW 77.32.101 and 77.32.360.

Referred to Committee on Natural Resources.

SB 6278 by Senator Quigley

AN ACT Relating to the health insurance coverage access act; amending RCW 48.41.020, 48.41.030, 48.41.040, 48.41.050, 48.41.060, 48.41.070, 48.41.080, 48.41.090, 48.41.100, 48.41.110, 48.41.120, 48.41.130, 48.41.170, 48.41.180, 48.41.200, and 48.41.210; creating a new section; repealing RCW 48.41.140 and 48.41.160; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 6279 by Senators Rasmussen, Newhouse, Bauer, Morton, Long, Loveland and A. Anderson

AN ACT Relating to fermented apple cider; amending RCW 66.24.210; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6280 by Senators Kohl, Wood, Bauer, Finkbeiner and McAuliffe

AN ACT Relating to higher education fiscal matters; amending RCW 28B.15.031, 28B.15.535, 28B.15.540, 28B.15.380, 28B.15.543, 28B.15.545, 28B.15.556, 28B.15.600, and 28B.15.615; adding a new section to chapter 28B.15 RCW; and declaring an emergency.

Referred to Committee on Higher Education.

SB 6281 by Senator Smith

AN ACT Relating to civil disorder involving acts of violence; adding a new section to chapter 9A.84 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6282 by Senators Rasmussen and A. Anderson

AN ACT Relating to cooperative associations; amending RCW 23.86.080 and 23.86.090; and adding a new section to chapter 23.86 RCW.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SB 6283 by Senators Rasmussen, Owen, Hochstatter, Loveland, Snyder, Morton, Newhouse, Finkbeiner, Prince, Spanel, Sellar, McDonald, A. Anderson, Moyer, Swecker, Winsley and Roach

AN ACT Relating to excise taxation of low-density light and power businesses; amending RCW 82.16.053; and providing an effective date.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 6284 by Senators Drew, Haugen, Winsley, McCaslin and Roach

AN ACT Relating to sales and use tax exemptions for public records; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6285 by Senators Zarelli, Roach, Schow, Long, McCaslin, Morton, Hochstatter, Swecker, Hargrove, Hale, Strannigan, Oke, Wood, Finkbeiner, Deccio, Johnson, A. Anderson, Cantu, Moyer and West

AN ACT Relating to disclosure of offenders' HIV test results to department of corrections and jail staff; and amending RCW 70.24.015 and 70.24.105.

Referred to Committee on Human Services and Corrections.

SB 6286 by Senators Pelz, Deccio, Heavey and Hale

AN ACT Relating to rights to dies, molds, forms, and patterns; adding a new chapter to Title 63 RCW; and adding a new chapter to Title 60 RCW.

Referred to Committee on Labor, Commerce and Trade.

SB 6287 by Senators Hochstatter, Rasmussen, A. Anderson, Morton and Roach

AN ACT Relating to excluding from the definition of "to manufacture" handling of hay or alfalfa for the purposes of business and occupation taxation; and amending RCW 82.04.120.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SB 6288 by Senators Rasmussen, Prince, Bauer and Oke

AN ACT Relating to expanding the list of transportation supportive uses permitted in transportation centers; and amending RCW 81.75.030.

Referred to Committee on Transportation.

SB 6289 by Senators Prentice, Fraser, Quigley and Pelz (by request of Insurance Commissioner Senn)

AN ACT Relating to fraternal benefit societies; amending RCW 48.36A.100, 48.36A.290, and 48.36A.310; adding new sections to chapter 48.36A RCW; and repealing RCW 48.36A.300.

Referred to Committee on Financial Institutions and Housing.

SB 6290 by Senators Prentice, Fraser, Quigley and Pelz (by request of Insurance Commissioner Senn)

AN ACT Relating to minimum net worth requirements and the impairment of health care service contractors and health maintenance organizations; amending RCW 48.44.035, 48.44.037, and 48.46.235; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Financial Institutions and Housing.

SB 6291 by Senators Prentice, Fraser, Kohl, Thibaudeau and Pelz (by request of Insurance Commissioner Senn)

AN ACT Relating to confidential information received by the insurance commissioner; and amending RCW 42.17.310 and 48.02.120.

Referred to Committee on Financial Institutions and Housing.

SB 6292 by Senators Prentice, Sellar, Fraser and Quigley (by request of Insurance Commissioner Senn)

AN ACT Relating to member insurers and the persons to whom coverage is available under the Washington life and disability insurance guaranty association; and amending RCW 48.32A.020, 48.32A.030, and 48.32A.040.

Referred to Committee on Financial Institutions and Housing.

SB 6293 by Senators Prentice, Hale, Fraser, Sellar, Quigley, Winsley and Roach (by request of Secretary of State Munro and Insurance Commissioner Senn)

AN ACT Relating to the filing of corporate documents by insurance companies, health care service contractors, and health maintenance organizations; amending RCW 48.06.200 and 48.07.070; adding a new section to chapter 23.86 RCW; adding a new section to chapter 23B.01 RCW; adding a new section to chapter 23B.02 RCW; adding new sections to chapter 23B.04 RCW; adding a new

section to chapter 23B.10 RCW; adding a new section to chapter 23B.14 RCW; adding a new section to chapter 23B.15 RCW; adding new sections to chapter 24.03 RCW; adding new sections to chapter 24.06 RCW; and adding new sections to chapter 25.15 RCW.

Referred to Committee on Financial Institutions and Housing.

SB 6294 by Senators Bauer and Prince

AN ACT Relating to the distribution of motor vehicle excise taxes to cities; amending RCW 82.14.210; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6295 by Senators Fraser, Prentice, Winsley and Kohl

AN ACT Relating to long-term care benefits for public employees; and amending RCW 41.05.065.

Referred to Committee on Health and Long-Term Care.

SB 6296 by Senators Hale and Sheldon

AN ACT Relating to establishing mechanisms for the transfer of solid waste collection authority between the utilities and transportation commission and a city, town, or combined city-county; amending RCW 35.02.160 and 35.13.280; adding new sections to chapter 81.77 RCW; adding new sections to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 35.67 RCW; adding a new section to chapter 36.65 RCW; adding a new section to chapter 35A.05 RCW; adding a new section to chapter 35.10 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Government Operations.

SB 6297 by Senators Newhouse, Loveland, Rasmussen, A. Anderson, Morton, Deccio, Hochstatter, Hale, Prince and Sellar

AN ACT Relating to the creation, operation, and management of boards of joint control; amending RCW 87.80.010, 87.80.020, 87.80.030, 87.80.050, 87.80.060, 87.80.090, 87.80.100, 87.80.110, 87.80.120, 87.80.130, 87.80.140, 87.80.160, 87.80.190, 87.80.200, 87.03.440, 90.03.380, 43.83B.050, and 43.99E.030; adding new sections to chapter 87.80 RCW; and repealing RCW 87.80.170, 87.80.180, and 87.80.210.

Referred to Committee on Government Operations.

SB 6298 by Senators Sutherland and Bauer

AN ACT Relating to vehicle headlights; and amending RCW 46.37.020.

Referred to Committee on Transportation.

SB 6299 by Senators Rasmussen, Long, Fairley, McCaslin, Haugen, Winsley, Oke and Spanel

AN ACT Relating to no contact and protection orders; amending RCW 10.99.050 and 26.50.110; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6300 by Senators Smith, McCaslin, Wojahn, Long, Roach, Rasmussen, Kohl, Haugen and Winsley

AN ACT Relating to domestic violence; amending RCW 10.99.020, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.030, 26.50.060, 26.50.070, 26.50.100, and 26.50.115; reenacting and amending RCW 10.31.100; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6301 by Senators Oke, Haugen, Wood, Rasmussen and A. Anderson

AN ACT Relating to school districts; amending RCW 28A.535.020, 28A.535.050, 84.52.053, 84.52.056, and 39.36.020; repealing RCW 28A.530.020; and providing a contingent effective date.

Referred to Committee on Education.

SB 6302 by Senators Haugen, A. Anderson, Owen, Snyder, Swecker, Fraser, Morton and Hargrove

AN ACT Relating to appointment of a county legislative authority member of the forest practices board; and amending RCW 76.09.030.

Referred to Committee on Natural Resources.

SB 6303 by Senators Bauer, Sheldon and Prince

AN ACT Relating to higher education fiscal matters; and amending RCW 28B.15.067.

Referred to Committee on Higher Education.

SB 6304 by Senator Sutherland

AN ACT Relating to recovery of pavement damage costs; amending RCW 10.82.070, 46.16.070, 46.44.0941, 46.44.095, and 46.44.105; reenacting and amending RCW 3.62.020; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

SJM 8022 by Senators Fraser, Hale, Fairley, Winsley, Haugen, Sheldon, McCaslin, Rasmussen, Spanel and McAuliffe

Opposing national park closures.

Referred to Committee on Ecology and Parks.

SJR 8219 by Senators Oke, Haugen, Wood and Rasmussen

Amending the Constitution to provide for a simple majority of voters voting at a state general election to authorize school district levies.

Referred to Committee on Education.

#### MOTION

At 10:08 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:08 a.m. by President Pritchard.

#### SECOND READING GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Sutherland, Gubernatorial Appointment No. 9000, Frederick S. Adair, as Chair of the Energy Facility Site Evaluation Council, was confirmed.

#### APPOINTMENT OF FREDERICK S. ADAIR

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.  
Excused: Senator Owen - 1.

#### MOTION

On motion of Senator Sutherland, Gubernatorial Appointment No. 9021, Dr. William R. Gillis, as a member of the Utilities and Transportation Commission, was confirmed.

#### APPOINTMENT OF DR. WILLIAM R. GILLIS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.  
Excused: Senator Owen - 1.

MOTION

On motion of Senator Hargrove, Gubernatorial Appointment No. 9066, Shirley A. Smith, as Director of the Department of Services for the Blind, was confirmed.

APPOINTMENT OF SHIRLEY A. SMITH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.  
Excused: Senator Owen - 1.

MOTION

On motion of Senator Hargrove, Gubernatorial Appointment No. 9078, Janda B. Volkmer, as a member of the State Hospital, Western Washington Advisory Board, was confirmed.

APPOINTMENT OF JANDA B. VOLKMER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.  
Excused: Senator Owen - 1.

MOTION

On motion of Senator Hargrove, Gubernatorial Appointment No. 9085, Cornell Cebrian, as a member of the State Hospital, Western Washington Advisory Board, was confirmed.

APPOINTMENT OF CORNELL CEBRIAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.  
Excused: Senator Owen - 1.

MOTION

On motion of Senator Hargrove, Gubernatorial Appointment No. 9090, Arlene B. Engel, as a member of the State Hospital, Western Washington Advisory Board, was confirmed.

APPOINTMENT OF ARLENE B. ENGEL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.  
Excused: Senator Owen - 1.

MOTION

On motion of Senator Sheldon, Senator Heavey was excused.

MOTION

On motion of Senator Hargrove, Gubernatorial Appointment No. 9094, Dr. Darrell Hamilton, as a member of the State Hospital, Western Washington Advisory Board, was confirmed.

APPOINTMENT OF DR. DARRELL HAMILTON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prince,

Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.  
Absent: Senator Prentice - 1.  
Excused: Senators Heavey and Owen - 2.

#### MOTION

Senator Pelz moved that Gubernatorial Appointment No. 9095, Edward Heavey, as a member of the Gambling Commission, be confirmed.

Senators Pelz and Wojahn spoke to the confirmation of Edward Heavey as a member of the Gambling Commission.

#### POINT OF INQUIRY

Senator Wood: "A point of inquiry, please. Is this a new appointment or is this a reappointment?"

Senator Pelz: "This is a new appointment. He has not served on the Gambling Commission, previously."

Senator Wood: "Is this the former Judge Heavey?"

Senator Pelz: "No, there are three Heaveys."

Senator Wood: "I know; there are a whole bunch."

Senator Pelz: "There are many Heaveys, but there are three that we hear about."

Senator Wood: "Okay, who is this one?"

Senator Pelz: "This is the third Heavey."

Senator Wood: "Not the first Heavey?"

Senator Pelz: "Not the first Heavey and not the second Heavey, but the third Heavey."

Senator Wood: "I know nothing about this man; I will vote 'no' if I don't know anything about him."

Senator Pelz: "This is not the Judge from Skamania County. This is the Superior Court Judge from King County."

Senator Wood: "Thank you very much."

Senator Prentice spoke to the confirmation of Edward Heavey as a member of the Gambling Commission.

The President declared the question before the Senate to be the motion by Senator Pelz to confirm the appointment of Edward Heavey as a member of the Gambling Commission.

The motion by Senator Pelz carried and the Senate confirmed Edward Heavey as a member of the Gambling Commission.

#### APPOINTMENT OF EDWARD HEAVEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Heavey and Owen - 2.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Congressman Richard "Doc" Hastings, Representative from Washington's Fourth Congressional District, who was seated on the rostrum.

#### MOTION

On motion of Senator Haugen, Gubernatorial Appointment No. 9109, Nora Reynolds, as a member of the Personnel Appeals Board, was confirmed.

#### APPOINTMENT OF NORA REYNOLDS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Owen - 1.

#### MOTION

On motion of Senator Spanel, the Senate reverted to the third order of business.

#### MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

January 8, 1996

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

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

Mary Ann Huntington, reappointed January 8, 1996, for a term ending December 31, 1998, as a member of the Interagency Committee for Outdoor Recreation.

Sincerely,

Referred to Committee on Natural Resources.

MIKE LOWRY, Governor

January 8, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Ralph Mackey, reappointed January 8, 1996, for a term ending December 31, 1998, as a member of the Interagency Committee for Outdoor Recreation.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Natural Resources.

January 8, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Karen Miller, reappointed January 8, 1996, for a term ending September 30, 2000, as a member of the Board of Trustees for Edmonds Community College District No. 23.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

#### MOTION

At 11: 49 a.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Thursday, January 11, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

THIRD DAY, JANUARY 10, 1996

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**FOURTH DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Thursday, January 11, 1996  
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 10, 1996  
SSB 5026 Prime Sponsor, Senate Committee on Government Operations: Separating the duties of coroner and prosecuting attorney.  
Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 10, 1996  
SB 5041 Prime Sponsor, Senator Winsley: Authorizing temporary vacancies in local elective offices to be filled. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 10, 1996  
SB 5054 Prime Sponsor, Senator Winsley: Repealing a travel expenses accounting procedure. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 9, 1996  
SB 5124 Prime Sponsor, Senator Wojahn: Revising provisions concerning marriage licenses. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

January 9, 1996  
ESSB 5139 Prime Sponsor, Senate Committee on Law and Justice: Authorizing law enforcement officers to impound the vehicles of persons who are patronizing prostitutes. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

SSB 5140 Prime Sponsor, Senate Committee on Law and Justice: Authorizing municipalities to declare certain public places drug-free zones. January 9, 1996  
Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

SSB 5167 Prime Sponsor, Senate Committee on Law and Justice: Allowing service of process on a marital community by serving either spouse. January 9, 1996  
Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

SSB 5350 Prime Sponsor, Senate Committee on Government Operations: Providing for counties' powers over family day-care providers. January 10, 1996  
Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

SSB 5757 Prime Sponsor, Senate Committee on Government Operations: Changing provisions relating to bidding requirements. January 10, 1996  
Committee on Government Operations

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5757 be substituted therefor, and the second substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey and McCaslin.

Passed to Committee on Rules for second reading.

ESB 5837 Prime Sponsor, Senator Snyder: Removing the requirement for senate confirmation of certain gubernatorial appointments. January 10, 1996  
Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

SSB 5993 Prime Sponsor, Senate Committee on Government Operations: Providing for paid leaves of absence for state employees to provide disaster relief services. January 10, 1996  
Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, McCaslin and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Heavey.  
Comment: This bill is an unconstitutional gift of public funds.

Passed to Committee on Rules for second reading.

E2SSB 6062 Prime Sponsor, Senate Committee on Ways and Means: Making welfare work. January 11, 1996  
Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Third Substitute Senate Bill No. 6062 be substituted therefor, and the third substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Referred to Committee on Ways and Means.

January 9, 1996

SB 6151 Prime Sponsor, Senator Smith: Providing two superior court positions for Thurston county. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Referred to Committee on Ways and Means.

January 9, 1996

SB 6163 Prime Sponsor, Senator Wojahn: Extending a tax exemption for prepayments for health care services provided under Title XVIII (medicare) of the social security act. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Referred to Committee on Ways and Means.

January 10, 1996

SCR 8400 Prime Sponsor, Senator Haugen: Creating the Joint Select Committee on Veterans and Military Personnel Affairs. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Concurrent Resolution No. 8400 be substituted therefor, and the substitute concurrent resolution do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 10, 1996

ESCR 8404 Prime Sponsor, Senator Kohl: Establishing a joint select committee on fire suppression. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Concurrent Resolution No. 8404 be substituted therefor, and the substitute concurrent resolution do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

REPORT OF STANDING COMMITTEE  
GUBERNATORIAL APPOINTMENT

January 12, 1996

GA 9229 LYLE QUASIM, appointed December 11, 1995, for a term ending at the pleasure of the Governor, as Secretary of the Department of Social and Health Services.  
Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Prentice, Smith and Thibaudeau.

Referred to Committee on Health and Long-Term Care.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1008,  
SUBSTITUTE HOUSE BILL NO. 1018,  
HOUSE BILL NO. 1019,  
SUBSTITUTE HOUSE BILL NO. 1032,  
HOUSE BILL NO. 1048,  
HOUSE BILL NO. 1049,  
HOUSE BILL NO. 1051,  
SUBSTITUTE HOUSE BILL NO. 1100,  
SUBSTITUTE HOUSE BILL NO. 1259,  
SUBSTITUTE HOUSE BILL NO. 1276,  
HOUSE BILL NO. 1302,  
SUBSTITUTE HOUSE BILL NO. 1337,  
HOUSE BILL NO. 1361,  
HOUSE BILL NO. 1412,  
SUBSTITUTE HOUSE BILL NO. 1548,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1556,  
HOUSE BILL NO. 1627,  
SUBSTITUTE HOUSE BILL NO. 1634,  
SUBSTITUTE HOUSE BILL NO. 1639,  
HOUSE BILL NO. 1667,

January 10, 1996

HOUSE BILL NO. 1712,  
HOUSE BILL NO. 1792, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6305 by Senator Drew

AN ACT Relating to off-site mitigation proposals for hydraulic projects; amending RCW 75.20.130; and adding a new section to chapter 75.20 RCW.

Referred to Committee on Natural Resources.

SB 6306 by Senators Rinehart, Snyder and McAuliffe

AN ACT Relating to school district indebtedness; amending RCW 28A.530.080; and adding a new section to chapter 28A.530 RCW.

Referred to Committee on Education.

SB 6307 by Senators Prentice, Winsley, Swecker, Franklin, Schow, Sheldon, Rasmussen, Bauer, Fraser, Oke and Fairley

AN ACT Relating to unauthorized insurers; and adding a new section to chapter 48.05 RCW.

Referred to Committee on Financial Institutions and Housing.

SB 6308 by Senators Prentice, Winsley, Swecker, Franklin, Schow, Sheldon, Rasmussen, Bauer, Fraser, Oke and Fairley

AN ACT Relating to insurance coverage; and adding a new section to chapter 48.30 RCW.

Referred to Committee on Financial Institutions and Housing.

SB 6309 by Senators Prentice, Winsley, Franklin, Swecker, Schow, Sheldon, Rasmussen, Bauer, Fraser, Oke and Fairley

AN ACT Relating to insurance coverage for hazardous waste cleanups; and adding a new section to chapter 48.05 RCW.

Referred to Committee on Financial Institutions and Housing.

SB 6310 by Senators Prentice, Winsley, Franklin, Swecker, Schow, Sheldon, Rasmussen, Bauer, Fraser, Oke and Fairley

AN ACT Relating to insurance coverage for hazardous waste cleanups; and adding a new section to chapter 48.30 RCW.

Referred to Committee on Financial Institutions and Housing.

SB 6311 by Senator Sutherland

AN ACT Relating to catch and release fishing; amending RCW 75.08.011, 75.25.091, 75.25.180, 77.08.010, 77.32.092, and 77.32.101; reenacting and amending RCW 75.25.005; adding a new section to chapter 75.25 RCW; creating new sections; and providing an effective date.

Referred to Committee on Natural Resources.

SB 6312 by Senators Bauer, Oke, Kohl, Rasmussen, Sutherland, Snyder, Heavey, Goings and Sheldon

AN ACT Relating to tuition exemptions for veterans; amending RCW 28B.15.628; amending 1994 c 208 s 4 (uncodified); and providing an expiration date.

Referred to Committee on Higher Education.

SB 6313 by Senators Rinehart, Bauer, Kohl, Drew and Sheldon

AN ACT Relating to the waiver of higher education tuition and fees for state employees at public institutions of higher education; amending RCW 28B.15.558; and declaring an emergency.

Referred to Committee on Higher Education.

SB 6314 by Senators Rinehart, Bauer, Wood, Kohl, Drew and Sheldon

AN ACT Relating to higher education tuition fees; amending RCW 28B.15.067; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

SB 6315 by Senators Hargrove, Long, Kohl and Schow ( by request of Department of Corrections)

AN ACT Relating to offender debts; and amending RCW 72.09.450.

Referred to Committee on Human Services and Corrections.

SB 6316 by Senators Rinehart, Loveland and Strannigan (by request of Office of Financial Management)

AN ACT Relating to the capital budget; amending 1995 2nd sp.s. c 16 s 2, 107, 126, 115, 125, 230, 242, 243, 244, 246, 258, 260, 266, 271, 272, 273, 274, 275, 276, 277, 278, 332, 351, 508, 511, 514, 519, 543, and 802 (uncodified); adding new sections to 1995 2nd sp.s. c 16; repealing 1995 2nd sp.s. c 16 s 223; making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6317 by Senators Rinehart, Loveland and Strannigan (by request of Office of Financial Management)

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 43.99K.010 and 43.99K.020; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6318 by Senators McCaslin, Morton and Deccio

AN ACT Relating to employment of attorneys by county legislative authorities; and amending RCW 36.32.200.

Referred to Committee on Government Operations.

SB 6319 by Senators McCaslin, Morton and Deccio

AN ACT Relating to the payment of fees to the county by credit card; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Government Operations.

SB 6320 by Senators McCaslin, Morton, Deccio, Haugen, Oke and Roach

AN ACT Relating to release of sex offenders pending sentencing or appeal; and amending RCW 10.64.025, 9.95.062, and 10.73.040.

Referred to Committee on Law and Justice.

SB 6321 by Senators Franklin, Wood, Fairley, Moyer, Wojahn, Thibaudeau, Rasmussen and McAuliffe

AN ACT Relating to school nurses; and creating new sections.

Referred to Committee on Ways and Means.

SB 6322 by Senator Owen

AN ACT Relating to recreational vehicle sanitary disposal facilities; amending RCW 46.16.063, 46.68.170, and 47.38.050.

Referred to Committee on Transportation.

SB 6323 by Senators Owen, Heavey and Prince

AN ACT Relating to Olympic Games license plates; amending RCW 46.16.301 and 46.16.313; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.16 RCW; and adding a new section to chapter 46.68 RCW.

Referred to Committee on Transportation.

SB 6324 by Senators Haugen, Winsley, Heavey and A. Anderson

AN ACT Relating to authorized uses for master planned resorts; amending RCW 36.70A.360; and declaring an emergency.

Referred to Committee on Government Operations.

SB 6325 by Senators Fairley, McAuliffe, Wood, Loveland and Bauer

AN ACT Relating to a capital appropriation for a Shoreline regional economic development center; creating a new section; and making an appropriation.

Referred to Committee on Labor, Commerce and Trade.

SB 6326 by Senator Smith

AN ACT Relating to sales and use taxation of persons repairing, decorating, or improving new or existing buildings or other structures for the United States; amending RCW 82.04.190 and 82.12.010; creating a new section; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6327 by Senator Smith

AN ACT Relating to sales and use taxation of persons repairing, decorating, or improving new or existing buildings or other structures for the United States; amending RCW 82.12.010; creating a new section; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6328 by Senators Fairley, Smith, Goings, Long, McCaslin, Johnson, Haugen, Quigley, Loveland, Hargrove, Kohl, Heavey, Owen, Bauer, McAuliffe, Rasmussen, Oke, Sheldon and Roach

AN ACT Relating to life imprisonment for sex offenders convicted of multiple offenses with child victims; reenacting and amending RCW 9.94A.030; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6329 by Senators Deccio and Pelz

AN ACT Relating to notices of mechanics and materialmen's liens; amending RCW 60.04.031 and 60.04.226; and repealing RCW 60.04.061.

Referred to Committee on Labor, Commerce and Trade.

SB 6330 by Senators Strannigan, Haugen, Schow, Zarelli, McCaslin, Swecker, McDonald, Finkbeiner, Hargrove, Long, Roach, Heavey, Smith, Johnson, West, A. Anderson, Wood and Oke

AN ACT Relating to restrictions on mailings by incumbents; and amending RCW 42.17.132.

Referred to Committee on Law and Justice.

SB 6331 by Senators Hale, Owen, Newhouse, Morton, Roach, Hargrove, Deccio, Zarelli, Oke, Moyer, A. Anderson, McCaslin, Loveland, Hochstatter, Sutherland, Swecker, Sellar, Sheldon, Schow, Haugen and McDonald

AN ACT Relating to possession of firearms; amending RCW 9.41.040, 9.41.070, 9.41.098, 9.41.800, and 9.41.047; reenacting and amending RCW 9.41.010 and 9.41.090; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6332 by Senators Hochstatter, Finkbeiner, Schow and Roach

AN ACT Relating to business and occupation tax credits for educational expenses at private K-12 schools; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6333 by Senators Hochstatter, Finkbeiner, Johnson, Wood, Zarelli and Oke

AN ACT Relating to instruction in foundational historical documents of importance to basic American political and social values; amending RCW 28A.230.170; and adding a new section to chapter 28A.230 RCW.

Referred to Committee on Education.

SB 6334 by Senators Rasmussen, Swecker, Haugen, Fraser, Morton and Sutherland

AN ACT Relating to water rights; amending RCW 90.03.340, 90.03.270, 90.03.280, 90.03.290, 90.03.320, 90.03.260, 90.44.060, and 90.03.250; adding new sections to chapter 43.21B RCW; and adding new sections to chapter 90.03 RCW.

Referred to Committee on Ecology and Parks.

SB 6335 by Senators Rasmussen, Long, Winsley, Goings, Hale, Fairley, Wood, Haugen, Sheldon, A. Anderson, Fraser, Thibaudeau, McAuliffe, Franklin, Drew, Prentice, Kohl, Loveland, Spanel and Smith

AN ACT Relating to testimony of victims in legal proceedings; and adding a new section to chapter 9A.44 RCW.

Referred to Committee on Law and Justice.

SB 6336 by Senators Rasmussen, Winsley, Haugen, Swecker, Morton and Sutherland

AN ACT Relating to the water resources board; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 43 RCW; and making an appropriation.

Referred to Committee on Ecology and Parks.

SB 6337 by Senators Franklin, Winsley, Prentice, Haugen and Prince

AN ACT Relating to creating a task force to study the state's affirmative action policies and programs; and creating a new section.

Referred to Committee on Labor, Commerce and Trade.

SB 6338 by Senators Goings and McAuliffe (by request of Board of Education)

AN ACT Relating to including kindergarten in the approval of private schools; and amending RCW 28A.305.130.

Referred to Committee on Education.

SB 6339 by Senators Haugen, Snyder, McCaslin, Pelz and Hale

AN ACT Relating to making modifications to the alcohol server permit program; and amending RCW 66.20.310 and 66.20.320.

Referred to Committee on Labor, Commerce and Trade.

SB 6340 by Senators Haugen and Drew

AN ACT Relating to state forest land that lies above a single source aquifer; and adding a new section to chapter 76.04 RCW.

Referred to Committee on Natural Resources.

SB 6341 by Senators Fairley, Deccio and Wojahn (by request of Department of Health)

AN ACT Relating to registration of adult family home providers and resident managers; amending RCW 70.128.120, 18.48.010, and 18.48.020; reenacting and amending RCW 18.130.040; adding a new section to chapter 18.48 RCW; and providing an effective date.

Referred to Committee on Health and Long-Term Care.

SB 6342 by Senators Roach, Schow, Zarelli, Long, Moyer, Winsley, Swecker, Sheldon and Rasmussen

AN ACT Relating to the regulation of permanent color technicians and tattoo artists; reenacting and amending RCW 18.130.040; adding a new chapter to Title 18 RCW; and providing an effective date.

Referred to Committee on Health and Long-Term Care.

SB 6343 by Senators Hochstatter, Deccio and McCaslin

AN ACT Relating to industrial insurance claims; and amending RCW 51.12.010, 51.28.010, 51.28.020, and 51.32.110.

Referred to Committee on Labor, Commerce and Trade.

SB 6344 by Senators Hochstatter and Rasmussen

AN ACT Relating to business and occupation tax on the handling of hay, alfalfa, or seed; and reenacting and amending RCW 82.04.260.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SB 6345 by Senators Haugen and Johnson (by request of Secretary of State Munro)

AN ACT Relating to the definition of "sale" and related terms in chapter 9.46 RCW; and adding a new section to chapter 9.46 RCW.

Referred to Committee on Labor, Commerce and Trade.

SB 6346 by Senators Kohl, Quigley, Wood, Franklin and Thibaudeau

AN ACT Relating to health plan disclosure requirements; and amending RCW 48.43.045.

Referred to Committee on Health and Long-Term Care.

SB 6347 by Senators Kohl, Quigley, Winsley, Wojahn, Wood, Franklin and Thibaudeau

AN ACT Relating to whistleblower complaints against health carriers; and amending RCW 43.70.075.

Referred to Committee on Health and Long-Term Care.

SB 6348 by Senators Oke, Owen, Prince, Wood, Loveland, McCaslin, Moyer, Hochstatter, Johnson and Hale

AN ACT Relating to proper lane travel for heavy vehicles; and amending RCW 46.61.100.

Referred to Committee on Transportation.

SB 6349 by Senators McAuliffe, Johnson, Goings and Rasmussen (by request of Department of Social and Health Services)

AN ACT Relating to educational program for juveniles in detention facilities; and amending RCW 28A.190.010.

Referred to Committee on Human Services and Corrections.

SB 6350 by Senators Goings, Owen, Heavey, Haugen, McAuliffe and Rasmussen

AN ACT Relating to residential burglary; reenacting and amending RCW 9.94A.030; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6351 by Senators Thibaudeau, Prentice, Owen and Wood

AN ACT Relating to electric-assisted bicycles; amending RCW 46.16.010, 46.20.500, 46.37.530, and 46.61.710; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SB 6352 by Senators Goings and Smith

AN ACT Relating to the annual meeting of the association of superior court judges; and amending RCW 2.16.050.

Referred to Committee on Law and Justice.

SB 6353 by Senators Quigley, Prentice, Wojahn, Fairley, Thibaudeau and Pelz (by request of Insurance Commissioner Senn)

AN ACT Relating to expansion of the Washington state health insurance coverage access act; and amending RCW 48.41.020, 48.41.030, 48.41.040, 48.41.050, 48.41.060, 48.41.070, 48.41.080, 48.41.090, 48.41.100, 48.41.120, 48.41.180, and 48.41.200.

Referred to Committee on Health and Long-Term Care.

SB 6354 by Senator Sutherland

AN ACT Relating to employment based on higher education; adding new sections to chapter 49.44 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor, Commerce and Trade.

SJM 8023 by Senators Deccio, Owen, Newhouse, Sellar, Snyder, Bauer, McCaslin, A. Anderson, Prince, Rasmussen and Roach

Requesting the department of transportation to name an overpass after Senator Matson.

Referred to Committee on Transportation.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1008 by House Committee on Commerce and Labor (originally sponsored by Representatives Carlson, Ogden and Boldt)

Providing wine and beer educator's licenses.

Referred to Committee on Labor, Commerce and Trade.

SHB 1018 by House Committee on Law and Justice (originally sponsored by Representatives Padden and Appelwick)

Amending the Washington uniform limited partnership act.

Referred to Committee on Law and Justice.

HB 1019 by Representative Padden

Transferring certain interests in individual retirement accounts.

Referred to Committee on Law and Justice.

SHB 1032 by House Representative Law and Justice (originally sponsored by Representative Padden)

Revising the procedure for reviewing orders under the administrative procedure act.

Referred to Committee on Government Operations.

HB 1048 by Representatives Sheahan and Appelwick

Adopting the uniform unincorporated nonprofit association act.

Referred to Committee on Law and Justice.

HB 1049 by Representatives Padden and Schoesler

Removing a defense to the crime of criminal conspiracy.

Referred to Committee on Law and Justice.

HB 1051 by Representatives Padden and Costa

Authorizing certain court commissioners to impose sanctions for contempt of court.

Referred to Committee on Law and Justice.

SHB 1100 by House Committee on Law and Justice (originally sponsored by Representatives Scott, Appelwick, Padden, Honeyford, Brumsickle, Silver, Campbell, Mitchell, Hickel, Costa and Sherstad)

Notifying parents of their children's driver's license suspensions.

Referred to Committee on Law and Justice.

SHB 1259 by House Committee on Commerce and Labor (originally sponsored by Representatives Lisk and Horn)

Limiting administration and enforcement of chapter 49.78 RCW.

Referred to Committee on Labor, Commerce and Trade.

SHB 1276 by House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Costa, Mastin, Scott and Morris)

Specifying who may be an execution witness.

Referred to Committee on Human Services and Corrections.

HB 1302 by Representatives Delvin, Costa, Appelwick, Hickel, Robertson, Sheahan, Padden, L. Thomas and Mastin

Revising provisions relating to food stamp crimes.

Referred to Committee on Law and Justice.

SHB 1337 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lisk, Cole, Conway, Fuhrman, Sheahan, Romero, Jacobsen and Wolfe) (by request of Department of Licensing)

Deregulating debt adjusters.

Referred to Committee on Financial Institutions and Housing.

HB 1361 by Representatives Robertson, Costa, Cody, Delvin, Chappell, Hickel, Smith, McMahan and Honeyford

Authorizing arrest warrants to be served by facsimile transmission.

Referred to Committee on Law and Justice.

HB 1412 by Representative Padden

Prescribing the penalty for misdemeanor violations for marihuana possession.

Referred to Committee on Law and Justice.

SHB 1548 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives L. Thomas, Dellwo, Goldsmith, Rust, Wolfe, B. Thomas, Backlund, Kessler, Kremen, Robertson, Thompson, Huff, Elliot, McMorris, D. Schmidt, McMahan, Hickel, Schoesler, Clements, Cooke and Brumsickle) (by request of State Treasurer Grimm)

Auditing the state investment board.

Referred to Committee on Ways and Means.

ESHB 1556 by House Committee on Law and Justice (originally sponsored by Representatives Wolfe, Boldt, Scott, Romero, B. Thomas, Johnson, Talcott, Delvin, Carrell, Campbell, Van Luven, Cooke, Dickerson, Kessler, Basich, Conway, Smith and Costa)

Revising procedures for determining visitation rights for persons other than a parent.

Referred to Committee on Law and Justice.

HB 1627 by Representatives Dyer, Backlund and Thibaudeau

Modernizing osteopathic physician and surgeon terminology.

Referred to Committee on Health and Long-Term Care.

SHB 1634 by House Committee on Natural Resources (originally sponsored by Representatives Sheldon, Cairnes, Elliot, Fuhrman and Stevens)

Restricting the state parks and recreation commission authority to regulate metal detectors.

Referred to Committee on Ecology and Parks.

SHB 1639 by House Committee on Finance (originally sponsored by Representatives B. Thomas, Van Luven, Morris, Horn, Campbell, Kremen and Sheldon)

Exempting vessel manufacturers and dealers from the use tax.

Referred to Committee on Ways and Means.

HB 1667 by Representatives Radcliff, Brumsickle, Hickel, Dickerson, Quall, Blanton, Thompson, Cole, Pelesky, Veloria, D. Schmidt, Mason, Conway, Skinner, Lambert, Elliot, Johnson and Schoesler

Promoting sister relationships with other countries.

Referred to Committee on Labor, Commerce and Trade.

HB 1712 by Representatives Lambert, Cooke, Padden, Crouse, Hargrove and Elliot

Prescribing procedures for pretrial release.

Referred to Committee on Law and Justice.

HB 1792 by Representatives Padden, Carrell, Beeksmma, McMahan, Costa, Stevens, Blanton and Thompson

Prescribing procedures for release of offenders.

Referred to Committee on Law and Justice.

#### MOTIONS

On motion of Senator Spanel, the Committee on Natural Resources was relieved of further consideration of Gubernatorial Appointment No. 9244, Ralph Mackey as a member of the Interagency Committee for Outdoor Recreation and Gubernatorial Appointment No. 9245, Mary Ann Huntington as a member of the Interagency Committee for Outdoor Recreation.

On motion of Senator Spanel, Gubernatorial Appointment No. 9244, Ralph Mackey as a member of the Interagency Committee for Outdoor Recreation and Gubernatorial Appointment No. 9245, Mary Ann Huntington as a member of the Interagency Committee for Outdoor Recreation, were referred to the Committee on Ecology and Parks.

#### MOTION

At 12:10 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Friday, January 12, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FOURTH DAY, JANUARY 11, 1996

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**FIFTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Friday, January 12, 1996  
The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Annae Nickelson and Dan Isquith, presented the Colors. Reverend Bruce Armstrong, pastor of the Lacey Presbyterian Church, offered the prayer.

MOTION

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

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Archbishop Thomas Murphy, Archbishop of Seattle, who was seated on the rostrum.

REPORTS OF STANDING COMMITTEES

January 11, 1996  
SB 5044 Prime Sponsor, Senator Haugen: Allowing cities and towns in which citizens have the power of initiative to impose reasonable requirements to assure the validity of signatures on the initiative petition. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5044 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 11, 1996  
SB 5047 Prime Sponsor, Senator Haugen: Raising the dollar threshold for state purchases and contracts requiring formal sealed bids. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5047 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 11, 1996  
SB 5049 Prime Sponsor, Senator Haugen: Authorizing a county research service. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5049 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, McCaslin and Winsley.

Referred to Committee on Ways and Means.

January 11, 1996  
SB 5068 Prime Sponsor, Senator Sheldon: Setting limits on executory conditional sales contracts entered into by local governments. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 11, 1996

SB 5071 Prime Sponsor, Senator Haugen: Changing provisions relating to local voters' pamphlets. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5071 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 11, 1996

SB 5223 Prime Sponsor, Senator Loveland: Modifying procedure for providing assistance to county assessors. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey and Winsley.

Referred to Committee on Ways and Means.

January 11, 1996

ESSB 5247 Prime Sponsor, Senate Committee on Ecology and Parks: Facilitating local water quality programs. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5247 be substituted therefor, and the second substitute bill do pass. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

January 11, 1996

SB 5248 Prime Sponsor, Senator C. Anderson: Creating the Puget Sound license plate program. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5248 be substituted therefor, and the substitute bill do pass and be referred to Committee on Transportation. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Referred to Committee on Transportation.

January 11, 1996

ESSB 5258 Prime Sponsor, Senate Committee on Human Services and Corrections: Making technical revisions to community public health and safety networks. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5258 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Prentice, Schow, Smith, Strannigan, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

January 11, 1996

SB 5500 Prime Sponsor, Senator Smith: Clarifying the method of execution to be used in Washington state. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

January 11, 1996

SSB 5522 Prime Sponsor, Senate Committee on Law and Justice: Regulating the use of pro tempore judges and court commissioners. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

January 11, 1996

ESSB 5605 Prime Sponsor, Senate Committee on Higher Education: Prohibiting drug and alcohol use in state-owned college and university residences. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, Drew, McAuliffe, Prince, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules for second reading.

January 11, 1996

SB 5911 Prime Sponsor, Senator Drew: Establishing a candidates' pamphlet for the state primary. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5911 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Heavey and McCaslin.

Referred to Committee on Ways and Means.

January 11, 1996

SB 6089 Prime Sponsor, Senator Rasmussen: Changing criteria for eligibility for firearms range account funding. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Haugen, Morton, Oke, Snyder and Swecker.

Passed to Committee on Rules for second reading.

January 11, 1996

SJR 8201 Prime Sponsor, Senator Haugen: Amending the Constitution to revise the method of altering county boundaries. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Joint Resolution No. 8201 be substituted therefor, and the substitute resolution do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Heavey and McCaslin.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 11, 1996

GA 9093 ROBERTA J. GREENE, reappointed December 3, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Spokane and Spokane Falls Community College District No. 17.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, Drew, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

January 11, 1996

GA 9114 JIM WHITESIDE, appointed April 26, 1993, for a term ending December 31, 1997, as a member of the Public Disclosure Commission.  
Reported by Committee on Law and Justice

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules.

January 11, 1996

GA 9133 ROBERTA J. GREENE, reappointed February 23, 1995, for a term ending September 30, 1999, as a member of the Spokane Joint Center for Higher Education.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, Drew, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

January 11, 1996

GA 9134 GERALD P. LEAHY, reappointed February 23, 1995, for a term ending September 30, 1997, as a member of the Spokane Joint Center for Higher Education.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, Drew, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

January 11, 1996

GA 9135 MICHAEL ORMSBY, reappointed February 23, 1995, for a term ending September 30, 1998, as a member of the Spokane Joint Center for Higher Education.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, Drew, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

January 11, 1996

GA 9149 ANNETTE SANDBERG, appointed April 5, 1995, for a term ending at the pleasure of the Governor, as Chief of the Washington State Patrol.  
Reported by Committee on Transportation

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Haugen, Morton, Oke, Prentice, Prince, Rasmussen, Show, Thibaudeau and Wood.

Passed to Committee on Rules.

January 11, 1996

GA 9156 DR. HUBERT LOCKE, appointed May 3, 1995, for a term ending August 2, 1996, as a member of the Sentencing Guidelines Commission.  
Reported by Committee on Law and Justice

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules.

January 11, 1996

GA 9186 JUDGE CAROLYN BROWN, appointed August 31, 1995, for a term ending August 2, 1997, as a member of the Sentencing Guidelines Commission.  
Reported by Committee on Law and Justice

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules.

January 11, 1996

GA 9188 JUDGE THOMAS FELNAGLE, appointed September 1, 1995, for a term ending August 2, 1998, as a member of the Sentencing Guidelines Commission.  
Reported by Committee on Law and Justice

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules.

January 11, 1996

GA 9189 DELORIS I. BROWN, reappointed September 30, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees for Lake Washington Technical College District No. 26.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, Drew, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

January 11, 1996

GA 9192 DWIGHT K. IMANAKA, reappointed October 10, 1995, for a term ending September 30, 2001, as a member of the Board of Trustees for The Evergreen State College.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, Drew, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

January 11, 1996

GA 9194 MICHAEL ORMSBY, reappointed October 10, 1995, for a term ending September 30, 2001, as a member of the Board of Trustees for Eastern Washington University.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, Drew, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

January 11, 1996

GA 9195 SALLY G. SCHAEFER, reappointed October 13, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees for Clark Community College District No. 14.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, Drew, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

January 11, 1996

GA 9198 D'ALENE K. WHITE, appointed October 16, 1995, for a term ending August 2, 1998, as a member of the Sentencing Guidelines Commission.  
Reported by Committee on Law and Justice

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules.

January 11, 1996

GA 9199 THERESA CECCARELLI, reappointed September 30, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees for Bates Technical College District No. 28.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, Drew, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

January 11, 1996

GA 9200 KAREN GATES-HILDT, reappointed September 30, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees for Peninsula Community College District No. 1.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, Drew, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

January 11, 1996

GA 9201 RONALD M. GOULD, reappointed September 30, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees for Bellevue Community College District No. 8.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, Drew, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

January 11, 1996

GA 9203 KAREN KEISER, reappointed September 30, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees for Highline Community College District No. 9.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, Drew, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

January 11, 1996

GA 9204 REPRESENTATIVE LYNN KESSLER, reappointed September 30, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, Drew, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

January 11, 1996

GA 9206 DONALD V. RHODES, reappointed September 30, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, Drew, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

January 11, 1996

GA 9208 ART RUNESTRAND, reappointed September 30, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees for Bellingham Technical College District No. 25.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, Drew, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

January 11, 1996

GA 9209 DAVID SCHODDE, reappointed September 30, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees for Green River Community College District No. 10.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, Drew, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

January 11, 1996

GA 9210 PATRICIA SCHROM, reappointed September 30, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees for Big Bend Community College District No. 18.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

January 11, 1996

GA 9211 PAUL J. WYSOCKI, reappointed September 30, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community College District No. 6.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, Drew, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

January 11, 1996

GA 9214 GLORIA MITCHELL, reappointed September 30, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees for Cascadia Community College District No. 30.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, Drew, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

January 11, 1996

GA 9216 WILFRED WOODS, reappointed October 3, 1995, for a term ending September 30, 2001, as a member of the Board of Trustees for Central Washington University.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, Drew, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

January 11, 1996

GA 9226 VICKI McNEILL, reappointed November 29, 1995, for a term ending June 30, 1999, as a member of the Higher Education Coordinating Board.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, Drew, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

January 11, 1996

GA 9233 MARI J. CLACK, reappointed December 19, 1995, for a term ending September 30, 2001, as a member of the Board of Regents for the University of Washington.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; A. Anderson, Drew, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

#### INTRODUCTION AND FIRST READING

SB 6355 by Senators Wojahn and Schow

AN ACT Relating to provision of utility service to federal trust property; and amending RCW 80.28.110.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 6356 by Senators Morton, West, Hochstatter, Hargrove, Snyder, Sellar, Zarelli, A. Anderson, Oke, Rasmussen and Swecker

AN ACT Relating to tax exemptions for equipment used in harvesting or processing forest products; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SB 6357 by Senator Quigley

AN ACT Relating to children's services improvement: amending RCW 70.190.005, 70.190.010, 43.88.180, 26.23.045, 43.17.020, 70.190.030, 70.190.050, 70.190.060, 70.190.070, 70.190.080, 70.190.090, 70.190.100, 70.190.130, 69.50.520, 74.15.050, 74.15.060, 74.15.070, 74.15.080, 74.15.100, 74.15.120, and 74.15.200; reenacting and amending RCW 43.17.010 and 74.15.020; adding new sections to chapter 70.190 RCW; adding a new section to chapter 74.04 RCW; adding a new section to chapter 43.10 RCW; creating new sections; repealing RCW 70.190.140; providing effective dates; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

SB 6358 by Senators Morton and McCaslin

AN ACT Relating to financing solid waste improvements and projects; and amending RCW 82.46.010.

Referred to Committee on Government Operations.

SB 6359 by Senators Morton, Sellar, Roach, Hochstatter, Deccio and Schow

AN ACT Relating to purchase of land by state agencies; and adding a new section to chapter 79.01 RCW.

Referred to Committee on Government Operations.

SB 6360 by Senators Kohl, Prentice, Pelz and Fairley

AN ACT Relating to first-time offenders; reenacting and amending RCW 9.94A.030; and creating a new section.

Referred to Committee on Law and Justice.

SB 6361 by Senators Morton, Zarelli, Swecker and Schow

AN ACT Relating to curriculum; adding a new section to chapter 28A.150 RCW; and prescribing penalties.

Referred to Committee on Education.

SB 6362 by Senators Morton, Roach, Swecker, Hochstatter and A. Anderson

AN ACT Relating to establishing a state water bank; and adding a new chapter to Title 90 RCW.

Referred to Committee on Ecology and Parks.

SB 6363 by Senators Pelz and Newhouse

AN ACT Relating to payment of job modification or accommodation costs for injured workers; and amending RCW 51.32.250.

Referred to Committee on Labor, Commerce and Trade.

SB 6364 by Senator Drew

AN ACT Relating to limitation on the terms of members of the fish and wildlife commission; and amending RCW 77.04.030.

Referred to Committee on Natural Resources.

SB 6365 by Senators Zarelli, Hargrove, Strannigan, Swecker, Prentice, Hochstatter, Prince, Roach, Johnson, Rasmussen, Bauer and Schow

AN ACT Relating to parental notification; adding a new section to chapter 70.96A RCW; and adding a new section to chapter 71.34 RCW.

Referred to Committee on Education.

SB 6366 by Senators Haugen, Prince, Wojahn, Sutherland, Winsley and Snyder ( by request of Washington State Historical Society)

AN ACT Relating to the Lewis and Clark trail bicentennial commemoration; and adding a new section to chapter 27.34 RCW.

Referred to Committee on Ecology and Parks.

SB 6367 by Senators Heavey, Oke and Schow

AN ACT Relating to the regulation of limousines and for hire vehicles carrying passengers; amending RCW 46.72.010; reenacting and amending RCW 46.63.020; adding new sections to chapter 46.04 RCW; adding new sections to chapter 46.72 RCW; adding a new chapter to Title 46 RCW; creating a new section; repealing RCW 81.90.010, 81.90.020, 81.90.030, 81.90.040, 81.90.050, 81.90.060, 81.90.070, 81.90.080, 81.90.090, 81.90.100, 81.90.110, 81.90.120, 81.90.130, 81.90.140, 81.90.150, and 81.90.160; and prescribing penalties.

Referred to Committee on Transportation.

SB 6368 by Senators Heavey and Haugen

AN ACT Relating to community councils; and amending RCW 36.105.010, 36.105.020, and 36.105.030.

Referred to Committee on Government Operations.

SB 6369 by Senators Pelz and West

AN ACT Relating to the exemption from sales and use tax of certain devices prescribed by a dentist; and amending RCW 82.12.0277 and 82.08.0283.

Referred to Committee on Ways and Means.

SB 6370 by Senators Roach, Morton and A. Anderson

AN ACT Relating to defining public water system; and amending RCW 70.119A.020.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 6371 by Senators Rasmussen, Newhouse, Loveland, A. Anderson, Morton, Roach, Hochstatter and Deccio

AN ACT Relating to anhydrous ammonia; adding a new section to chapter 70.94 RCW; and creating a new section.

Referred to Committee on Ecology and Parks.

SB 6372 by Senators Owen and Prince (by request of Office of Financial Management)

AN ACT Relating to transportation funding and appropriations; amending 1995 2nd sp.s. c 14 ss 203, 204, 207, 208, 209, 211, 212, 213, 214, 216, 217, 218, 219, 220, 221, 222, 223, 225, 226, 227, 228, 301, 304, 401, 402, 403, 404, and 408 (uncodified); adding new sections to 1995 2nd sp.s. c 14; repealing 1995 2nd sp.s. c 14 s 224 (uncodified); and declaring an emergency.

Referred to Committee on Transportation.

SB 6373 by Senators Prentice, Wood, Loveland and Long

AN ACT Relating to county auditor recording fees; and amending RCW 36.18.010.

Referred to Committee on Financial Institutions and Housing.

SB 6374 by Senators Quigley, Long, Bauer and Goings

AN ACT Relating to juvenile sex offenders; amending RCW 13.40.130, 13.40.160, 13.40.210, and 13.40.300; adding new sections to chapter 13.40 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6375 by Senators Quigley, Fairley and Sheldon

AN ACT Relating to the health care policy board; amending RCW 43.73.030, 41.05.021, 43.70.054, 43.70.068, and 43.72.320; adding a new section to chapter 48.02 RCW; adding a new section to chapter 74.42 RCW; adding a new section to chapter 41.05

Referred to Committee on Health and Long-Term Care.

SB 6376 by Senators Haugen, Prince, Fraser, Snyder, Winsley and Owen (by request of Arts Commission and Washington State Historical Society)

AN ACT Relating to arts and heritage license plates; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

SB 6377 by Senator Heavey

AN ACT Relating to business tax credits for assisting in the provision of child care; adding new sections to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Human Services and Corrections.

SB 6378 by Senators Rasmussen, Swecker, Goings, Morton and Haugen

AN ACT Relating to limiting the receivership responsibility of a county for public water systems; and amending RCW 43.70.195 and 43.155.065.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 6379 by Senators Bauer, Wood and Deccio

AN ACT Relating to the work force training and education coordinating board; and amending RCW 28C.18.020.

Referred to Committee on Higher Education.

SB 6380 by Senators Bauer and Wood

AN ACT Relating to technical and career training and education; creating a new section; and repealing RCW 28B.85.200 and 28B.85.210.

Referred to Committee on Higher Education.

SB 6381 by Senators Schow, Haugen, Smith, Roach and Finkbeiner

AN ACT Relating to aggregate property tax limitations; and amending RCW 84.52.050 and 84.52.052.

Referred to Committee on Government Operations.

SB 6382 by Senators Hochstatter, Rasmussen, Morton and Roach

AN ACT Relating to business and occupation tax on the handling of hay, alfalfa, or seed; amending RCW 82.04.120; and reenacting and amending RCW 82.04.260.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SB 6383 by Senators Hale, Winsley, Haugen and Swecker

AN ACT Relating to the authority to conduct executive sessions under the Open Public Meetings Act to discuss sales of personal property; and amending RCW 42.30.110.

Referred to Committee on Government Operations.

SB 6384 by Senator Rasmussen

AN ACT Relating to occupational disease; adding new sections to chapter 51.28 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce and Trade.

SB 6385 by Senators Hochstatter, Hargrove, Schow, Long, Johnson, Finkbeiner, Haugen and Roach

AN ACT Relating to child support modification; and amending RCW 26.09.100.

Referred to Committee on Law and Justice.

SB 6386 by Senators Bauer, West and Prentice

AN ACT Relating to business and occupation taxation; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6387 by Senators Spanel, A. Anderson, Snyder, Haugen, Roach and Kohl

AN ACT Relating to Puget Sound Dungeness crab licenses; and amending RCW 75.28.046, 75.28.048, 75.28.130, and 75.30.130.

Referred to Committee on Natural Resources.

SB 6388 by Senators Roach, Rasmussen, Smith, Sellar, Hale, Oke, Winsley, Swecker, Heavey, Haugen, Goings and Schow

AN ACT Relating to a property tax exemption for widows or widowers of honorably discharged veterans of the armed forces of the United States who died as a result of a service-connected disability or while serving on active duty with the armed forces of the United States; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Ways and Means.

SJM 8024 by Senators Morton, Swecker, Hochstatter, Johnson, Roach and Deccio

Requesting the United States Congress and the Environmental Protection Agency to repeal the prohibition on chlorofluorocarbons.

Referred to Committee on Ecology and Parks.

#### MOTION

At 10:10 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:31 a.m. by President Pritchard.

#### MOTION

On motion of Senator Spanel, the Senate returned to the first order of business.

#### REPORTS OF STANDING COMMITTEES

SB 5473 Prime Sponsor, Senator Smith: Revising standards for determining child support obligations. Reported by Committee on Law and Justice January 11, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 5473 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

E2SSB 6062 Prime Sponsor, Senate Committee on Ways and Means: Making welfare work. Reported by Committee on Ways and Means January 11, 1996

MAJORITY Recommendation: That Third Substitute Senate Bill No. 6062, as recommended by the Committee on Health and Long-Term Care, be substituted therefor, and the third substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hochstatter, Kohl, Moyer, Quigley, Sheldon, Snyder, Spanel, Sutherland, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced United States Senator Patty Murray, who was seated on the rostrum. With permission of the Senate, business was suspended to permit Senator Murray to address the Senate.

#### MOTION

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

#### SECOND READING GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Owen, Gubernatorial Appointment No. 9120, Captain Michael T. Gavin, as a member of the Board of Pilotage Commissioners, was confirmed.

Senators Owen and Wood spoke to the confirmation of Captain Michael T. Gavin as a member of the Board of Pilotage Commissioners.

#### APPOINTMENT OF CAPTAIN MICHAEL T. GAVIN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

#### SECOND READING

SENATE BILL NO. 6190, by Senators Prentice, Hale, Fraser, Sutherland, Loveland, Smith, Sellar and Winsley

Authorizing and implementing interstate banking.

#### MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6190 was substituted for Senate Bill No. 6190 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6190 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Hale: "Senator Prentice, in Section seven of the bill, the Director of Financial Institutions--it indicates that he must be notified of any agency agreements by banks. May I assume from this that banks doing business in Washington definitely have the authority to enter into agency agreements?"

Senator Prentice: "Yes, we consulted with the Director of the Department of Financial Institutions and we agree that such powers now exist. The intention of the committee, in this bill, is to insure that agency agreements for banking services are allowed in Washington State and rules will be developed."

Senator Hale: "Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6190.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6190 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6190, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5050, by Senators Morton, Smith, Rasmussen and Schow

Revising the elements of the crime of burglary in the first degree.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5050 was substituted for Senate Bill No. 5050 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5050 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Sheldon, Senators Owen and Prentice were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5050.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5050 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Owen and Prentice - 2.

SUBSTITUTE SENATE BILL NO. 5050, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5510, by Senators Smith, Roach and Quigley

Revising provisions relating to food stamp crimes.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, Senate Bill No. 5510 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5510.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5510 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Owen and Prentice - 2.

SENATE BILL NO. 5510, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 11:55 a.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m. Monday, January 15, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTH DAY, JANUARY 12, 1996

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**EIGHTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Monday, January 15, 1996  
The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cantu, Fairley, Long, Quigley and Winsley. On motion of Senator Thibaudeau, Senator Quigley was excused.

The Sergeant at Arms Color Guard, consisting of Pages Kelly Antoncich and Michael Anderson, presented the Colors. Reverend Tammy Leiter, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

MOTION

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

REPORT OF STANDING COMMITTEE

January 11, 1996  
SSB 5322 Prime Sponsor, Senate Committee on Ways and Means Providing a death benefit award. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5322 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Kohl, Long, McDonald, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

REPORT OF STANDING COMMITTEE  
GUBERNATORIAL APPOINTMENT

January 12, 1996  
GA 9229 LYLE QUASIM, appointed December 11, 1995, for a term ending at the pleasure of the Governor, as Secretary of the Department of Social and Health Services.  
Reported by Committee on Health and Human Services

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

December 8, 1995  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:  
I have the honor to submit the following reappointment, subject to your confirmation.  
Lois M. Curtis, reappointed December 8, 1995, for a term ending July 5, 1999, as a member of the Puget Sound Water Quality Authority.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Ecology and Parks.

December 8, 1995  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:  
I have the honor to submit the following appointment, subject to your confirmation.

William F. Dewey, appointed December 8, 1995, for a term ending July 5, 1997, as a member of the Puget Sound Water Quality Authority.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Ecology and Parks.

January 9, 1996

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

I have the honor to submit the following appointment, subject to your confirmation.  
Susan I. Davidson, appointed January 9, 1996, for a term ending July 1, 1999, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Education.

MESSAGE FROM THE HOUSE

January 12, 1996

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6117, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 6117.

INTRODUCTION AND FIRST READING

SB 6389 by Senators Wood, Roach, Cantu, Deccio, Johnson, Moyer and Finkbeiner

AN ACT Relating to a study utilizing vouchers for basic health plan enrollees; creating new sections; and providing an expiration date.

Referred to Committee on Health and Long-Term Care.

SB 6390 by Senators Smith, Johnson, Haugen, Schow, Long, Fairley, Wood, Prince and Heavey

AN ACT Relating to interception, transmission, recording, or disclosure of communications; amending RCW 9.73.070 and 9.73.230; adding a new section to chapter 9.73 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6391 by Senators Long, Prentice, Owen, Prince, Schow, Sellar and Haugen

AN ACT Relating to vehicles that have been rebuilt from salvage; amending RCW 46.12.005, 46.32.005, 46.12.040, 46.12.050, and 46.12.075; adding a new section to chapter 46.32 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 6392 by Senators Wood, Quigley, Roach, Cantu, Deccio, Prince and Moyer

AN ACT Relating to disclosure by managed care entities; adding a new section to chapter 48.43 RCW; adding a new section to chapter 48.44 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 6393 by Senators Prentice, Hale, Smith, Fraser, Sellar and Roach

AN ACT Relating to authorizing the collection of fees and prepayment penalties for consumer loans; and amending RCW 31.04.105 and 31.04.115.

Referred to Committee on Financial Institutions and Housing.

SB 6394 by Senators Loveland, West, Goings, Sutherland, Finkbeiner, Rasmussen, Hochstatter, Moyer and Morton

AN ACT Relating to regulating cooling services as thermal heating services; amending RCW 80.62.010, 80.62.020, 80.62.030, 80.62.040, 80.62.050, 80.62.060, 80.62.070, and 80.62.080; creating a new section; and repealing RCW 80.62.900.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 6395 by Senators Snyder, Wood, Kohl, Heavey, Haugen and Fraser (by request of Secretary of State Munro)

AN ACT Relating to maritime historic restoration and preservation; adding a new section to chapter 88.02 RCW; and adding a new section to chapter 43.08 RCW.

Referred to Committee on Ecology and Parks.

SB 6396 by Senators Quigley, Moyer and Heavey

AN ACT Relating to correcting obsolete terminology for the designation of osteopathic physician and surgeon; amending RCW 18.35.110, 18.57.001, 18.57.140, 18.71.030, 18.71.055, 18.71.205, 18.76.020, 18.76.060, 43.43.830, 48.46.170, 49.78.020, 68.50.530, 69.41.010, 69.41.030, 69.50.101, 70.05.050, 70.08.030, 70.28.031, 70.38.115, 70.96A.020, and 70.124.020; reenacting and amending RCW 18.120.020, 26.44.020, and 41.26.030; and providing an effective date.

Referred to Committee on Health and Long-Term Care.

SB 6397 by Senators Sheldon, Hale and Oke

AN ACT Relating to business and occupation tax exemptions for wholesale transactions involving motor vehicles at auctions; adding new sections to chapter 82.04 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6398 by Senators Hargrove, Long and Oke (by request of Department of Social and Health Services)

AN ACT Relating to background checks of employees at the special commitment center; and adding a new section to chapter 71.09 RCW.

Referred to Committee on Human Services and Corrections.

SB 6399 by Senators Hargrove, Owen, Smith, Schow, Hochstatter, Johnson, Roach and Long

AN ACT Relating to prohibiting mandatory child support for postsecondary education of adult children; amending RCW 26.09.170, 26.09.225, 26.18.210, 26.19.035, and 26.19.075; adding a new section to chapter 26.09 RCW; creating a new section; and repealing RCW 26.19.090.

Referred to Committee on Law and Justice.

SB 6400 by Senators Hargrove, Owen, Schow, Hochstatter and Roach

AN ACT Relating to child support; and amending RCW 26.19.071, 26.19.075, and 26.19.080.

Referred to Committee on Law and Justice.

SB 6401 by Senators Bauer, Sellar, Snyder, Newhouse, Sutherland, Zarelli, Sheldon, A. Anderson, Spanel and Roach (by request of Department of Revenue)

AN ACT Relating to sales and use taxation of carbon that becomes an ingredient or component of anodes or cathodes used in producing aluminum for sale; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6402 by Senators Haugen, Smith, Fairley, Long, Schow, Sellar, Deccio, Winsley, Roach, McAuliffe and Strannigan

AN ACT Relating to law enforcement training; amending RCW 43.101.010 and 43.101.080; adding new sections to chapter 43.101 RCW; adding new sections to chapter 28B.80 RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 6403 by Senators Winsley, Haugen, Hale, Sheldon, Goings and Hochstatter

AN ACT Relating to fire investigation; and amending RCW 48.48.060.

Referred to Committee on Government Operations.

SB 6404 by Senators Prentice, Prince, Owen and Wood (by request of Department of Transportation)

AN ACT Relating to metric weights and measures; amending RCW 7.48.140, 8.12.040, 14.16.090, 17.21.410, 18.08.410, 19.94.440, 19.94.450, 19.94.460, 19.122.020, 35.23.430, 35.56.200, 35.56.210, 35.58.2796, 35.58.560, 35.84.060, 35A.14.310, 36.55.020, 36.82.100, 36.85.030, 36.86.010, 36.86.100, 37.08.210, 37.08.250, 39.04.180, 39.35.030, 46.04.071, 46.04.085, 46.04.200, 46.04.304, 46.04.470, 46.04.582, 46.10.100, 46.16.160, 46.37.020, 46.37.050, 46.37.060, 46.37.120, 46.37.140, 46.37.150, 46.37.190, 46.37.215, 46.37.440, 46.37.460, 46.44.020, 46.44.030, 46.44.037, 46.44.042, 46.44.047, 46.44.050, 46.44.070, 46.44.091, 46.44.092, 46.44.105, 46.44.130, 46.44.140, 46.61.120, 46.61.125, 46.61.150, 46.61.295, 46.61.305, 46.61.310, 46.61.340, 46.61.345, 46.61.350, 46.61.355, 46.61.410, 46.61.440, 46.61.450, 46.61.460, 46.61.570, 46.61.575, 46.61.581, 46.61.655, 47.04.010, 47.12.026, 47.17.001, 47.24.020, 47.26.060, 47.28.020, 47.32.140, 47.36.270, 47.36.290, 47.36.310, 47.36.320, 47.36.330, 47.40.080, 47.41.030, 47.41.040, 47.42.020, 47.42.040, 47.42.045, 47.42.062, 47.42.063, 47.42.065, 47.42.130, 47.44.050, 47.52.090, 47.56.220, 47.58.010, 47.68.350, 48.18.297, 49.24.010, 49.24.020, 49.24.080, 49.24.120, 49.24.130, 49.24.140, 49.24.230, 49.24.260, 49.24.270, 49.24.290, 49.24.300, 49.24.310, 49.24.320, 49.70.117, 53.08.310, 53.08.350, 53.54.020, 58.09.050, 58.09.090, 58.17.080, 58.17.090, 58.17.095, 70.74.040, 70.74.191, 70.74.250, 70.74.340, 70.74.350, 79.01.344, 79.90.030, 79.90.035, 79.90.040, 79.90.045, 79.92.030, 79.93.010, 81.36.010, 81.52.040, 81.53.080, 81.53.090, 82.08.0287, 82.12.0282, 82.16.010, 84.36.079, 88.24.040, 90.58.140, and 90.58.320; reenacting and amending RCW 46.61.290; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

SB 6405 by Senators Owen, Prince, Prentice, Wood, Winsley and Fraser (by request of Department of Transportation)

AN ACT Relating to a scenic byways designation program; amending RCW 47.39.010, 47.39.030, and 47.39.060; and adding new sections to chapter 47.39 RCW.

Referred to Committee on Transportation.

SB 6406 by Senators Owen, Prince, Prentice and Wood (by request of Department of Transportation)

AN ACT Relating to vehicle size and load regulation; amending RCW 46.44.096 and 46.44.105; and prescribing penalties.

Referred to Committee on Transportation.

SB 6407 by Senators Sheldon, Long and Winsley (by request of Secretary of State Munro)

AN ACT Relating to the acceptance of faxed documents for filing with the secretary of state; and adding a new section to chapter 43.07 RCW.

Referred to Committee on Government Operations.

SB 6408 by Senators Fairley and Owen

AN ACT Relating to high occupancy vehicle lane improvements on SR 522; amending 1995 2nd sp.s. c 14 s 217 (uncodified); and declaring an emergency.

Referred to Committee on Transportation.

SB 6409 by Senators Bauer, Finkbeiner and Haugen (by request of Department of Information Services and Office of Financial Management)

AN ACT Relating to the department of information services; amending RCW 43.105.032, 43.105.041, 43.105.041, 43.105.052, 43.105.080, 43.105.160, 43.105.170, 43.105.180, 43.105.190, 43.105.210, and 43.41.110; creating a new section; repealing RCW 43.131.353 and 43.131.354; providing an effective date; and providing an expiration date.

Referred to Committee on Government Operations.

SB 6410 by Senators Bauer, Finkbeiner and Haugen (by request of Department of Information Services and Office of Financial Management)

AN ACT Relating to repeal of the sunset of the department of information services; and repealing RCW 43.131.353 and 43.131.354.

Referred to Committee on Government Operations.

SB 6411 by Senators Haugen, Prince, Fraser, Fairley, Winsley and Kohl

AN ACT Relating to significant historic places; and amending RCW 27.34.220 and 27.34.270.

Referred to Committee on Government Operations.

SB 6412 by Senators Swecker and Hochstatter

AN ACT Relating to the division of land among family members; and amending RCW 58.17.040.

Referred to Committee on Government Operations.

SB 6413 by Senators Pelz, Newhouse and Winsley (by request of Employment Security Department)

AN ACT Relating to the selection of successor employer contribution rates; amending RCW 50.29.062; and creating new sections.

Referred to Committee on Labor, Commerce and Trade.

SB 6414 by Senators Pelz and Newhouse (by request of Employment Security Department)

AN ACT Relating to the voluntary withholding of federal income tax from unemployment insurance benefit payments; adding a new section to chapter 50.20 RCW; creating new sections; and providing an effective date.

Referred to Committee on Labor, Commerce and Trade.

SB 6415 by Senators Pelz, Newhouse and Kohl (by request of Employment Security Department)

AN ACT Relating to employer sponsored programs for voluntary work force reductions; adding a new section to chapter 50.20 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Labor, Commerce and Trade.

SB 6416 by Senators Wood, Long, Winsley, Bauer, Swecker, Deccio, Quigley, Moyer and Thibaudeau

AN ACT Relating to rescinding a retirement allowance agreement; amending RCW 41.40.188; and creating a new section.

Referred to Committee on Ways and Means.

SB 6417 by Senators Drew and Oke

AN ACT Relating to defining the number of fish and wildlife commission members necessary for adoption of rules; and amending RCW 77.04.090.

Referred to Committee on Natural Resources.

SB 6418 by Senators Spanel, Winsley, Franklin, Strannigan, Fraser, Wood, Prentice, Kohl and Moyer (by request of Department of Community, Trade, and Economic Development)

AN ACT Relating to exemption of property taxes for state and local assisted housing; amending RCW 84.36.805 and 84.36.810; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Financial Institutions and Housing.

SB 6419 by Senators Loveland and Prince

AN ACT Relating to the definition of public works projects; and amending RCW 43.155.010 and 43.155.020.

Referred to Committee on Government Operations.

SB 6420 by Senators Heavey, Roach, Oke, Finkbeiner and Hochstatter

AN ACT Relating to travel by public officers and employees; and adding a new section to chapter 42.04 RCW.

Referred to Committee on Government Operations.

SB 6421 by Senators Drew, Owen, Winsley and Kohl

AN ACT Relating to reducing to sixty-five years the age for reduced fee licenses; and amending RCW 75.25.091, 75.25.092, and 77.32.101.

Referred to Committee on Natural Resources.

SB 6422 by Senators Haugen, Morton, Hale, Swecker, Prentice and Sutherland

AN ACT Relating to protecting general aviation facilities from encroachment of incompatible land uses; reenacting and amending RCW 36.70A.070; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; and adding a new section to chapter 36.70 RCW.

Referred to Committee on Government Operations.

SB 6423 by Senators Sutherland, Finkbeiner and Sheldon (by request of Secretary of State Munro)

AN ACT Relating to electronic signatures; adding a new chapter to Title 19 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 6424 by Senators Rasmussen and Johnson

AN ACT Relating to the date of notification that the contract of a certificated school employee will not be renewed; and amending RCW 28A.310.250, 28A.405.210, 28A.405.220, and 28A.405.230.

Referred to Committee on Education.

SB 6425 by Senators Swecker, Fraser and Zarelli

AN ACT Relating to public loans to port districts; and amending RCW 53.36.030.

Referred to Committee on Government Operations.

SB 6426 by Senators Prentice, Winsley, Fraser, Snyder, Hale and Franklin (by request of Housing Finance Commission)

AN ACT Relating to the Washington state housing finance commission; amending RCW 43.180.080 and 43.180.300; and repealing RCW 43.180.160.

Referred to Committee on Financial Institutions and Housing.

SB 6427 by Senators Snyder, Hargrove, Sutherland, Owen, Loveland and Newhouse

AN ACT Relating to the restoration and redevelopment of an unfinished nuclear energy facility; amending RCW 80.50.010, 80.50.020, and 80.50.040; and adding a new section to chapter 80.50 RCW.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 6428 by Senators Newhouse and Haugen

AN ACT Relating to the merger of special districts; and amending RCW 85.08.850 and 36.93.800.

Referred to Committee on Government Operations.

SB 6429 by Senator Schow

AN ACT Relating to video lottery terminals; adding a new section to chapter 9.46 RCW; and creating a new section.

Referred to Committee on Labor, Commerce and Trade.

SB 6430 by Senators Schow and Spanel

AN ACT Relating to social card games; and amending RCW 9.46.0281.

Referred to Committee on Labor, Commerce and Trade.

SB 6431 by Senators Sutherland and Bauer

AN ACT Relating to state employment based on higher education; adding new sections to chapter 41.04 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor, Commerce and Trade.

SB 6432 by Senators Fraser, McAuliffe and Kohl

AN ACT Relating to individualized education programs for deaf, deaf-blind, and hard of hearing children; adding new sections to chapter 28A.155 RCW; and creating a new section.

Referred to Committee on Education.

SB 6433 by Senators Fraser, Winsley, Spanel, Haugen, Johnson, Snyder and Sutherland

AN ACT Relating to the integration of water resources and growth management; amending RCW 36.70A.020 and 36.70A.210; reenacting and amending RCW 36.70A.070; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Ecology and Parks.

SB 6434 by Senator Fraser

AN ACT Relating to fees for water rights applications and changes; amending RCW 90.03.470; repealing RCW 90.03.471; and providing an expiration date.

Referred to Committee on Ways and Means.

SB 6435 by Senator Fraser

AN ACT Relating to water resource management; amending RCW 90.03.015, 90.03.290, 90.54.020, 90.03.380, 90.03.390, 90.44.070, and 90.14.140; adding new sections to chapter 90.03 RCW; creating a new section; and repealing RCW 90.03.040.

Referred to Committee on Ecology and Parks.

SB 6436 by Senator Fraser

AN ACT Relating to use of school transportation funds for sidewalks; amending RCW 28A.160.010; and adding a new section to chapter 28A.160 RCW.

Referred to Committee on Education.

SB 6437 by Senators Fraser, McCaslin and Winsley

AN ACT Relating to valuation of real property for taxation purposes; and amending RCW 84.40.030.

Referred to Committee on Government Operations.

SB 6438 by Senator Deccio

AN ACT Relating to property tax statement contents; and amending RCW 84.56.022.

Referred to Committee on Government Operations.

SB 6439 by Senators Moyer, Deccio, Winsley, Heavey, Swecker, Zarelli, Haugen, Loveland and Hochstatter

AN ACT Relating to canceling or nonrenewing health plans by health carriers; and amending RCW 48.43.035.

Referred to Committee on Health and Long-Term Care.

SB 6440 by Senators Moyer, Prentice, Hochstatter, Rasmussen, Schow, Prince, Deccio, Quigley and Winsley

AN ACT Relating to the acceptance of accreditation of hospitals; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 70.47 RCW; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health and Long-Term Care.

SB 6441 by Senators Moyer, Franklin, Schow, Wojahn, Zarelli, Quigley, Wood, Winsley, Fairley, Deccio, Oke and Kohl

AN ACT Relating to expiration dates on prescriptions dispensed by nonresident pharmacies; and amending RCW 18.64.360.

Referred to Committee on Health and Long-Term Care.

SB 6442 by Senator Loveland

AN ACT Relating to levies; and adding a new section to chapter 84.52 RCW.

Referred to Committee on Government Operations.

SB 6443 by Senators Fairley, Oke, Fraser, Quigley, Snyder, Kohl, Owen, Rinehart, Pelz, Franklin, Wood, Spanel, Prentice, Thibaudeau, Drew and McAuliffe

AN ACT Relating to leasing of seabeds for oil and gas exploration; and amending RCW 43.143.010.

Referred to Committee on Ecology and Parks.

SB 6444 by Senators Fraser, Prentice, Schow, Goings, Franklin and McAuliffe

AN ACT Relating to mobile home parks; adding a new section to chapter 59.21 RCW; adding a new section to chapter 59.22 RCW; creating a new section; and making appropriations.

Referred to Committee on Financial Institutions and Housing.

SB 6445 by Senators Sutherland, Swecker, Fraser, Rasmussen, McAuliffe and Haugen

AN ACT Relating to water supply regulation; amending RCW 43.21A.064 and 90.03.070; and adding new sections to chapter 43.27A RCW.

Referred to Committee on Ecology and Parks.

SB 6446 by Senators Fraser, Swecker, Spanel, Sutherland, Drew, Hochstatter and Winsley

AN ACT Relating to water rights for the use of water for instream purposes; amending RCW 90.03.380 and 90.42.080; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Ecology and Parks.

SB 6447 by Senators Fraser, Swecker and Rasmussen

AN ACT Relating to water permit processing; and amending RCW 90.03.290.

Referred to Committee on Ecology and Parks.

SB 6448 by Senators Smith, Kohl, Long, Hale, Winsley, Oke, Goings and Schow (by request of Governor Lowry and Attorney General Gregoire)

AN ACT Relating to juvenile offenders; amending RCW 5.60.060, 13.40.010, 13.40.0357, 13.40.050, 13.40.060, 13.40.080, 13.40.130, 13.40.160, 13.40.210, 13.40.045, 9.94A.040, 9.94A.060, 13.50.010, 72.09.300, 13.40.120, 13.40.220, 13.40.110, and 9.94A.130; reenacting and amending RCW 13.04.030, 13.40.020, and 9.94A.360; adding new sections to chapter 13.40 RCW; adding a new section to chapter 9.94A RCW; creating a new section; repealing RCW 13.40.025, 13.40.027, and 13.40.030; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6449 by Senators Quigley, Moyer, Wojahn and Winsley (by request of Governor Lowry)

AN ACT Relating to financing of expenses for hospital data collection and reporting; and amending RCW 70.170.080.

Referred to Committee on Health and Long-Term Care.

SB 6450 by Senators Bauer, Loveland, Rasmussen, Snyder, Franklin, Sutherland, Winsley, Strannigan, Haugen, Hale, A. Anderson, Sheldon, Quigley, Heavey, Finkbeiner, McAuliffe, Kohl and Cantu (by request of Governor Lowry)

AN ACT Relating to sales and use tax exemptions for manufacturing or research and development machinery and equipment; amending RCW 82.08.02565 and 82.12.02565; creating a new section; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6451 by Senators Sutherland, Finkbeiner and Winsley (by request of Governor Lowry)

AN ACT Relating to the state energy office; amending RCW 43.21F.025, 43.21F.045, 43.21F.060, 43.21F.090, 41.06.070, 39.35.030, 39.35.050, 39.35.060, 39.35C.010, 39.35C.020, 39.35C.050, 39.35C.060, 39.35C.100, 39.35C.110, 39.35C.130, 43.19.675, 19.27.190, 19.27A.020, 28A.515.320, 43.06.115, 43.19.680, 43.21G.010, 43.31.621, 43.140.040, 43.140.050, 47.06.110, 70.94.527, 70.94.537, 70.94.541, 70.94.551, 70.94.960, 70.120.210, 70.120.220, 82.35.020, 82.35.080, and 90.03.247; reenacting and amending RCW 80.50.030 and 42.17.2401; adding a new section to chapter 43.330 RCW; adding new sections to chapter 28B.30 RCW; adding a new section to chapter 47.01 RCW; adding a new section to chapter 43.19 RCW; creating new sections; repealing RCW 43.21F.035, 43.21F.055, 43.21F.065, 39.35C.030, 39.35C.040, 39.35C.070, 39.35C.080, 39.35C.090, 39.35C.120, 41.06.081, 43.41.175, and 19.27A.055; and providing an effective date.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 6452 by Senators McAuliffe, Franklin, Sheldon, Fraser, Rasmussen, Winsley, Heavey, Goings, Bauer and Kohl (by request of Governor Lowry)

AN ACT Relating to tax reporting and registration requirements of small businesses with no tax liability; amending RCW 82.32.045 and 82.16.040; reenacting and amending RCW 82.32.030; creating a new section; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6453 by Senators Sutherland, McAuliffe, Finkbeiner, Oke and Winsley (by request of Governor Lowry)

AN ACT Relating to improving access to state government; adding a new section to chapter 80.36 RCW; and creating a new section.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 6454 by Senators Winsley, Wojahn, Quigley, Prentice, Fairley, Bauer and Kohl (by request of Governor Lowry)

AN ACT Relating to public assistance recipient job training programs and employer business and occupation and utility tax credit incentives; adding a new chapter to Title 82 RCW; adding a new chapter to Title 74 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Health and Long-Term Care.

SB 6455 by Senators Heavey, Winsley, Rasmussen, Oke, Franklin, Haugen and Kohl (by request of Governor Lowry and State Auditor Sonntag)

AN ACT Relating to the citizen whistleblower act; amending RCW 42.17.310 and 43.88.160; adding a new chapter to Title 42 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Government Operations.

SB 6456 by Senators Fraser, Swecker, Rasmussen, Haugen, Winsley, Franklin, McAuliffe and Kohl (by request of Governor Lowry)

AN ACT Relating to creating a property tax credit as an incentive for the improvement and restoration of streams, rivers, and riparian areas; adding a new chapter to Title 84 RCW; adding a new section to chapter 89.08 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Ecology and Parks.

SB 6457 by Senators Quigley, McAuliffe, Moyer, Oke, Pelz, Long, Heavey and Kohl (by request of Governor Lowry)

AN ACT Relating to regulation and control of tobacco products; amending RCW 70.155.010, 70.155.030, 70.155.040, 70.155.050, 70.155.100, 70.155.110, 82.24.500, and 82.24.550; repealing RCW 70.155.060 and 82.24.270; and prescribing penalties.

Referred to Committee on Health and Long-Term Care.

SB 6458 by Senators Pelz, Franklin, Kohl, McAuliffe, Fairley, Prentice and Smith (by request of Governor Lowry)

AN ACT Relating to the minimum hourly wage which employers shall pay employees who have reached the age of eighteen years; amending RCW 49.46.020; and providing an effective date.

Referred to Committee on Labor, Commerce and Trade.

SB 6459 by Senators Sheldon, Prentice, McAuliffe, Winsley, Oke, Heavey, Goings and Kohl (by request of Governor Lowry)

AN ACT Relating to homeowner's property tax deferral; adding a new chapter to Title 84 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 6460 by Senators Fraser, Swecker, Haugen, Rasmussen and Winsley (by request of Governor Lowry)

AN ACT Relating to public utility tax credits for water conservation activities; adding new sections to chapter 82.16 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ecology and Parks.

SB 6461 by Senators McAuliffe, Sheldon, Winsley and Kohl (by request of Governor Lowry)

AN ACT Relating to business and occupation tax credits for investment in training; adding a new section to chapter 82.04 RCW; creating new sections; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6462 by Senators Wojahn, Rasmussen, Smith, Haugen, Kohl, Long, Deccio, Winsley, Fairley, Prentice, Wood, Fraser, Hale, Moyer, McCaslin, Johnson, Oke, Goings, Bauer and Spanel (by request of Governor Lowry and Attorney General Gregoire)

AN ACT Relating to crimes of domestic violence; amending RCW 9.94A.390, 10.99.020, 10.99.040, 10.99.050, and 26.50.110; adding a new section to chapter 9A.36 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6463 by Senators Hargrove, Swecker, Sutherland, Finkbeiner and Roach

AN ACT Relating to mineral resource land designation; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Natural Resources.

SB 6464 by Senators Spanel and Moyer (by request of Cigarette Tax and Revenue Loss Advisory)

AN ACT Relating to negotiation of cooperative agreements between the governor of the state of Washington and federally recognized Indian tribes within the borders of the state of Washington concerning the sales of cigarettes; adding new sections to chapter 43.06 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.24 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6465 by Senators Sheldon, McCaslin, Snyder, Winsley, McAuliffe, Hale, Haugen and Strannigan

AN ACT Relating to growth management hearings boards; amending RCW 36.70A.020, 36.70A.250, 36.70A.270, 36.70A.280, 36.70A.290, 36.70A.300, 36.70A.310, and 36.70A.320; adding new sections to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Government Operations.

SB 6466 by Senators Spanel, Swecker, Sutherland, Morton, Bauer, A. Anderson and Fraser

AN ACT Relating to review of minor new sources of air pollution; and amending RCW 70.94.152.

Referred to Committee on Ecology and Parks.

SB 6467 by Senators Spanel, Swecker, Sutherland, Morton, Bauer, A. Anderson, Fraser, Roach and Haugen

AN ACT Relating to pollution source fees; and amending RCW 70.94.152 and 70.94.154.

Referred to Committee on Ecology and Parks.

SB 6468 by Senators Spanel, Quigley, Wojahn, Moyer, Franklin and Deccio

AN ACT Relating to coverage for cranial hair prostheses for alopecia; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 6469 by Senators McCaslin, Fraser, Morton, Roach, Moyer, West, Hale, Swecker, Schow, Zarelli, Wood, Cantu, Sellar, Oke and Bauer

AN ACT Relating to exceptions from overtime requirements; and amending RCW 49.46.130.

Referred to Committee on Labor, Commerce and Trade.

SB 6470 by Senators McAuliffe, Pelz and Winsley

AN ACT Relating to improving student learning; adding new sections to chapter 28A.630 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Education.

SB 6471 by Senators McAuliffe, Kohl, Prince, Rasmussen, Bauer, Wood, Drew, Sheldon, Johnson, Haugen, Pelz, Oke, Goings and Winsley

AN ACT Relating to updating terminology relating to vocational education; amending RCW 28A.150.020, 28A.150.100, 28A.150.275, 28A.150.350, 28A.150.500, 28A.190.030, 28A.190.040, 28A.205.010, 28A.225.020, 28A.230.010, 28A.230.100, 28A.300.080, 28A.300.090, 28A.300.230, 28A.300.235, 28A.340.010, 28A.410.050, 28A.600.310, 28A.600.370, 28A.630.861, 28A.630.862, 28A.630.876, 28A.640.020, 28B.15.545, 28B.15.546, 28B.80.272, 28C.04.520, 28C.04.525, 28C.04.530, 28C.04.535, 28C.04.540, 28C.04.545, and 28C.22.005; reenacting and amending RCW 28A.330.100 and 28A.630.885; repealing 1995 c 335 s 803 (uncodified); decodifying RCW 28C.04.550; and providing expiration dates.

Referred to Committee on Education.

SCR 8427 by Senators Pelz, Deccio, Heavey, Newhouse, Fraser, Hale, Franklin, Haugen and McAuliffe

Creating a Joint Task Force on Vocational Rehabilitation and Training.

Referred to Committee on Labor, Commerce and Trade.

## SECOND READING GUBERNATORIAL APPOINTMENTS

### MOTION

On motion of Senator Owen, Gubernatorial Appointment No. 9121, Dennis Marshall, as a member of the Board of Pilotage Commissioners, was confirmed.

### APPOINTMENT OF DENNIS MARSHALL

The Secretary call the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 4; Excused, 1.  
Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Wojahn, Wood and Zarelli - 44.

Absent: Senators Cantu, Fairley, Long and Winsley - 4.

Excused: Senator Quigley - 1.

### MOTION

On motion of Senator Anderson, Senators Cantu, Long and Winsley were excused.

### MOTION

On motion of Senator Owen, Gubernatorial Appointment No. 9123, David Williams, as a member of the Marine Employees' Commission, was confirmed.

#### APPOINTMENT OF DAVID WILLIAMS

The Secretary call the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.  
Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Wojahn, Wood and Zarelli - 45.  
Excused: Senators Cantu, Long, Quigley and Winsley - 4.

#### MOTION

On motion of Senator Owen, Gubernatorial Appointment No. 9149, Annette Sandberg, as Chief of the Washington State Patrol, was confirmed.  
Senators Owen, Prince and West spoke to the confirmation of Annette Sandberg as Chief of the Washington State Patrol.

#### APPOINTMENT OF ANNETTE SANDBERG

The Secretary call the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.  
Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Wojahn, Wood and Zarelli - 45.  
Excused: Senators Cantu, Long, Quigley and Winsley - 4.

#### MOTION

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

#### SENATE RESOLUTION 1996-8673

By Senators Franklin, Sutherland, Prince, Rinehart, Snyder, West, Swecker, Heavey, Wojahn, Sellar, McCaslin, Wood, Spanel, Pelz and Kohl

WHEREAS, We live in a time when racial, religious, and cultural intolerance is too often a source of mistrust and violence; and  
WHEREAS, Although some forms of racism may have changed in subtle ways, racism itself is as prevalent in America in 1996 as it was in 1968; and  
WHEREAS, The law in theory assures us all of equality, the reality remains that to be anything other than of European descent too often relegates one to a lower status in America; and  
WHEREAS, In America today, we rarely discuss openly and honestly the reasons for our differences and our own biases and prejudices, thus perpetuating the problem; and  
WHEREAS, The Reverend Martin Luther King, Jr.'s example of dealing directly with the things that divide us along racial and cultural lines is one that we would do well to emulate today; and  
WHEREAS, The increasing separation of citizens into groups of like-color as a way of dealing with racism is racist in and of itself, and is directly at odds with Reverend King's message of unity and equality; and  
WHEREAS, We as a nation and a people can only rise united and most surely will fall if we are divided; and  
WHEREAS, Dr. King's message of peaceful perseverance in the face of seemingly insurmountable obstacles to equality is still a source of inspiration and hope for many Americans;  
NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby honor the memory of the Reverend Martin Luther King, Jr., a man of peace who saw injustice and tried to end it for the benefit of all Americans, regardless of race; and that we urge the citizens of Washington to put aside desires to separate along racial and cultural lines and instead heed Dr. King's message of unity and equality, remembering that as long as any one citizen is not truly free, then none of us can be free.

Senators Franklin, Pelz, Prentice, Wojahn, Sellar and Prince spoke to Senate Resolution 1996-8673.

#### MOTION

On motion of Senator Spanel, the Senate returned to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 6086, by Senators Loveland, Morton and Rasmussen (by request of Department of Agriculture)

Disclosing agriculture business records.

The bill was read the second time.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 6086 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Hochstatter, Senator Anderson was excused.  
The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6086.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6086 and the bill passed the Senate by the following vote:  
Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Excused: Senators Anderson, A., Cantu and Quigley - 3.

SENATE BILL NO. 6086, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6087, by Senators Rasmussen, Morton and Loveland (by request of Department of Agriculture)

Rule making by the department of agriculture.

The bill was read the second time.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 6087 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6087.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6087 and the bill passed the Senate by the following vote:  
Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Excused: Senators Anderson, A., Cantu and Quigley - 3.

SENATE BILL NO. 6087, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6088, by Senators Rasmussen, A. Anderson and Loveland (by request of Department of Agriculture)

Degrading certain dairy licenses.

The bill was read the second time.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 6088 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6088.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6088 and the bill passed the Senate by the following vote:  
Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Anderson, A. and Quigley - 2.

SENATE BILL NO. 6088, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 10:52 a.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Tuesday, January 16, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTH DAY, JANUARY 15, 1996

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**NINTH DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Tuesday, January 16, 1996  
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 16, 1996  
SB 6149 Prime Sponsor, Senator Fraser: Establishing the city of Yelm wastewater reuse state demonstration project. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Referred to Committee on Ways and Means.

January 15, 1996  
SB 6222 Prime Sponsor, Senator Pelz: Providing for self-insurance administrative procedures. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, McDonald and Newhouse.

Passed to Committee on Rules for second reading.

January 15, 1996  
SB 6224 Prime Sponsor, Senator Pelz: Exempting long-time disability pilot project participants from an expenditure limitation. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Hale, McDonald and Newhouse.

Passed to Committee on Rules for second reading.

January 15, 1996  
SB 6225 Prime Sponsor, Senator Pelz: Regulating employer assessments. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Franklin, Fraser, Hale and McDonald.

Passed to Committee on Rules for second reading.

January 16, 1996  
SB 6443 Prime Sponsor, Senator Fairley: Prohibiting the lease of certain tidal or submerged lands for oil or gas exploration. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Refer to Committee on Natural Resources without recommendation. Signed by Senators Fraser, Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Referred to Committee on Natural Resources.

January 16, 1996  
SB 6456 Prime Sponsor, Senator Fraser: Allowing a property tax credit as an incentive for the improvement and restoration of streams, rivers, and riparian areas. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Refer to Committee on Natural Resources without recommendation. Signed by Senators Fraser, Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Referred to Committee on Natural Resources.

#### MESSAGES FROM THE HOUSE

January 12, 1996

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1133,  
HOUSE BILL NO. 1142,  
ENGROSSED HOUSE BILL NO. 1155,  
ENGROSSED HOUSE BILL NO. 1323,  
HOUSE BILL NO. 1562,  
HOUSE BILL NO. 1601,  
SUBSTITUTE HOUSE BILL NO. 1654,  
HOUSE BILL NO. 1707,  
HOUSE BILL NO. 1727,  
SUBSTITUTE HOUSE BILL NO. 1813,  
SUBSTITUTE HOUSE BILL NO. 1857,  
SUBSTITUTE HOUSE BILL NO. 1862,  
SUBSTITUTE HOUSE BILL NO. 1964,  
HOUSE JOINT MEMORIAL NO. 4003,  
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4012,  
HOUSE JOINT MEMORIAL NO. 4017,  
HOUSE JOINT MEMORIAL NO. 4020, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

January 15, 1996

MR. PRESIDENT:

The Speaker signed SENATE BILL NO. 6117, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 6472 by Senators Quigley, Moyer, McAuliffe and Winsley (by request of Department of Social and Health Services)

AN ACT Relating to adult residential care services; and amending RCW 74.39A.---

Referred to Committee on Health and Long-Term Care.

SB 6473 by Senators Hargrove, Strannigan and Heavey

AN ACT Relating to a prohibition on the use of public funds in election campaigns; amending RCW 42.17.130; and creating a new section.

Referred to Committee on Government Operations.

SB 6474 by Senator Hargrove

AN ACT Relating to exempting from property taxation the portion of land otherwise taxed under the current use tax provisions that is subject to restrictions on harvesting timber or the production of agricultural or horticultural produce or crops as a result of its location adjacent to a body of water or wetland; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Ways and Means.

SB 6475 by Senators Roach, Smith, Johnson, Long, Schow, Zarelli and Goings

AN ACT Relating to disqualification of district judges; and amending RCW 3.34.110.

Referred to Committee on Law and Justice.

SB 6476 by Senators Sheldon and Schow

AN ACT Relating to vehicle and vessel fees; amending RCW 46.01.140, 46.01.320, and 88.02.070; adding a new section to chapter 46.01 RCW; adding a new section to chapter 46.16 RCW; and providing effective dates.

Referred to Committee on Transportation.

SB 6477 by Senators A. Anderson, Rasmussen, Morton, Spanel, Swecker, Roach and Winsley

AN ACT Relating to granting water rights; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Ecology and Parks.

SB 6478 by Senators Franklin, Goings, Smith, Quigley, Fraser, Thibaudeau and Kohl

AN ACT Relating to the state minimum wage; and amending RCW 49.46.020.

Referred to Committee on Labor, Commerce and Trade.

SB 6479 by Senators Pelz, Heavey, Franklin, Smith, Quigley, Fraser, Thibaudeau, McAuliffe, Kohl and Goings

AN ACT Relating to private business entities receiving public assistance; amending 1994 c 302 s 1 (uncodified); and adding a new chapter to Title 43 RCW.

Referred to Committee on Labor, Commerce and Trade.

SB 6480 by Senators Pelz, Heavey, Franklin, Smith, Quigley, Fraser, Thibaudeau, McAuliffe, Kohl and Goings

AN ACT Relating to state contracts; and adding a new section to chapter 43.19 RCW.

Referred to Committee on Labor, Commerce and Trade.

SB 6481 by Senators Prentice, Winsley, Oke, Kohl, Wood, Thibaudeau, Fairley and Smith

AN ACT Relating to prohibiting greyhound racing in the state of Washington; amending RCW 9.46.0269; adding a new section to chapter 9.46 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor, Commerce and Trade.

SB 6482 by Senators Winsley, Haugen, Rasmussen and Oke

AN ACT Relating to veterans' benefits; and amending RCW 41.04.005 and 41.04.010.

Referred to Committee on Labor, Commerce and Trade.

SB 6483 by Senators Bauer and Zarelli

AN ACT Relating to industrial developments; and amending RCW 36.70A.365.

Referred to Committee on Government Operations.

SB 6484 by Senators Smith, Hale and Goings

AN ACT Relating to real estate appraisers; amending RCW 18.140.005, 18.140.010, 18.140.020, 18.140.030, 18.140.090, 18.140.130, 18.140.140, 18.140.150, 18.140.160, and 18.140.170; adding new sections to chapter 18.140 RCW; adding a new section to chapter 50.04 RCW; repealing RCW 18.140.085; prescribing penalties; and providing effective dates.

Referred to Committee on Financial Institutions and Housing.

SB 6485 by Senators Wojahn and Hale

AN ACT Relating to the registration of architects; amending RCW 18.08.350 and 18.08.350; providing an effective date; and providing an expiration date.

Referred to Committee on Labor, Commerce and Trade.

SB 6486 by Senators Owen and Prince (by request of Department of Licensing)

AN ACT Relating to administration and enforcement of tax exemptions for nonhighway use of special fuel; amending RCW 82.38.020, 82.38.090, 82.38.140, 82.38.150, and 82.38.170; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SB 6487 by Senators Owen and Prince (by request of Department of Licensing)

AN ACT Relating to commercial driver's licenses; amending RCW 46.25.010, 46.25.080, 46.25.090, and 46.20.205; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SB 6488 by Senators Owen and Prince (by request of Department of Licensing)

AN ACT Relating to computation of special fuel consumption on a mileage basis; and amending RCW 82.38.060 and 82.38.140.

Referred to Committee on Transportation.

SB 6489 by Senators Owen and Prince (by request of Department of Licensing)

AN ACT Relating to refunds of overpayments of license fees and motor vehicle excise taxes; amending RCW 46.68.010 and 88.02.055; reenacting and amending RCW 46.63.020; and prescribing penalties.

Referred to Committee on Transportation.

SB 6490 by Senators Owen and Prince (by request of Department of Licensing)

AN ACT Relating to refunds and credits of certain motor vehicle fees and special fuel taxes; amending RCW 46.87.150, 46.87.310, 46.87.330, and 82.38.190; and providing an effective date.

Referred to Committee on Transportation.

SB 6491 by Senators Hargrove and Long (by request of Department of Social and Health Services and Department of Veterans Affairs)

AN ACT Relating to amendments to the violence reduction act to ensure the right of persons who receive mental health treatment; amending RCW 9.41.040, 9.41.047, and 18.51.010; repealing RCW 71.12.560; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6492 by Senators Kohl, Fraser and Fairley

AN ACT Relating to transportation of horses to slaughter; amending RCW 16.52.207; adding a new section to chapter 16.52 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SB 6493 by Senators Moyer, Wood, Thibaudeau, Prentice, Kohl, Deccio, Fairley and McAuliffe

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

Referred to Committee on Health and Long-Term Care.

SB 6494 by Senators McAuliffe, Johnson, Bauer, Owen, Rasmussen and Kohl (by request of State Board for Community and Technical Colleges)

AN ACT Relating to obsolete provisions in the state even start program; and amending RCW 28B.06.040 and 28B.06.050.

Referred to Committee on Higher Education.

SB 6495 by Senators Smith and Sellar (by request of Administrator for the Courts)

AN ACT Relating to superior court judges; amending RCW 2.08.062; and creating a new section.

Referred to Committee on Law and Justice.

SB 6496 by Senator Heavey

AN ACT Relating to open space protection; amending RCW 84.34.210, 84.34.220, 36.96.010, and 84.52.052; and adding a new chapter to Title 36 RCW.

Referred to Committee on Government Operations.

SB 6497 by Senators Zarelli, Swecker, Strannigan, Schow, A. Anderson, Deccio, Moyer, Johnson, McDonald, Oke, Sellar, Cantu and Roach

AN ACT Relating to requiring approval by a two-thirds vote of each house to amend Initiative 601; amending RCW 43.88.033; reenacting and amending RCW 43.84.092; and adding a new section to chapter 43.135 RCW.

Referred to Committee on Ways and Means.

SB 6498 by Senators Quigley, McAuliffe and Rasmussen

AN ACT Relating to sales and use tax exemptions for manufacturing machinery and equipment in distressed areas; amending RCW 82.08.02565; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6499 by Senators Hargrove and Swecker

AN ACT Relating to metals mining and milling; amending RCW 78.56.110 and 78.44.161; and adding new sections to chapter 78.56 RCW.

Referred to Committee on Natural Resources.

SB 6500 by Senators Hargrove and Swecker

AN ACT Relating to surface mining; amending RCW 78.44.011, 78.44.020, 78.44.031, 78.44.040, 78.44.050, 78.44.085, 78.44.087, 78.44.131, 78.44.141, 78.44.151, 78.44.161, 78.44.171, 78.44.310, 78.44.910, and 36.70A.060; creating a new section; and repealing RCW 78.44.300.

Referred to Committee on Natural Resources.

SB 6501 by Senators Kohl, Hargrove, Long, Thibaudeau and McAuliffe

AN ACT Relating to the child care coordinating committee; amending RCW 74.13.090; creating new sections; and making an appropriation.

Referred to Committee on Human Services and Corrections.

SB 6502 by Senators Schow, Roach, Zarelli and Oke

AN ACT Relating to enhanced punishment for second or subsequent violent sex offenses; amending RCW 10.95.050, 10.95.060, 10.95.070, 10.95.090, 10.95.120, and 9.94A.120; reenacting and amending RCW 9.94A.320; adding a new section to chapter 10.95 RCW; adding a new section to chapter 72.09 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6503 by Senators Schow, Hale, Zarelli, Roach, Deccio and Oke

AN ACT Relating to persistent offenders; reenacting and amending RCW 9.94A.030; adding a new section to chapter 72.09 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6504 by Senators Fraser, McDonald, Haugen and Kohl (by request of Secretary of State Munro)

AN ACT Relating to the state voters' pamphlet; adding new sections to chapter 29.81 RCW; and repealing RCW 29.81.010, 29.81.011, 29.81.012, 29.81.014, 29.81.020, 29.81.030, 29.81.040, 29.81.042, 29.81.043, 29.81.050, 29.81.052, 29.81.053, 29.81.060, 29.81.070, 29.81.080, 29.81.090, 29.81.100, 29.81.110, 29.81.120, 29.81.130, 29.81.140, 29.81.150, 29.81.160, and 29.81.180.

Referred to Committee on Government Operations.

SB 6505 by Senators Hale and Haugen

AN ACT Relating to clarifying and harmonizing provisions in Titles 35 and 41 RCW; amending RCW 35.07.040, 35.21.710, 35.27.070, and 41.04.190; adding a new section to chapter 35.23 RCW; and repealing RCW 35.07.030, 35.17.160, 35.23.390, and 35.23.400.

Referred to Committee on Government Operations.

SB 6506 by Senators Bauer, Wood, Drew, Prince and Rinehart

AN ACT Relating to higher education fiscal matters; amending RCW 28B.15.031; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

SB 6507 by Senators Drew, Bauer, Wood, Loveland, Prince, Sheldon, Hale, McAuliffe, Snyder, Finkbeiner, Rinehart, West, Rasmussen, Winsley, Kohl and Goings

AN ACT Relating to the Washington higher education loan program; reenacting and amending RCW 43.79A.040; adding a new section to chapter 28B.80 RCW; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Higher Education.

SB 6508 by Senators McAuliffe, Bauer, Goings, Wood, Drew, Loveland, Prince, Sheldon, Hale, Snyder, Finkbeiner, Rinehart, West, Rasmussen, Winsley and Kohl

AN ACT Relating to the advance college payment program; adding a new section to chapter 28B.80 RCW; creating a new section; and making an appropriation.

Referred to Committee on Higher Education.

SB 6509 by Senators Oke, Prince, Heavey, Rasmussen, Sheldon, Winsley, Prentice, Morton, Snyder, Haugen, McDonald, West, Sellar, Finkbeiner, Swecker, Strannigan, Johnson, Wood, Hochstatter, Schow, Deccio, Kohl, Pelz, Moyer, Wojahn, Bauer, Fairley, Zarelli, Cantu, Fraser and Sutherland

AN ACT Relating to bonds authorized for Tacoma Narrows bridge improvements; amending RCW 47.56.130, 47.56.245, and 47.56.271; and adding new sections to chapter 47.56 RCW.

Referred to Committee on Transportation.

SB 6510 by Senators Loveland and Hale (by request of Governor Lowry)

AN ACT Relating to taxation of persons engaged in the business of cleaning up for the United States, or its instrumentalities, radioactive waste and other byproducts of weapons production and nuclear research and development; amending RCW 82.04.050 and 82.04.190; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6511 by Senators Loveland and Hale (by request of Governor Lowry)

AN ACT Relating to sales and use tax exemptions for materials used in the construction of a laser interferometer gravitational wave observatory; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6512 by Senators Sheldon, Fairley, Drew, Prentice, Oke, Haugen, Thibaudeau, Hargrove, Wojahn, Spanel, Bauer, McAuliffe, Winsley and Kohl

AN ACT Relating to commercial telephone solicitation; adding a new section to chapter 19.158 RCW; adding a new section to chapter 80.36 RCW; and creating a new section.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 6513 by Senators Sheldon, Oke, Owen, Loveland, Heavey, Drew, Fairley, Prentice, Thibaudeau, Sutherland, Snyder, Bauer, Wojahn, Rinehart, Goings, McAuliffe, Cantu, Roach, Rasmussen and Kohl

AN ACT Relating to securing a permanent homeport for the U.S.S. Missouri; adding a new section to 1995 2nd sp.s. c 16 (uncodified); and creating a new section.

Referred to Committee on Ways and Means.

SB 6514 by Senators Long, Hargrove, Schow, Kohl and Winsley

AN ACT Relating to preservation services; amending RCW 74.14C.010, 74.14C.020, and 74.14C.030; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 6515 by Senators Roach and Rasmussen

AN ACT Relating to sport shooting ranges; and adding a new section to chapter 9.41 RCW.

Referred to Committee on Law and Justice.

SB 6516 by Senators McAuliffe, Rinehart, Drew and Winsley (by request of Joint Select Committee on Education Restructuring, Board of Education and Commission on Student Learning)

AN ACT Relating to modifying the timelines for the development and implementation of the student assessment system; reenacting and amending RCW 28A.630.885; repealing 1995 c 335 s 803 (uncodified); and providing an expiration date.

Referred to Committee on Education.

SB 6517 by Senators McAuliffe, Drew and Goings

AN ACT Relating to recommendations of the joint select committee on education restructuring; amending RCW 28A.320.080, 28A.320.205, 28A.330.010, 28A.330.060, and 28A.330.080; reenacting and amending RCW 28A.330.100; and repealing RCW 28A.320.040, 28A.320.240, 28A.320.400, 28A.320.420, 28A.320.430, 28A.320.440, 28A.330.020, 28A.330.030, 28A.330.040, 28A.330.050, 28A.330.090, 28A.330.200, 28A.330.210, 28A.330.220, 28A.330.230, and 28A.330.240.

Referred to Committee on Education.

SB 6518 by Senators Fraser, Owen, Deccio, Schow, Thibaudeau, Moyer, Heavey, McAuliffe and Drew (by request of Governor Lowry)

AN ACT Relating to completing a cross-state trail system by changing management and control of property and establishing a franchise for rail line rights of way; amending RCW 43.51.405 and 79.08.275; adding new sections to chapter 43.51 RCW; creating new sections; making appropriations; providing an effective date; and providing contingent expiration dates.

Referred to Committee on Transportation.

SB 6519 by Senators McAuliffe, Long, Kohl, Drew and Winsley

AN ACT Relating to school attendance; amending RCW 28A.225.010, 28A.225.020, 28A.225.030, 28A.225.035, 28A.225.151, and 28A.225.025; adding a new section to chapter 2.56 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Education.

SJM 8025 by Senators Wojahn, Winsley, Oke, Rasmussen, Sheldon, Goings and Schow

Requesting that Congress provide resources to Madigan Army Medical Center to participate in providing Level II trauma care.

Referred to Committee on Health and Long-Term Care.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1133 by House Committee on Law and Justice (originally sponsored by Representatives Campbell, Stevens, Padden, Benton, Sheldon, Crouse, Carlson and Sherstad)

Revising provisions relating to firearm dealers' licenses.

Referred to Committee on Law and Justice.

HB 1142 by Representatives Lambert, Tokuda, Hymes, Carrell, Robertson, Quall, Mitchell, Smith, B. Thomas, L. Thomas, Backlund, Dyer, Thompson, Boldt, Chappell, Basich, Huff, Stevens, Sherstad, Schoesler, Casada and Padden

Prohibiting testing students regarding personal beliefs.

Referred to Committee on Education.

EHB 1155 by Representatives Carrell, Morris, Boldt, Huff, Pennington, Dyer, McMorris, Hymes, B. Thomas, Pelesky, Van Luven, Cooke, Carlson, McMahan, Costa, Chandler, Basich, Johnson, Kessler, Sherstad, Campbell, Quall, Romero, Talcott, Buck, Brumsickle, Scott, Ballasiotes, Benton, Valle, Hatfield, Mason, Grant, Kremen, Chappell, Ebersole, Mielke, Sheahan, Sheldon, Wolfe, Foreman, Horn, L. Thomas, Blanton, Backlund, Hargrove, Dickerson, Crouse, Mulliken, Elliot, Cody, Regala, Mastin, Fuhrman, Mitchell, Hickel, Thompson, Ogden, Dellwo, Clements, Patterson, Schoesler, D. Schmidt, Conway, Skinner and Padden

Compensating sellers for collecting sales tax.

Referred to Committee on Ways and Means.

EHB 1323 by Representatives Cairnes, Hargrove and Sherstad

Exempting new construction from seller's disclosure requirements.

Referred to Committee on Government Operations.

HB 1562 by Representatives Huff, Chappell, Chandler, Carrell and Costa

Modifying the requirements for fund raising events.

Referred to Committee on Labor, Commerce and Trade.

HB 1601 by Representatives D. Schmidt, Carlson, Mulliken, Jacobsen, Koster, Sheldon, Costa, Radcliff, Lambert, Robertson, Carrell, Backlund, Ballasiotes, Skinner, Huff, Johnson, Thompson, Elliot, Wolfe, Talcott, Conway, Kremen, Campbell, Benton, Mason, Cooke and Kessler

Providing tuition and fee waivers for members of the Washington national guard.

Referred to Committee on Higher Education.

SHB 1654 by House Committee on Education (originally sponsored by Representatives Lambert, Stevens, Beeksma, Elliot, Crouse, Carlson, Pelesky, Hargrove, Clements, Backlund, Thompson, Huff and Smith)

Revising advisement regulations for AIDS education.

Referred to Committee on Education.

HB 1707 by Representatives Hargrove, Sheahan and Pelesky

Correcting references to classification of cities and towns.

Referred to Committee on Government Operations.

HB 1727 by Representatives Beeksma, Wolfe, L. Thomas, Dyer, Costa and Mielke (by request of Insurance Commissioner Senn)

Eliminating the mandatory offering of personal injury protection insurance.

Referred to Committee on Financial Institutions and Housing.

SHB 1813 by House Committee on Higher Education (originally sponsored by Representatives Mulliken, Mason, Sheahan, Blanton, Carlson, Goldsmith, Jacobsen and Delvin)

Exempting financial disclosures by degree-granting private vocational schools from public disclosure laws.

Referred to Committee on Higher Education.

SHB 1857 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Pelesky, Carrell, L. Thomas, Hargrove and B. Thomas)

Defining terms that relate to title insurers.

Referred to Committee on Financial Institutions and Housing.

SHB 1862 by House Committee on Appropriations (originally sponsored by Representatives Reams, K. Schmidt, Horn, Hankins and Blanton)

Promoting the development of model home-matching programs.

Referred to Committee on Financial Institutions and Housing.

SHB 1964 by House Committee on Transportation (originally sponsored by Representatives K. Schmidt, R. Fisher, Robertson, Cairnes, Ogden, Hankins, Elliot, Johnson, Chandler, Scott, Tokuda, Quall, Backlund, Chopp, Horn, Koster, McMahan, Mitchell, Skinner, Benton, D. Schmidt and Stevens)

Simplifying accident report record-keeping.

Referred to Committee on Transportation.

HJM 4003 by Representatives Chandler, Lisk, Kremen, Mulliken, Mastin, Honeyford, Chappell, Clements, Schoesler, Robertson, Delvin, Boldt, Foreman and Johnson

Petitioning Congress to amend the food, drug, and cosmetic act to establish a negligible risk standard for pesticide residue in processed foods.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SHJM 4012 by House Committee on Energy and Utilities (originally sponsored by Representatives Stevens, Cairnes, Elliot, Thompson, Koster, Sheahan, D. Schmidt, Delvin, McMorris, Robertson and Mielke)

Requesting permission to use personal locator beacons.

Referred to Committee on Energy, Telecommunications and Utilities.

HJM 4017 by Representatives Thompson, Fuhrman, Stevens, G. Fisher, Elliot, Sheldon, Cairnes, B. Thomas, Beeksma, Schoesler and Horn

Requesting Congress to control or eradicate nonnative noxious weeds.

Referred to Committee on Agriculture and Agricultural Trade and Development.

HJM 4020 by Representatives Campbell, Hatfield, Wolfe, B. Thomas, McMorris, Brumsickle, Morris, Radcliff, Elliot, Beeksma, Kessler, Carrell and L. Thomas

Encouraging schools to provide an elementary gun safety program.

Referred to Committee on Education.

#### CHANGES IN STANDING COMMITTEE ASSIGNMENTS

President Pritchard announced that Senator Anderson would be relieved of duties to the Committee on Higher Education and will be assigned to the Committee on Labor, Commerce and Trade.

President Pritchard announced that Senator Hale would be relieved of duties to the Committee on Labor, Commerce and Trade and will be assigned to the Committee on Higher Education.

#### MOTION

On motion of Senator Spanel, the Standing Committee Assignment changes were confirmed.

#### MOTION

At 12:03 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Wednesday, January 17, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

NINTH DAY, JANUARY 16, 1996

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**TENTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Wednesday, January 17, 1996  
The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Owen, Quigley and Roach. On motion of Senator Anderson, Senator Roach was excused. On motion of Senator Thibaudeau, Senator Quigley was excused.

The Sergeant at Arms Color Guard, consisting of Pages Kate Jacky and Jake Diekman, presented the Colors. Reverend Tammy Leiter, pastor of the Westminister Presbyterian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 6090 Prime Sponsor, Senator Hale: Recording instruments via electronic transmission. Reported by Committee on Government Operations January 16, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

SB 6189 Prime Sponsor, Senator Haugen: Creating the office of public defense. Reported by Committee on Government Operations January 16, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Referred to Committee on Ways and Means.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1459,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1491,  
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1877, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6520 by Senators Hargrove, Swecker, Snyder, Owen, A. Anderson, Morton, Zarelli, Rasmussen, Loveland, Newhouse and Oke

AN ACT Relating to the forest practices board; and adding a new section to chapter 76.09 RCW.

Referred to Committee on Natural Resources.

SB 6521 by Senators Heavey and Sutherland (by request of Department of Labor and Industries)

AN ACT Relating to electrical administrative procedures; amending RCW 19.28.125, 19.28.210, 19.28.310, 19.28.510, and 19.28.550; and adding new sections to chapter 19.28 RCW.

Referred to Committee on Labor, Commerce and Trade.

SB 6522 by Senators Spanel, Long and Kohl

AN ACT Relating to the citizen members of the legislative ethics board; and amending RCW 42.52.380.

Referred to Committee on Government Operations.

SB 6523 by Senator Smith

AN ACT Relating to civil disorder involving acts of violence; adding a new section to chapter 9A.84 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6524 by Senators Deccio, Prince, Newhouse, Sellar, Morton, Hochstatter, Hale, Owen and Loveland

AN ACT Relating to tire factors in maximum gross weights; and amending RCW 46.44.042.

Referred to Committee on Transportation.

SB 6525 by Senators Loveland, Strannigan and Quigley (by request of State Treasurer Grimm)

AN ACT Relating to financing contracts; amending RCW 39.94.040; adding a new section to chapter 39.94 RCW; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6526 by Senators Spanel, Roach and Kohl

AN ACT Relating to tax exemptions for medicines prescribed by naturopaths; amending RCW 82.08.0283 and 82.12.0277; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6527 by Senator Heavey

AN ACT Relating to reduction of city limits; and amending RCW 35.16.010.

Referred to Committee on Government Operations.

SB 6528 by Senator Morton

AN ACT Relating to clarifying the agricultural exemption to the shoreline permit requirement; and reenacting and amending RCW 90.58.030.

Referred to Committee on Ecology and Parks.

SB 6529 by Senators Drew, Owen, Oke, Sutherland and Winsley

AN ACT Relating to fish and wildlife department recreational fishing and hunting licenses; and creating a new section.

Referred to Committee on Natural Resources.

SB 6530 by Senators Haugen and Winsley

AN ACT Relating to counties; amending RCW 2.28.139, 36.70.040, 36.87.030, 36.87.040, 41.14.080, 70.48.100, and 70.951.040; and reenacting and amending RCW 36.81.121 and 36.88.010.

Referred to Committee on Government Operations.

SB 6531 by Senators Haugen, Winsley, Goings and Morton

AN ACT Relating to the clerk of the board of county commissioners; and amending RCW 36.22.010, 36.22.020, 36.22.120, 36.32.110, 36.32.160, 36.32.170, 36.34.090, 36.55.040, and 36.72.075

Referred to Committee on Government Operations.

SB 6532 by Senators Owen, Oke, Spanel and Fraser

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

Referred to Committee on Transportation.

SB 6533 by Senators Owen, Oke, Bauer, Sutherland and Hochstatter (by request of Department of Fish and Wildlife)

AN ACT Relating to auctions and raffles authorized by the fish and wildlife commission; amending RCW 9.46.010, 77.32.050, 77.32.060, 77.32.090, 77.32.230, and 77.32.250; adding a new section to chapter 9.46 RCW; adding a new section to chapter 77.08 RCW; adding new sections to chapter 77.12 RCW; creating a new section; and repealing RCW 77.12.700.

Referred to Committee on Natural Resources.

SB 6534 by Senators Thibaudeau, Prentice, Fairley, Pelz, Heavey, Kohl, Rinehart, Drew, Sheldon and McAuliffe

AN ACT Relating to the jurisdiction of the Washington human rights commission; amending RCW 49.60.010, 49.60.020, 49.60.030, 49.60.040, 49.60.130, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.222, 49.60.224, 49.60.225, and 48.30.300; and reenacting and amending RCW 49.60.120 and 49.60.223.

Referred to Committee on Law and Justice.

SB 6535 by Senators Fraser, Pelz, Deccio, Hale, Rasmussen, McDonald, Prince, McAuliffe, Winsley and Kohl

AN ACT Relating to international educational, cultural, and business exchanges; amending RCW 42.17.310; reenacting and amending RCW 43.79A.040; adding new sections to chapter 43.07 RCW; adding a new chapter to Title 43 RCW; adding a new chapter to Title 28B RCW; creating new sections; and providing an expiration date.

Referred to Committee on Labor, Commerce and Trade.

SB 6536 by Senators Fraser, Fairley, McAuliffe, Spanel and Kohl

AN ACT Relating to the protection and conservation of marine waters in Washington state; adding new sections to chapter 90.70 RCW; adding a new section to chapter 41.06 RCW; creating new sections; and providing an effective date.

Referred to Committee on Ecology and Parks.

SB 6537 by Senators Roach, Hargrove, Kohl, Heavey, McCaslin, Schow, Hochstatter, Haugen, Fairley, Oke and Winsley

AN ACT Relating to the civil rights act of 1996; and adding a new chapter to Title 7 RCW.

Referred to Committee on Law and Justice.

SB 6538 by Senators Prentice, Owen and Oke

AN ACT Relating to defining child abuse; and reenacting and amending RCW 26.44.020.

Referred to Committee on Human Services and Corrections.

SB 6539 by Senator Prentice

AN ACT Relating to appeal of orders releasing persons committed for mental health treatment; and adding a new section to chapter 71.05 RCW.

Referred to Committee on Human Services and Corrections.

SB 6540 by Senators Prentice and Owen

AN ACT Relating to the release of addicted infants from hospitals; and adding a new section to chapter 18.71 RCW.

Referred to Committee on Health and Long-Term Care.

SB 6541 by Senator Prentice

AN ACT Relating to damages caused by official misconduct; adding a new section to chapter 4.24 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6542 by Senators Schow, Hargrove, Long and Oke

AN ACT Relating to deterring the unwarranted or abusive use of the offender grievance process; and adding a new section to chapter 72.09 RCW.

Referred to Committee on Human Services and Corrections.

SB 6543 by Senators Fraser, Haugen and Swecker

AN ACT Relating to making technical corrections to the omnibus 1995 legislation that integrates growth management planning and environmental review, and conforming the terminology and provisions of subdivision, zoning, and other laws to the provisions of such legislation; amending RCW 36.70.810, 36.70.830, 36.70.860, 36.70.880, 36.70.890, 36.70B.020, 36.70B.050, 36.70B.060, 36.70B.090, 36.70B.130, 36.70B.150, 36.70B.170, 36.70B.180, 36.70B.200, 36.70B.210, 36.70C.040, 36.70C.080, 36.70C.090, 36.70C.120, 43.21C.031, 43.21C.075, 58.17.090, 58.17.095, 58.17.100, 58.17.140, 58.17.140, 90.58.140, 90.60.020, and 90.60.040; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ecology and Parks.

SB 6544 by Senators Smith and McCaslin

AN ACT Relating to bail bond agency branch offices; amending RCW 18.185.010 and 18.185.100; and adding a new section to chapter 18.185 RCW.

Referred to Committee on Labor, Commerce and Trade.

SB 6545 by Senator Smith

AN ACT Relating to participating in the bail bond business; amending RCW 9.96A.020; adding a new section to chapter 18.185 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce and Trade.

SB 6546 by Senators Prentice and Deccio

AN ACT Relating to liquor licenses for sports entertainment facilities; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Labor, Commerce and Trade.

SB 6547 by Senator Owen (by request of Transportation Improvement Board)

AN ACT Relating to transportation improvement board statute housekeeping changes; and amending RCW 47.26.121, 47.26.140, and 47.66.030.

Referred to Committee on Transportation.

SB 6548 by Senator Owen (by request of Transportation Improvement Board)

AN ACT Relating to deductions from motor vehicle funds to cities and towns; and reenacting and amending RCW 46.68.110.

Referred to Committee on Transportation.

SB 6549 by Senators Smith, Johnson, Roach and Winsley

AN ACT Relating to assignees of claims filed or prosecuted in the small claims department of district court; and amending RCW 12.40.070.

Referred to Committee on Law and Justice.

SB 6550 by Senators Bauer, Prince, Deccio, Wojahn and Winsley (by request of Legislative Budget Committee)

AN ACT Relating to the information services board; amending RCW 43.105.020, 43.105.032, 43.105.041, 43.105.041, 43.105.047, 43.105.052, 43.105.160, 43.105.170, 43.105.180, and 43.105.190; reenacting and amending RCW 42.17.2401; creating a new section; repealing RCW 43.131.353 and 43.131.354; providing an effective date; and providing an expiration date.

Referred to Committee on Government Operations.

SB 6551 by Senators Loveland, Rasmussen, Snyder, Morton, Oke, Prince, A. Anderson, Hargrove, Hochstatter, Winsley and Sellar

AN ACT Relating to agricultural grazing on state-owned and managed lands; amending RCW 79.01.295 and 77.12.204; amending 1993 sp.s. c 4 s 1 (uncodified); adding new sections to chapter 89.08 RCW; and creating new sections.

Referred to Committee on Natural Resources.

SB 6552 by Senators Rasmussen, Winsley and Prentice

AN ACT Relating to early retirement benefits; reenacting and amending RCW 43.01.170 and 28A.400.212; creating new sections; and declaring an emergency

Referred to Committee on Ways and Means.

SB 6553 by Senators Prentice, Hale, Fraser and Winsley

AN ACT Relating to judicial authority to order inspections; amending RCW 35.80.030; adding a new section to chapter 19.27 RCW; and adding a new section to chapter 2.28 RCW.

Referred to Committee on Law and Justice.

SB 6554 by Senator Sutherland

AN ACT Relating to attachments to transmission facilities; adding a new chapter to Title 54 RCW; and adding a new section to chapter 80.54 RCW.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 6555 by Senator Sutherland

AN ACT Relating to electronic access equipment; and adding a new section to chapter 43.19 RCW.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 6556 by Senator Sutherland

AN ACT Relating to public electronic access to government information; amending RCW 43.105.041, 43.105.041, 43.105.160, 43.105.170, and 43.105.180; adding new sections to chapter 43.105 RCW; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 6557 by Senators Roach, Haugen and Oke

AN ACT Relating to cancellation of voter registration of persons convicted of infamous crimes; adding a new section to chapter 10.64 RCW; and adding a new section to chapter 29.10 RCW.

Referred to Committee on Government Operations.

SB 6558 by Senators Roach, Smith, Oke and Swecker

AN ACT Relating to dissemination of sex offender information; and amending RCW 43.43.540.

Referred to Committee on Human Services and Corrections.

SB 6559 by Senators Fraser, Swecker, Hochstatter, Kohl, Fairley and Franklin

AN ACT Relating to developing and maintaining a state-wide benchmarks system; creating new sections; and making an appropriation.

Referred to Committee on Ecology and Parks.

SB 6560 by Senators Fraser, Swecker, Hochstatter, Rasmussen, Sutherland, Fairley, Spanel and Winsley

AN ACT Relating to well construction; amending RCW 18.104.043; creating a new section; repealing 1993 c 387 s 28 (uncodified); repealing 1992 c 67 s 3 (uncodified); and providing an expiration date.

Referred to Committee on Ecology and Parks.

SB 6561 by Senators Haugen, Snyder, Winsley and Hale

AN ACT Relating to the presidential primary; and amending RCW 29.19.020.

Referred to Committee on Government Operations.

SB 6562 by Senator Haugen

AN ACT Relating to regional transportation authorities; and amending RCW 81.112.080.

Referred to Committee on Transportation.

SB 6563 by Senator Haugen

AN ACT Relating to collection of attorneys' fees for a lawsuit brought under the Washington clean air act; and amending RCW 70.94.431.

Referred to Committee on Law and Justice.

SB 6564 by Senators Fraser, Swecker, Loveland, Rasmussen, Roach, Cantu, Hargrove, Schow, Winsley and Finkbeiner

AN ACT Relating to the wastewater discharge permit program; amending RCW 90.48.465; adding a new section to chapter 50.13 RCW; adding new sections to chapter 82.04 RCW; adding new sections to chapter 82.16 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Ecology and Parks.

SB 6565 by Senator Sutherland

AN ACT Relating to taxation of property valued at its current use; amending RCW 84.33.120, 84.33.140, and 84.34.108; creating a new section; and providing an effective date.

Referred to Committee on Ways and Means.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1459 by House Committee on Finance (originally sponsored by Representatives Van Luven and Sheldon)

Exempting from business and occupation tax reimbursements and advances received by property management companies for the payment of wages and benefits to on-site employees.

Referred to Committee on Ways and Means.

ESHB 1491 by House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Costa, K. Schmidt, Delvin, Kessler, Sheldon, Tokuda, Mitchell, Dickerson, Kremen, Robertson, Hymes, Schoesler, Mastin, Benton, Basich, Foreman, Dyer, Lisk, Pelesky, Sherstad, Chandler, Smith, Boldt, Hankins, Carrell, Beeksma, Quall, Stevens, Horn, Van Luven, L. Thomas, Goldsmith, Hickel, Cole, Fuhrman, Radcliff, Blanton, Thompson, Honeyford, Clements, Cooke, Brumsickle, Mielke, Padden, Sheahan, Chopp, Campbell, Conway, McMorris, Scott, Mulliken, D. Schmidt, Koster, Ebersole, Backlund, Dellwo, Wolfe, Rust, Johnson, Jacobsen, Lambert, Patterson, Poulsen, Brown, Huff, McMahan and Morris)

Restricting work release eligibility.

Referred to Committee on Human Services and Corrections.

2ESHB 1877 by House Committee on Education (originally sponsored by Representatives McMahan, Brumsickle, Benton, Sheahan, Koster, Elliot, Pelesky, Johnson, Stevens, Casada, Silver and Thompson)

Providing educational opportunities for students.

Referred to Committee on Education.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9093, Roberta J. Greene, as a member of the Board of Trustees for Spokane and Spokane Falls Community Colleges District No. 17, was confirmed.

Senators West and Prince spoke to the confirmation of Roberta J. Greene as a member of the Board of Trustees for Spokane and Spokane Falls Community Colleges District No. 17.

APPOINTMENT OF ROBERTA J. GREENE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senator Owen - 1.

Excused: Senators Quigley and Roach - 2.

MOTION

On motion of Senator Sheldon, Senator Pelz was excused.

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9133, Roberta J. Greene, as a member of the Spokane Joint Center for Higher Education, was confirmed.

APPOINTMENT OF ROBERTA J. GREENE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senator Drew - 1.

Excused: Senators Pelz and Quigley - 2.

SECOND READING

SENATE BILL NO. 5041, by Senators Winsley, Haugen and McCaslin

Authorizing temporary vacancies in local elective offices to be filled.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5041 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5041.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5041 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Pelz and Quigley - 2.

SENATE BILL NO. 5041, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5054, by Senators Winsley and Haugen

Repealing a travel expenses accounting procedure.

The bill was read the second time.

#### MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 5054 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5054.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5054 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Pelz and Quigley - 2.

SENATE BILL NO. 5054, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 5140, by Senate Committee on Law and Justice (originally sponsored by Senators Kohl, Smith, Winsley, Pelz, Roach, Prentice, Schow, Heavey, McAuliffe, C. Anderson, Fairley, Sheldon, Prince, West, Haugen, Bauer, Oke and Palmer)

Authorizing municipalities to declare certain public places drug-free zones.

The bill was read the second time.

#### MOTION

On motion of Senator Kohl, the rules were suspended, Substitute Senate Bill No. 5140 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5140.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5140 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Pelz and Quigley - 2.

SUBSTITUTE SENATE BILL NO. 5140, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 5167, by Senate Committee on Law and Justice (originally sponsored by Senator Smith)

Allowing service of process on a marital community by serving either spouse.

The bill was read the second time.

#### MOTION

On motion of Senator Snyder, the rules were suspended, Substitute Senate Bill No. 5167 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5167.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5167 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Pelz and Quigley - 2.

SUBSTITUTE SENATE BILL NO. 5167, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5258, by Senate Committee on Human Services and Corrections (originally sponsored by Senators Hargrove, Long, Franklin and McAuliffe)

Making technical revisions to community public health and safety networks.

#### MOTIONS

On motion of Senator Hargrove, Second Substitute Senate Bill No. 5258 was substituted for Engrossed Substitute Senate Bill No. 5258 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Second Substitute Senate Bill No. 5258 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5258.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5258 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Pelz and Quigley - 2.

SUBSTITUTE SENATE BILL NO. 5258, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 5522, by Senate Committee on Law and Justice (originally sponsored by Senators Smith, Roach, C. Anderson and Johnson)

Regulating the use of pro tempore judges and court commissioners.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5522 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5522.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5522 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Quigley - 1.

SUBSTITUTE SENATE BILL NO. 5522, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 5757, by Senate Committee on Government Operations (originally sponsored by Senators McCaslin, Haugen, Winsley, Heavey and Sheldon)

Changing provisions relating to bidding requirements.

## MOTIONS

On motion of Senator Sheldon, Second Substitute Senate Bill No. 5757 was substituted for Substitute Senate Bill No. 5757 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Second Substitute Senate Bill No. 5757 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5757.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5757 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator Smith - 1.

Excused: Senator Quigley - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5757, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Spanel, the Senate reverted to the third order of business.

## MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

January 9, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Curtis Ludwig, appointed January 9, 1996, for a term ending June 30, 2000, as a member of the Gambling Commission.

Sincerely,

MIKE LOWRY, Governor

Referred to Committee on Labor, Commerce and Trade.

January 9, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ron Whitener, appointed January 9, 1996, for a term ending July 5, 1996, as a member of the Puget Sound Water Quality

Authority.

Sincerely,

MIKE LOWRY, Governor

Referred to Committee on Ecology and Parks.

January 10, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Bob Edwards, appointed January 10, 1996, for a term ending July 5, 1999, as a member of the Puget Sound Water Quality

Authority.

Sincerely,

MIKE LOWRY, Governor

Referred to Committee on Ecology and Parks.

January 11, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Steve Parker, appointed January 11, 1996, for a term ending September 30, 2000, as a member of the Board of Trustee for Everett Community College District No. 5.

Sincerely,

MIKE LOWRY, Governor

Referred to Committee on Higher Education.

## MOTION

At 10:50 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:52 a.m. by President Pritchard.

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

#### SECOND READING

SENATE BILL NO. 5068, by Senators Sheldon and Haugen

Setting limits on executory conditional sales contracts entered into by local governments.

The bill was read the second time.

#### MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 5068 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5068.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5068 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 5; Absent, 6; Excused, 1.

Voting yea: Senators Bauer, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Owen, Pelz, Prentice, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 37.

Voting nay: Senators Cantu, Hochstatter, Long, Strannigan and Zarelli - 5.

Absent: Senators Anderson, A., Deccio, McCaslin, Oke, Prince and Schow - 6.

Excused: Senator Quigley - 1.

SENATE BILL NO. 5068, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Winsley, Senators Anderson, Deccio, McCaslin, Oke, Prince and Schow were excused.

#### SECOND READING

SENATE BILL NO. 5071, by Senators Haugen, Winsley and Sheldon

Changing provisions relating to local voters' pamphlets.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5071 was substituted for Senate Bill No. 5071 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5071 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5071.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5071 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Owen, Pelz, Prentice, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 42.

Excused: Senators Anderson, A., Deccio, McCaslin, Oke, Prince, Quigley and Schow - 7.

SUBSTITUTE SENATE BILL NO. 5071, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5124, by Senators Wojahn, Sheldon, Prentice, C. Anderson, McAuliffe and Kohl

Revising provisions concerning marriage licenses.

The bill was read the second time.

MOTION

On motion of Senator Wojahn, the rules were suspended, Senate Bill No. 5124 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5124.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5124 and the bill passed the Senate by the following vote:  
Yeas, 28; Nays, 14; Absent, 0; Excused, 7.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Moyer, Owen, Prentice, Rasmussen, Rinehart, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, Winsley, Wojahn and Wood - 28.

Voting nay: Senators Cantu, Finkbeiner, Hochstatter, Johnson, Long, McDonald, Morton, Newhouse, Pelz, Roach, Strannigan, Swecker, West and Zarelli - 14.

Excused: Senators Anderson, A., Deccio, McCaslin, Oke, Prince, Quigley and Schow - 7.

SENATE BILL NO. 5124, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

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

MOTION

On motion of Senator Spanel, Senate Bill No. 6553, which was referred to the Committee on Law and Justice Committee during the Introduction and First Reading of Bills earlier today, was referred to the Committee on Financial Institutions and Housing.

MOTION

At 12:07 p.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Thursday, January 18, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

TENTH DAY, JANUARY 17, 1996

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**ELEVENTH DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Thursday, January 18, 1996  
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 17, 1996  
SSB 5002 Prime Sponsor, Senate Committee on Law and Justice: Making the assault of a nurse a felony. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5002 be substituted therefor, and the second substitute bill do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

January 16, 1996  
SB 5250 Prime Sponsor, Senator Owen: Regulating collection of historic and special interest motor vehicles. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5250 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Oke, Prince, Rasmussen, Schow, Sellar and Thibaudeau.

Passed to Committee on Rules for second reading.

January 17, 1996  
SB 5417 Prime Sponsor, Senator Fraser: Making it a crime to abandon a dependent person. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5417 be substituted therefor, and the second substitute bill do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

January 17, 1996  
SSB 5477 Prime Sponsor, Senate Committee on Law and Justice: Providing a family health history for children upon the dissolution of a marriage. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

January 16, 1996  
SB 5687 Prime Sponsor, Senator Long: Changing provisions relating to instruction in Braille. Reported by Committee on Education

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5687 be substituted therefor, and the second substitute bill do pass. Signed by Senators McAuliffe, Chair; Goings, Vice Chair; Finkbeiner, Hochstatter, Johnson, Pelz and Rasmussen.

Passed to Committee on Rules for second reading.

January 17, 1996  
SB 6098 Prime Sponsor, Senator McAuliffe: Revising provisions for solid waste permits. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

January 16, 1996

SB 6111 Prime Sponsor, Senator Sutherland: Providing for 911 emergency communications funding. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Referred to Committee on Ways and Means.

January 16, 1996

SB 6268 Prime Sponsor, Senator McAuliffe: Recognizing parental involvement in education. Reported by Committee on Education

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators McAuliffe, Chair; Goings, Vice Chair; Finkbeiner, Hochstatter, Johnson, Pelz and Rasmussen.

Referred to Committee on Ways and Means.

January 16, 1996

SB 6277 Prime Sponsor, Senator Drew: Providing vouchers for game fish licenses. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; Haugen, Morton, Oke, Owen, Snyder and Strannigan.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE HOUSE

January 17, 1996

MR. PRESIDENT:

The House has passed:  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1078,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1508,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1648,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1649, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 6566 by Senators Fraser, Loveland, Hochstatter and Newhouse

AN ACT Relating to snowmobile registration fees; and amending RCW 46.10.040.

Referred to Committee on Ecology and Parks.

SB 6567 by Senators Pelz, Prentice, Oke and Kohl

AN ACT Relating to liquor licenses; amending RCW 66.24.010; adding new sections to chapter 66.44 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce and Trade.

SB 6568 by Senators Prentice and Heavey

AN ACT Relating to a retirement incentive for certain plan I members of the Washington state teachers' retirement system or Washington public employees' retirement system; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6569 by Senators Schow, Swecker, Deccio, Hale, Oke and Winsley

AN ACT Relating to trauma care; and creating new sections.

Referred to Committee on Health and Long-Term Care.

SB 6570 by Senators Wood and Winsley

AN ACT Relating to a study of licenses for recreational vehicle drivers; and creating a new section.

Referred to Committee on Transportation.

SB 6571 by Senators Pelz, Deccio, Sellar, Hale, Loveland, Sheldon and Rasmussen

AN ACT Relating to the community economic revitalization board; amending RCW 43.160.080 and 43.160.900; creating a new section; and providing an effective date.

Referred to Committee on Labor, Commerce and Trade.

SB 6572 by Senators McDonald, Haugen, Heavey and West

AN ACT Relating to the competitive bidding system; amending RCW 43.19.1911 and 39.19.030; and creating new sections.

Referred to Committee on Government Operations.

SB 6573 by Senators Owen, Newhouse, Snyder and Smith (by request of Department of Licensing)

AN ACT Relating to the enforcement of termination statements; and amending RCW 62A.9-404.

Referred to Committee on Law and Justice.

SB 6574 by Senators Owen, Sheldon, Finkbeiner, Moyer and Rasmussen

AN ACT Relating to public utility tax credits for weatherization and energy assistance programs; adding a new section to chapter 82.16 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6575 by Senators Prentice and Hale

AN ACT Relating to public funds; amending RCW 39.58.010, 39.58.020, 39.58.040, 39.58.050, 39.58.060, 39.58.065, 39.58.070, 39.58.080, 39.58.085, 39.58.090, 39.58.100, 39.58.105, 39.58.108, 39.58.130, 39.58.135, 39.58.140, and 39.58.150; adding new sections to chapter 43.09 RCW; adding a new section to chapter 39.58 RCW; recodifying RCW 39.58.160, 39.58.170, 39.58.180, and 39.58.150; and declaring an emergency.

Referred to Committee on Financial Institutions and Housing.

SB 6576 by Senators Schow, Prentice, Hale, McCaslin, Finkbeiner, Sellar, Moyer and Long

AN ACT Relating to certified statements concerning disclosure of adoption records to be filed with the courts by adult adoptees; adding a new section to chapter 26.33 RCW; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 6577 by Senator Prentice

AN ACT Relating to automobile insurance; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Financial Institutions and Housing.

SB 6578 by Senators Smith, Heavey, Wojahn, Franklin, Pelz, Quigley, Snyder, Fraser, Thibaudeau, Fairley, Spanel, Sutherland, McAuliffe, Loveland, Kohl, Bauer and Goings

AN ACT Relating to unemployment compensation for unemployment resulting from unfair labor practices; and amending RCW 50.20.090 and 50.20.190.

Referred to Committee on Labor, Commerce and Trade.

SB 6579 by Senators Prentice, Hale, Fraser, Sellar, Roach, Snyder, Sutherland and Winsley

AN ACT Relating to the Washington credit union share guaranty association; amending RCW 31.12A.050 and 31.12A.090; adding a new section to chapter 31.12A RCW; adding new sections to chapter 31.12 RCW; creating a new section; repealing RCW

31.12A.005, 31.12A.010, 31.12A.020, 31.12A.030, 31.12A.040, 31.12A.050, 31.12A.060, 31.12A.070, 31.12A.080, 31.12A.090, 31.12A.100, 31.12A.110, 31.12A.120, 31.12A.130, 31.12A.140, 31.12A.900, 31.12A.910, 31.12A.920, 31.12A.930, and 31.12A.940; repealing 1996 c -- s 4 (section 4 of this act); providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Financial Institutions and Housing.

SB 6580 by Senators Bauer and Haugen

AN ACT Relating to siting of residential structures occupied by persons with handicaps; and amending RCW 35.63.220, 35A.63.240, 36.70.990, and 36.70A.410.

Referred to Committee on Government Operations.

SB 6581 by Senators Swecker, Franklin, Heavey, Winsley, Deccio and Hale

AN ACT Relating to bingo; and amending RCW 9.46.0205.

Referred to Committee on Labor, Commerce and Trade.

SB 6582 by Senators Kohl, Bauer, Spanel, McAuliffe, Winsley, Rinehart and Smith

AN ACT Relating to higher education; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Higher Education.

SB 6583 by Senators Spanel, Bauer, Kohl, McAuliffe, Winsley, Rinehart and Smith

AN ACT Relating to higher education; and adding new sections to chapter 28B.50 RCW.

Referred to Committee on Higher Education.

SB 6584 by Senators Hale, Swecker, Owen, Rasmussen, Hargrove, A. Anderson, Oke, Morton, Loveland and Roach

AN ACT Relating to a warm-water fish culture public-private partnership; amending RCW 75.50.080; adding new sections to chapter 75.50 RCW; and making appropriations.

Referred to Committee on Natural Resources.

SB 6585 by Senators Fairley, Swecker and Fraser

AN ACT Relating to the revocation of the solid waste landfill operator certification program; creating a new section; and repealing RCW 70.95D.010, 70.95D.020, 70.95D.030, 70.95D.040, 70.95D.051, 70.95D.060, 70.95D.070, 70.95D.080, 70.95D.090, 70.95D.100, and 70.95D.110.

Referred to Committee on Ecology and Parks.

SB 6586 by Senators A. Anderson, Hale, Oke, Zarelli, McCaslin, Deccio, Swecker, Moyer, Johnson, Hochstatter, Prince and West

AN ACT Relating to the application of initiative and referendum powers to growth management measures; amending RCW 36.70A.030, 36.70A.040, 36.70A.110, 36.70A.130, and 36.70A.210; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Government Operations.

SB 6587 by Senators A. Anderson, Hale, Deccio, Oke, McCaslin, Strannigan, Cantu, Zarelli, Morton, Finkbeiner, Swecker, Long, Moyer, Johnson, Hochstatter, Prince and West

AN ACT Relating to administrative rules; and amending RCW 34.05.660.

Referred to Committee on Government Operations.

SB 6588 by Senators A. Anderson, Hale, Morton, Oke, McCaslin, Zarelli, Cantu, Deccio, Swecker, Moyer, Johnson, Hochstatter, Prince and West

AN ACT Relating to regulatory reform; amending RCW 76.09.010, 76.09.040, 48.02.060, 48.30.010, 48.44.050, and 48.46.200; adding a new section to chapter 43.22 RCW; and adding a new section to chapter 34.05 RCW.

Referred to Committee on Government Operations.

SB 6589 by Senators Drew, Haugen, Hale, Spanel, Sheldon, Goings, Winsley, Finkbeiner, Snyder and Rasmussen

AN ACT Relating to information from cities, towns, and counties regarding restrictions on real estate; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.70 RCW; and creating a new section.

Referred to Committee on Government Operations.

SB 6590 by Senators Drew, Haugen, Spanel, Sheldon, Smith and Goings

AN ACT Relating to elections for superior court judges; and amending RCW 29.15.180.

Referred to Committee on Government Operations.

SB 6591 by Senators Drew, Haugen, Hale, Spanel, Sheldon, Smith, Winsley, Goings, Finkbeiner and Snyder

AN ACT Relating to offering payments through initiative measures; amending RCW 29.79.490; and prescribing penalties.

Referred to Committee on Government Operations.

SB 6592 by Senators Rasmussen, Prince, Hale, Loveland, Sellar, Swecker, Heavey and Goings

AN ACT Relating to authorizing the department of transportation to manage and control a rail transportation corridor and to enter into agreements for the purpose of reinstating rail service over state-owned former railroad rights of way; amending RCW 44.40.020, 43.51.405, 43.51.407, 43.51.409, 43.51.411, 79.08.275, 79.08.277, 79.08.279, 79.08.281, and 79.08.283; adding a new chapter to Title 81 RCW; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Transportation.

SB 6593 by Senators Thibaudeau, Hargrove, Prentice, Long, Wojahn and Deccio

AN ACT Relating to including information on the reduction of substance abuse in the governor's budget documents; reenacting and amending RCW 43.88.030; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 6594 by Senators Winsley, Haugen, Heavey, Sheldon, Hale, Snyder, Wood, McAuliffe, Finkbeiner, Bauer, Rinehart, Pelz, Franklin, Smith, Drew, Sutherland and Rasmussen

AN ACT Relating to notification of property assessment changes; and amending RCW 84.40.045.

Referred to Committee on Government Operations.

SB 6595 by Senators Winsley, Haugen, Hale, Heavey, Sheldon, Snyder, Wood, McAuliffe, Finkbeiner, Goings, Rinehart, Pelz, Franklin, Smith, Drew, Sutherland, Bauer and Rasmussen

AN ACT Relating to correction of erroneous assessments; and amending RCW 84.48.065.

Referred to Committee on Government Operations.

SB 6596 by Senators Drew, Haugen, Winsley, Sheldon, Hale, Snyder, Wood, McAuliffe, Finkbeiner, Goings, Pelz, Franklin, Smith, Sutherland, Bauer, Rasmussen and Oke

AN ACT Relating to using the most probable and most reasonable use as the basis of calculating the true and fair value of real property for property tax purposes; and amending RCW 84.40.030.

Referred to Committee on Government Operations.

SB 6597 by Senators Haugen, Winsley, Heavey, Sheldon, Hale, Snyder, Wood, McAuliffe, Finkbeiner, Goings, Pelz, Franklin, Loveland, Thibaudeau, Smith, Drew, Kohl, Fraser, Rasmussen, Fairley, Sutherland and Bauer

AN ACT Relating to development regulations for preapplication meetings and reasonable use exceptions; amending RCW 36.70B.080 and 36.70B.080; providing an effective date; and providing an expiration date.

Referred to Committee on Government Operations.

SB 6598 by Senators Winsley, Sheldon, Haugen, Hale, Snyder, Wood, McAuliffe, Finkbeiner, Bauer, Rinehart, Pelz, Franklin, Smith, Drew, Sutherland and Rasmussen

AN ACT Relating to local permit assistance; and adding a new section to chapter 36.70B RCW.

Referred to Committee on Government Operations.

SB 6599 by Senators Haugen, Winsley, Heavey, Sheldon, Hale, Snyder, Wood, McAuliffe, Finkbeiner, Rinehart, Pelz, Franklin and Smith

AN ACT Relating to county-wide planning policies for interjurisdictional land-use techniques; and amending RCW 36.70A.210.

Referred to Committee on Government Operations.

SB 6600 by Senators McCaslin, Haugen, Winsley, Hale, Sheldon, Snyder, Wood, McAuliffe, Finkbeiner, Rinehart, Pelz, Franklin, Spanel, Smith, Drew, Sutherland, Fraser and Rasmussen

AN ACT Relating to residential real estate disclosure; and amending RCW 64.06.020.

Referred to Committee on Government Operations.

SJM 8026 by Senator Hochstatter

Requesting a change of boundaries at Hanford.

Referred to Committee on Energy, Telecommunications and Utilities.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

E2SHB 1078 by House Committee on Appropriations (originally sponsored by Representatives Ogden, Carlson, Casada, Cole, Quall, Benton, Pennington, Thibaudeau, Cooke, Boldt and Huff)

Changing provisions relating to instruction in Braille.

Referred to Committee on Education.

ESHB 1508 by House Committee on Commerce and Labor (originally sponsored by Representatives Goldsmith, Kremen, Cooke and Morris)

Creating new funds under the control of the department of labor and industries.

Referred to Committee on Labor, Commerce and Trade.

ESHB 1648 by House Committee on Commerce and Labor (originally sponsored by Representatives Lisk, Romero, Goldsmith and Thompson) (by request of Employment Security Department)

Revising provision relating to charges against industrial insurance awards.

Referred to Committee on Labor, Commerce and Trade.

ESHB 1649 by House Committee on Commerce and Labor (originally sponsored by Representatives Goldsmith, Romero, Lisk, Schoesler and Elliot) (by request of Employment Security Department)

Providing for disqualification from unemployment compensation for certain felonies or gross misdemeanors.

Referred to Committee on Labor, Commerce and Trade.

#### MOTION

At 12:02 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Friday, January 19, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

ELEVENTH DAY, JANUARY 18, 1996

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**TWELFTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Friday, January 19, 1996  
The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Goings, Hargrove, McAuliffe, McCaslin, Owen Pelz, Schow, Sellar, Smith and Wood. On motion of Senator Anderson, Senators McCaslin, Sellar and Wood were excused. On motion of Senator Thibaudeau, Senators Goings, McAuliffe and Smith were excused. On motion of Senator Sheldon, Senator Hargrove was excused.

The Sergeant at Arms Color Guard, consisting of Savan Kong and Ben Murray, presented the Colors. Reverend Tammy Leiter, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 18, 1996  
SB 5218 Prime Sponsor, Senator C. Anderson: Changing watercraft excise tax provisions. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5218 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Referred to Committee on Ways and Means.

January 18, 1996  
SB 6091 Prime Sponsor, Senator Haugen: Converting water and sewer districts into water-sewer districts. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6091 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 18, 1996  
SB 6103 Prime Sponsor, Senator Haugen: Raising the maximum per diem for boundary review board members. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6103 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 18, 1996  
SB 6135 Prime Sponsor, Senator Fairley: Using gender-neutral language in Title 35A RCW. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 18, 1996

SB 6147 Prime Sponsor, Senator Haugen: Modifying grants for vocational rehabilitation equipment and materials. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

SB 6166 Prime Sponsor, Senator Fraser: Changing the name and functions of the Puget Sound Water Quality Authority. Reported by Committee on Ecology and Parks

January 18, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6166 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

SB 6171 Prime Sponsor, Senator Oke: Eliminating primary elections for certain special purpose district commissioners. Reported by Committee on Government Operations

January 18, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

SB 6172 Prime Sponsor, Senator Haugen: Establishing a ten dollar fee for all duplicate licenses, rebates, permits, tags, and stamps issued at one time. Reported by Committee on Natural Resources

January 18, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6172 be substituted therefor, and the substitute bill do pass. Signed by Senators Drew, Chair; Hargrove, Haugen, Morton, Oke, Owen, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

SB 6174 Prime Sponsor, Senator Bauer: Requiring annual budget review, recommendations, and guidelines for the higher education system. Reported by Committee on Higher Education

January 18, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, Hale, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules for second reading.

SB 6177 Prime Sponsor, Senator Bauer: Changing provisions for degree granting institutions. Reported by Committee on Higher Education

January 18, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, Hale, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules for second reading.

SB 6214 Prime Sponsor, Senator Snyder: Defining a temporary growing structure. Reported by Committee on Agriculture and Agricultural Trade and Development

January 18, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6214 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; A. Anderson, Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

SB 6250 Prime Sponsor, Senator Owen: Requiring personal flotation devices for children on certain recreational vessels. Reported by Committee on Ecology and Parks

January 18, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

SB 6263 Prime Sponsor, Senator Morton: Using equine and oxen. Reported by Committee on Agriculture and Agricultural Trade and Development January 18, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6263 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; A. Anderson, Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

SB 6364 Prime Sponsor, Senator Drew: Limiting terms of fish and wildlife commissioners. Reported by Committee on Natural Resources January 18, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6364 be substituted therefor, and the substitute bill do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; Hargrove, Haugen, Morton, Oke, Owen, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

SB 6366 Prime Sponsor, Senator Haugen: Authorizing the Washington state historical society to work with the Lewis and Clark trail committee in developing activities to commemorate the Lewis and Clark trail bicentennial. Reported by Committee on Ecology and Parks January 18, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

SB 6536 Prime Sponsor, Senator Fraser: Establishing the marine waters protection trust. Reported by Committee on Ecology and Parks January 18, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6536 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Fairley, Vice Chair; McAuliffe and Spanel.

MINORITY Recommendation: Do not pass. Signed by Senators Hochstatter and Swecker.

Referred to Committee on Ways and Means.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

GA 9160 EDWARD L. BARNES, appointed June 5, 1995, for a term ending June 30, 2001, as a member of the Transportation Commission. Reported by Committee on Transportation January 18, 1996

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Owen, Chair; Goings, Haugen, Morton, Oke, Prentice, Prince, Rasmussen, Schow and Wood.

Passed to Committee on Rules.

GA 9181 AUBREY DAVIS, appointed August 15, 1995, for a term ending June 30, 2001, as a member of the Transportation Commission. Reported by Committee on Transportation January 18, 1996

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Owen, Chair; Goings, Haugen, Morton, Oke, Prentice, Prince, Rasmussen, Schow and Wood.

Passed to Committee on Rules.

#### INTRODUCTION AND FIRST READING

SB 6601 by Senator Swecker

AN ACT Relating to sewage disposal; amending RCW 70.118.050; adding a new section to chapter 70.05 RCW; adding new a section to chapter 70.118 RCW; adding a new section to chapter 56.04 RCW; and creating a new section.

Referred to Committee on Ecology and Parks.

SB 6602 by Senators Wood, Prentice, Hale, Haugen, Sellar, Winsley, Roach, Fraser, Sutherland and Cantu

AN ACT Relating to public offering statements for condominiums; and amending RCW 64.34.410, 64.34.443, and 64.34.232.

Referred to Committee on Law and Justice.

SB 6603 by Senators Long, Hargrove, Roach, Franklin, Thibaudeau, Zarelli, Schow, Prentice, Kohl, Oke, Winsley, Rasmussen and Haugen

AN ACT Relating to registration and notification of offenders who commit crimes against children; amending RCW 4.24.550; adding new sections to chapter 9.94A RCW; creating a new section; and prescribing penalties.

Referred to Committee on Human Services and Corrections.

SB 6604 by Senators Wojahn, Moyer, Winsley and Rasmussen

AN ACT Relating to immunization; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 6605 by Senators Loveland, West, Rinehart and Haugen

AN ACT Relating to general obligation bond debt service payments from the community and technical college capital projects account; and amending RCW 28B.50.360.

Referred to Committee on Ways and Means.

SB 6606 by Senator Bauer

AN ACT Relating to the hiring and discharging of certificated and noncertificated school district employees; and amending RCW 28A.400.300.

Referred to Committee on Education.

SB 6607 by Senators Smith and Schow

AN ACT Relating to eliminating an additional tax on spirits; and amending RCW 82.08.150.

Referred to Committee on Health and Long-Term Care.

SB 6608 by Senators McAuliffe and Swecker

AN ACT Relating to review of renewal of waste discharge permits; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Ecology and Parks.

SB 6609 by Senators Heavey and Franklin

AN ACT Relating to occupational disease; adding new sections to chapter 51.28 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce and Trade.

SB 6610 by Senators Haugen, Winsley, Cantu, Rasmussen and Hargrove

AN ACT Relating to outdoor burning; and amending RCW 70.94.743, 70.94.750, and 70.94.780.

Referred to Committee on Ecology and Parks.

SB 6611 by Senators Fairley, McAuliffe, Fraser, Smith, Prentice, Snyder, Loveland, Wood, Franklin, Pelz, Hale, Bauer, Hargrove and Heavey

AN ACT Relating to providing entrepreneurial opportunities for disabled persons; amending RCW 39.19.010, 39.19.020, 39.19.030, 39.19.060, 39.19.070, 39.19.080, 39.19.120, 39.19.150, 39.19.170, and 39.19.200; creating new sections; and providing an effective date.

Referred to Committee on Labor, Commerce and Trade.

SB 6612 by Senators Pelz, McAuliffe, Heavey, Smith, Sutherland, Franklin, Owen, Hargrove, Goings and Fairley

AN ACT Relating to minimum hourly wages; amending RCW 49.46.020; adding a new section to chapter 49.46 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce and Trade.

SB 6613 by Senators Smith, Pelz, Johnson and Winsley

AN ACT Relating to durable powers of attorney to make funeral decisions; and amending RCW 11.94.010, 11.94.020, 68.50.160, and 68.50.180.

Referred to Committee on Law and Justice.

SB 6614 by Senators Pelz, Sutherland and Heavey

AN ACT Relating to the construction trades; amending RCW 60.04.031, 18.27.140, 18.27.010, 18.27.020, 18.27.030, 18.27.040, 18.27.060, 18.27.090, 18.27.100, 18.27.104, 18.27.110, 18.27.114, 18.27.117, 18.27.200, 18.27.230, and 18.27.340; reenacting and amending RCW 51.12.020; adding a new chapter to Title 60 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Labor, Commerce and Trade.

SB 6615 by Senators Hale, Sheldon and Haugen

AN ACT Relating to protection of certain business information; amending RCW 34.05.370; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Government Operations.

SB 6616 by Senators Hale, Sheldon, Oke and Haugen

AN ACT Relating to the release of employment security data to governmental agencies; and amending RCW 50.13.060.

Referred to Committee on Government Operations.

SB 6617 by Senators Prentice, Sellar and Fraser (by request of Department of Financial Institutions)

AN ACT Relating to the powers of the director to impose fines or sanctions against mortgage brokers; amending RCW 19.146.220; and providing an effective date.

Referred to Committee on Financial Institutions and Housing.

SB 6618 by Senators Snyder, McDonald, Rinehart and West

AN ACT Relating to the measurement of state fiscal conditions and economic performance; adding a new chapter to Title 82 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 6619 by Senators Smith and Long (by request of Supreme Court)

AN ACT Relating to appropriations for the courts; making appropriations; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6620 by Senators Quigley and Oke

AN ACT Relating to released sex offenders; amending RCW 9.94A.120 and 71.09.140; and reenacting and amending RCW 9.94A.155.

Referred to Committee on Human Services and Corrections.

SB 6621 by Senator Quigley

AN ACT Relating to public access to residential phone numbers and addresses of health care providers; and amending RCW 42.17.310.

Referred to Committee on Health and Long-Term Care.

SB 6622 by Senators Quigley and Haugen

AN ACT Relating to sexually violent predators; amending RCW 71.09.092; and adding a new section to chapter 71.09 RCW.

Referred to Committee on Human Services and Corrections.

SB 6623 by Senators Heavey, Prentice and Thibaudeau

AN ACT Relating to suspension from an institution of higher education; adding a new section to chapter 28B.10 RCW; and prescribing penalties.

Referred to Committee on Higher Education.

SB 6624 by Senators Smith and Winsley

AN ACT Relating to homeowners' associations; amending RCW 64.38.005, 64.38.010, 64.38.015, 64.38.020, 64.38.025, 64.38.030, 64.38.035, 64.38.040, and 64.38.045; adding new sections to chapter 64.38 RCW; and repealing RCW 64.38.050.

Referred to Committee on Law and Justice.

SB 6625 by Senators Smith and Winsley

AN ACT Relating to the condominium act; amending RCW 64.34.020, 64.34.304, 64.34.308, 64.34.316, 64.34.332, 64.34.340, 64.34.344, 64.34.348, 64.34.352, 64.34.360, 64.34.364, 64.34.372, and 64.34.455; and repealing RCW 64.34.376.

Referred to Committee on Law and Justice.

SB 6626 by Senators Hargrove and Winsley

AN ACT Relating to raising the amount that must be exceeded by the cost of construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences for the construction to be considered substantial development under the Shoreline Management Act of 1971; and reenacting and amending RCW 90.58.030.

Referred to Committee on Ecology and Parks.

SB 6627 by Senators Hargrove, Long, Franklin, Prentice and Winsley

AN ACT Relating to reform of social and health services; amending RCW 41.06.076, 26.44.010, 26.44.015, 26.44.030, 26.44.035, 26.44.040, 26.44.053, 26.44.060, and 13.50.010; reenacting and amending RCW 26.44.020; adding a new section to chapter 41.06 RCW; adding new sections to chapter 43.20A RCW; adding a new chapter to Title 44 RCW; creating new sections; making appropriations; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

SB 6628 by Senators Haugen, Winsley, McCaslin, Heavey, Sheldon, Wood, Hale, Drew, Rasmussen, Loveland and Oke

AN ACT Relating to property rights dispute resolution; and amending RCW 90.60.050, 90.60.060, and 7.75.060.

Referred to Committee on Government Operations.

SB 6629 by Senator Roach

AN ACT Relating to the regulation of body piercers; reenacting and amending RCW 18.130.040; adding a new chapter to Title 18 RCW; and providing an effective date.

Referred to Committee on Health and Long-Term Care.

SB 6630 by Senators Prentice, Hale, Rasmussen, Wood, Haugen, Swecker, McAuliffe, McDonald, Sheldon, Newhouse, Sutherland, Deccio, Bauer, Goings, Hargrove, Johnson, Heavey, Sellar, Loveland, West, Snyder, Fraser, A. Anderson, Winsley, Hochstatter, Schow and Roach

AN ACT Relating to deleting a future increase in beer taxes allocable to the health services account; and amending RCW 66.24.290.

Referred to Committee on Health and Long-Term Care.

SJM 8027 by Senators Wojahn, Winsley, Rasmussen, Heavey, Fraser, Owen and Goings

Objecting to the proliferation of billboard signs on Indian trust lands in the state of Washington.

Referred to Committee on Ecology and Parks.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9134, Gerald P. Leahy, as a member of the Spokane Joint Center for Higher Education, was confirmed.

Senators West and Moyer spoke to the confirmation of Gerald P. Leahy, as a member of the Spokane Joint Center for Higher Education.

APPOINTMENT OF GERALD P. LEAHY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 3; Excused, 7.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McDonald, Morton, Moyer, Newhouse, Oke, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 39.

Absent: Senators Owen, Pelz and Schow - 3.

Excused: Senators Goings, Hargrove, McAuliffe, McCaslin, Sellar, Smith and Wood - 7.

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9135, Michael Ormsby, as a member of the Spokane Joint Center for Higher Education, was confirmed.

APPOINTMENT OF MICHAEL ORMSBY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Excused: Senators Goings, Hargrove, McCaslin, Sellar, Smith and Wood - 6.

STATEMENT FOR THE JOURNAL

I was absent from the Senate floor action on Friday, January 19, 1996, for the votes on final passage on Second Substitute Senate Bill No. 5247, Substitute Senate Bill No. 5350, Engrossed Substitute Senate Bill No. 5605 and Engrossed Senate Bill No. 5837, which I support--because of the snow conditions in the morning and I had scheduled appointments in the afternoon in my legislative district.

SENATOR CALVIN GOINGS, Twenty-fifth District

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5247, by Senate Committee on Ecology and Parks (originally sponsored by Senators Spanel, Haugen, Prince, Sutherland, Owen and Fraser) (by request of Puget Sound Water Quality Authority)

Facilitating local water quality programs.

MOTIONS

On motion of Senator Fraser, Second Substitute Senate Bill No. 5247 was substituted for Engrossed Substitute Senate Bill No. 5247 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Second Substitute Senate Bill No. 5247 was advanced to third reading, the second reading considered the third and bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Roach: "Senator Fraser, I am reading in the summary where it talks about giving cities the express authority to include septic system inspection and maintenance programs. I am wondering if we will give the cities the ability to go into, say, the residential areas of a senior citizen and require that they do away with their septic system and have them mandated to hook-up to city sewer lines. Is that a potential for this bill?"

Senator Fraser: "There is nothing in this bill that relates to mandatory hook-ups to sewer systems. This bill is strictly directed to clarify the authority of local governments to have at their option a septic maintenance program and the idea is to avoid expensive sewer systems and having to do what you are concerned about, because it would assure that--have a better assurance--that they are maintained in a way that they won't fail. I think it is in the interest of people such as you are referring to support this bill."

Senator Roach: "When it says, 'Express authority,' does that mean that government will come knock on the door and say, 'We want to inspect,' and may force you to hook-up to a sewer?"

Senator Fraser: "Well, there is nothing in here that requires hooking-up to sewers. The bill clarifies the authority of cities in this case to establish an inspection program, so they could require a periodic inspection, but there is nothing in here that requires hook-up to sewers." Senator Roach: "And there is nothing prohibitory in this bill that would protect home owners from having the city come in and mandate hook-ups?"

Senator Fraser: "It does not address the hook-up subject at all."

Senator Roach: "Thank you."

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5247.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5247 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 6; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Moyer, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sheldon, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, Winsley and Wojahn - 37.

Voting nay: Senators Anderson, A., Morton, Newhouse, Strannigan, West and Zarelli - 6.

Excused: Senators Goings, Hargrove, McCaslin, Sellar, Smith and Wood - 6.

SECOND SUBSTITUTE SENATE BILL NO. 5247, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 5350, by Senate Committee on Government Operations (originally sponsored by Senators Wojahn, Winsley, Haugen, McCaslin, Drew and Kohl)

Providing for counties' powers over family day-care providers.

The bill was read the second time.

#### MOTION

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 5350 was advanced to third reading, the second reading considered the third and bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5350.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5350 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 6; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley and Wojahn - 38.

Voting nay: Senators Cantu, Hochstatter, Johnson, Roach, Schow and Zarelli - 6.

Excused: Senators Goings, McCaslin, Sellar, Smith and Wood - 5.

SUBSTITUTE SENATE BILL NO. 5350, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 10:35 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:46 a.m. by President Pritchard.

#### MOTION

On motion of Senator Thibaudeau, Senator Quigley was excused.

#### SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5605, by Senate Committee on Higher Education (originally sponsored by Senators Owen, Bauer, Sheldon, Wood, McAuliffe, Prince, Heavey, Drew, Winsley, Palmer, Deccio, Oke, Prentice and Schow)

Prohibiting drug and alcohol use in state-owned college and university residences.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, Engrossed Substitute Senate Bill No. 5605 was advanced to third reading, the second reading considered the third and bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5605.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5605 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43.

Voting nay: Senator Pelz - 1.

Excused: Senators Goings, McCaslin, Quigley, Sellar and Smith - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5605, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SENATE BILL NO. 5837, by Senators Snyder, Gaspard, Haugen and Spanel

Removing the requirement for senate confirmation of certain gubernatorial appointments.

The bill was read the second time.

#### MOTION

On motion of Senator Snyder, the rules were suspended, Engrossed Senate Bill No. 5837 was advanced to third reading, the second reading considered the third and bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Hochstatter: "Senator Snyder, will these appointments--these appointees--serve their appointed terms if they are appointed and not confirmed or will they serve at the discretion or at the pleasure of the Governor?"

Senator Snyder: "It is my understanding they would serve their appointed terms unless some positions are at the pleasure of the Governor. Those wouldn't change at all. They are still that way--like the director of the Department of Revenue. Some of those people are appointed and do go through the confirmation process, but they also serve at the pleasure of the Governor. When a new Governor comes in, he can replace those people."

Senator Hochstatter: "Thank you, Senator Snyder."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5837.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5837 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 19; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Hale, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Sheldon, Snyder, Spanel, Sutherland, Thibaudeau, Winsley and Wojahn - 25.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Fraser, Hochstatter, Johnson, Long, McDonald, Morton, Moyer, Newhouse, Roach, Schow, Strannigan, Swecker, West, Wood and Zarelli - 19.

Excused: Senators Goings, McCaslin, Quigley, Sellar and Smith - 5.

ENGROSSED SENATE BILL NO. 5837, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 12:04 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Monday, January 22, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

TWELFTH DAY, JANUARY 19, 1996

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**FIFTEENTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Monday, January 22, 1996  
The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cantu, Pelz and West. On motion of Senator Thibaudeau, Senator Pelz was excused. On motion of Senator Anderson, Senators Cantu and West were excused.

The Sergeant at Arms Color Guard, consisting of Pages Libby Cook and Will Ehlers, presented the Colors. Reverend Sandra Lee, pastor of the Olympia Unitarian Universalist Congregation, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 19, 1996  
SB 6099 Prime Sponsor, Senator McAuliffe: Authorizing freshwater aquatic weeds account moneys to be used for hydrilla eradication.  
Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

January 18, 1996  
SB 6101 Prime Sponsor, Senator Drew: Establishing a free shellfish digging weekend and including steelhead trout in the free fishing weekend. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6101 be substituted therefor, and the substitute bill do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; Haugen, Morton, Oke, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

January 19, 1996  
SB 6120 Prime Sponsor, Senator Quigley: Establishing health insurance benefits following the birth of a child. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6120 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Fairley, Franklin and Thibaudeau.

MINORITY Recommendation: Do not pass. Signed by Senators Moyer and Winsley.

Referred to Committee on Ways and Means.

January 19, 1996  
SB 6290 Prime Sponsor, Senator Prentice: Setting net worth requirements. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 6290 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale and Sutherland.

Passed to Committee on Rules for second reading.

January 19, 1996

SB 6305 Prime Sponsor, Senator Drew: Authorizing approval of off-site mitigation proposals for hydraulic projects. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

SB 6417 Prime Sponsor, Senator Drew: Defining the number of fish and wildlife commissioners needed to make rules. Reported by Committee on Natural Resources January 19, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

SJM 8017 Prime Sponsor, Senator Rasmussen: Encouraging schools to provide an elementary gun safety program. Reported by Committee on Education January 18, 1996

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Goings, Vice Chair; Finkbeiner, Hochstatter, Johnson, Pelz and Rasmussen.

Passed to Committee on Rules for second reading.

#### INTRODUCTION AND FIRST READING

SB 6631 by Senators Sutherland, West, Finkbeiner, Loveland, Heavey, Rasmussen, Hochstatter, Strannigan and Morton

AN ACT Relating to exempting thermal energy companies from utilities and transportation commission authority; amending RCW 39.35C.080; adding a new section to chapter 80.04 RCW; creating a new section; and repealing RCW 80.62.010, 80.62.020, 80.62.030, 80.62.040, 80.62.050, 80.62.060, 80.62.070, 80.62.080, 80.62.900, and 80.62.910.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 6632 by Senators Prentice, Kohl, Fairley, McAuliffe and Pelz

AN ACT Relating to access to firearms by minors; adding new sections to chapter 9.41 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6633 by Senators Haugen and McDonald

AN ACT Relating to products and services provided by community rehabilitation programs; amending RCW 43.19.520 and 43.19.525; and adding a new section to chapter 43.19 RCW.

Referred to Committee on Government Operations.

SB 6634 by Senators Heavey, Swecker, Strannigan, Cantu, Morton, McCaslin, West, Zarelli, Schow and Johnson

AN ACT Relating to limiting taxing district levy increases; and amending RCW 84.55.120.

Referred to Committee on Government Operations.

SB 6635 by Senators Morton and Drew

AN ACT Relating to application fees for mines used primarily for public works projects in counties with 1993 populations of less than twenty thousand; and amending RCW 78.44.085.

Referred to Committee on Natural Resources.

SB 6636 by Senators Bauer, Oke, Owen and Kohl

AN ACT Relating to dedication of roadside safety rest areas; and adding a new section to chapter 47.38 RCW.

Referred to Committee on Transportation.

SB 6637 by Senators Haugen, Sheldon, Winsley, Hale, Wood and Long

AN ACT Relating to limitations on growth management hearings board discretion; and amending RCW 36.70A.320.

Referred to Committee on Government Operations.

SB 6638 by Senators Haugen, Sheldon, Winsley, Hale, Wood and Long

AN ACT Relating to standards for development regulations; and amending RCW 36.70A.172.

Referred to Committee on Government Operations.

SB 6639 by Senators Winsley, Haugen, Sheldon, Hale, Wood and Long

AN ACT Relating to notice to county assessors of local land use changes that allow assessors to revalue the property; amending RCW 36.70B.130 and 84.41.030; and adding a new section to chapter 36.70B RCW.

Referred to Committee on Government Operations.

SB 6640 by Senator Snyder

AN ACT Relating to distributions from the timber tax distribution account for watershed recovery plans; and amending RCW 84.33.081.

Referred to Committee on Natural Resources.

SB 6641 by Senators Thibaudeau, Moyer, Kohl and Hochstatter

AN ACT Relating to unsupervised practice by dental hygienists; adding a new section to chapter 18.29 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 6642 by Senators Heavey and Schow

AN ACT Relating to voting for port commissioners; and amending RCW 53.12.010.

Referred to Committee on Government Operations.

SB 6643 by Senators Prentice, Heavey, Fairley, Kohl and Fraser

AN ACT Relating to prevention of workplace violence in health care settings; and adding a new chapter to Title 49 RCW.

Referred to Committee on Labor, Commerce and Trade.

SB 6644 by Senators Cantu and A. Anderson

AN ACT Relating to release of driving records to employers, prospective employers, and their agents; and amending RCW 46.52.130.

Referred to Committee on Transportation.

SB 6645 by Senators Hale, Haugen, A. Anderson, Bauer, Wood, Loveland, Owen, Rasmussen, Sheldon, Cantu, McCaslin, Newhouse, Deccio, Snyder, McDonald, Johnson, Swecker, Schow, Zarelli, West, Long, Morton, Oke, Winsley, Roach and Hochstatter

AN ACT Relating to readoption of agency rules; and adding a new section to chapter 34.05 RCW.

Referred to Committee on Government Operations.

SB 6646 by Senators Hargrove, Long and Franklin (by request of Department of Social and Health Services)

AN ACT Relating to technical and clarifying amendments to the Becca bill; and amending RCW 13.32A.030, 13.32A.050, 13.32A.060, 13.32A.065, 13.32A.070, 13.32A.082, 13.32A.090, 13.32A.095, 13.32A.100, 13.32A.110, 13.32A.120, 13.32A.130, 13.32A.140, 13.32A.150, 13.32A.152, 13.32A.160, 13.32A.170, 13.32A.179, 13.32A.190, 13.32A.192, 13.32A.194, 13.32A.250, 13.34.165, 28A.225.030, 28A.225.035, 28A.225.090, 70.96A.095, and 71.34.035.

Referred to Committee on Human Services and Corrections.

SB 6647 by Senators A. Anderson, Spanel, Morton, Rasmussen and Swecker

AN ACT Relating to granting water rights to persons who put water to use before January 1, 1993, and file a statement of claim by June 30, 1997; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Ecology and Parks.

SB 6648 by Senators Kohl, Long and Hargrove (by request of Governor Lowry)

AN ACT Relating to establishing the office of the child, youth, and family ombudsman; amending RCW 13.50.010, 42.17.310, and 26.44.030; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

SB 6649 by Senators Loveland, Prentice, Rasmussen, Deccio, Newhouse and Sellar (by request of Department of Health and Department of Agriculture)

AN ACT Relating to sales and use tax exemptions for farmworker housing; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and declaring an emergency.

Referred to Committee on Financial Institutions and Housing.

SB 6650 by Senators Finkbeiner, Hargrove, Loveland, Hochstatter, Strannigan, Zarelli, Swecker, Drew and Winsley

AN ACT Relating to state records; adding a new chapter to Title 43 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 6651 by Senators Finkbeiner, Drew, Haugen, Swecker, Winsley, Johnson and Strannigan

AN ACT Relating to storage of public records on compact discs; and amending RCW 40.14.010.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 6652 by Senators Finkbeiner and Johnson

AN ACT Relating to school bus improvement; adding a new section to chapter 28A.160 RCW; and making an appropriation.

Referred to Committee on Education.

SB 6653 by Senators Bauer, Deccio, Pelz, Hale and Kohl

AN ACT Relating to real estate brokerage relationships; amending RCW 18.85.230; adding a new chapter to Title 18 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor, Commerce and Trade.

SB 6654 by Senators Bauer, Cantu, Sutherland, Moyer, Owen, Hale, Hargrove, Schow, Heavey, Wood, Rasmussen, Strannigan, Goings, Finkbeiner, Sheldon, Johnson, Franklin, Winsley, Snyder, West, Zarelli, Long, Deccio, Oke, Spanel and A. Anderson

AN ACT Relating to sales and use tax exemptions for manufacturing or research and development machinery and equipment; amending RCW 82.08.02565 and 82.12.02565; creating a new section; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6655 by Senators Bauer, Cantu, Sutherland, Moyer, Owen, Schow, Hargrove, Wood, Heavey, Strannigan, Rasmussen, Finkbeiner, Sheldon, Johnson, Franklin, West, Hale, Snyder, Winsley, Deccio, Zarelli, Long, Oke, Spanel and A. Anderson

AN ACT Relating to sales and use tax exemptions for machinery and equipment used in manufacturing research and development; amending RCW 82.08.02565 and 82.12.02565; creating a new section; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6656 by Senators Bauer, Cantu, Sutherland, Moyer, Owen, Hale, Hargrove, Schow, Heavey, Wood, Rasmussen, Strannigan, Sheldon, Finkbeiner, Franklin, Johnson, Snyder, West, Winsley, Zarelli, Long, Deccio, Oke, Spanel and A. Anderson

AN ACT Relating to sales and use tax exemptions for manufacturing machinery and equipment; amending RCW 82.08.02565; creating a new section; and providing an effective date.

Referred to Committee on Ways and Means.

SJM 8028 by Senators Wojahn, Pelz, Sutherland, Heavey, Haugen, Schow, Oke and Morton

Requesting clarification of the Indian Gaming Regulatory Act of 1988.

Referred to Committee on Labor, Commerce and Trade.

## SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

### MOTION

On motion of Senator Smith, Gubernatorial Appointment No. 9114, Jim Whiteside, as a member of the Public Disclosure Commission, was confirmed.

### APPOINTMENT OF JIM WHITESIDE

The Secretary called the roll. The confirmation was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.  
Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 46.  
Excused: Senators Cantu, Pelz and West - 3.

### MOTION

On motion of Senator Smith, Gubernatorial Appointment No. 9126, Gary A. Maehara, as a member of the Public Disclosure Commission, was confirmed.

### APPOINTMENT OF GARY A. MAEHARA

The Secretary called the roll. The confirmation was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.  
Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.  
Excused: Senators Cantu and Pelz - 2.

### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Mr. Richard Klein, Washington State's representative in Vladivostok, who was seated in the gallery. Mr. Klein assists a variety of Washington State businesses in selling their products in the Russian Far East and will be working to position the state to benefit from the large oil and gas development projects off Sakhalin Island.

### MOTION

At 10:21 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:11 a.m. by President Pritchard.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6062, by Senate Committee on Ways and Means (originally sponsored by Senators Quigley, Moyer, Fairley, Wood, Wojahn and Winsley)

Making welfare work.

## MOTIONS

On motion of Senator Quigley, Third Substitute Senate Bill No. 6062 was substituted for Engrossed Second Substitute Senate Bill No. 6062 and the third substitute bill was placed on second reading and read the second time.

Senator McDonald moved that the following amendments be considered simultaneously and be adopted:

On page 8, beginning on line 35, after "education," strike all material through "act," on line 37

On page 14, after line 13, strike all of section 209 and insert the following:

"NEW SECTION. Sec. 209. A new section is added to chapter 74.25 RCW to read as follows:

COMMUNITY SERVICE PROGRAM. A recipient participating in a community service program shall locate a community service experience of at least one hundred hours per month with any willing public or private organization and provide documentation, signed by the recipient under penalty of perjury, to the department of his or her participation on forms established in rule by the department. Compliance shall be subject to random checks by the department."

On page 16, line 4, after "may" strike "extend" and insert "receive"

On page 16, beginning on line 5, after "period of" strike "an additional two years" and insert "one year"

On page 16, line 7, after "community" strike "volunteer" and insert "service"

On page 16, line 7, after "act" insert "only if the activities direct a participant toward gainful employment and eventual self-sufficiency"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator McDonald on page 8, beginning on line 35, page 14, after line 13; and page 16, lines 4, 5, and 7 (2), to Third Substitute Senate Bill No. 6062.

The motion by Senator McDonald failed and the amendments were not adopted on a rising vote.

## MOTION

Senator Kohl moved that the following amendment by Senators Kohl, Wojahn, Prentice, Thibaudeau and Fraser be adopted:

On page 15, line 33, after "months." insert "At any time after a recipient reaches his or her sixty-month lifetime limit, the recipient may request a fair hearing with the department, in order to determine whether extraordinary, exigent circumstances exist that would cause undue hardship to the recipient if benefits were not restored. The fair hearing shall comply with federal standards for fair hearings on matters pertaining to benefit reduction. If justifying extraordinary circumstances are found to exist, the department shall provide grant assistance to the recipient, on a month-to-month basis, for as long as the exigent circumstance continues."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl, Wojahn, Prentice, Thibaudeau and Fraser on page 15, line 33, to Third Substitute Senate Bill No. 6062.

The motion by Senator Kohl failed and the amendment was not adopted.

## MOTION

Senator Pelz moved that the following amendments be considered simultaneously and be adopted:

On page 16, line 19, after "application;" strike "or"

On page 16, line 21, after "disabled" insert "; or

(d) If the average state unemployment rate is eight percent or more, as determined by the employment security department. The time limit shall be extended for any six-month period preceded by a fifty-two week moving average unemployment rate of eight percent or more, provided the recipient performs community service during the six months"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Pelz on page 16, lines 19 and 21, to Third Substitute Senate Bill No. 6062.

The motion by Senator Pelz carried and the amendments were adopted.

## MOTION

Senator Thibaudeau moved that the following amendment by Senators Thibaudeau and Kohl be adopted:

On page 16, line 34, after "(6)" insert "The department shall provide child care assistance to public assistance recipients requesting such assistance, to enable them to participate in employment, or in approved welfare-to-work employment and training programs.

(7) The department shall provide transitional child care subsidies for a period of twelve months following the last month of grant assistance, for persons who leave public assistance due to earnings or receipt of child support, and, within available funds, upon request of the recipient, an additional twelve-month period.

(8) The department shall provide, upon request of a low-income worker, and within available funds, employment child care subsidies for low-income workers who do not receive public assistance payments.

(9)"

Renumber remaining subsections consecutively.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Thibaudeau and Kohl on page 16, line 34, to Third Substitute Senate Bill No. 6062.

The motion by Senator Thibaudeau carried and the amendment was adopted on a rising vote.

#### MOTION

Senator Pelz moved that the following amendment be adopted:

On page 17, line 4, after "(7)" insert "Regardless of any federal action that may deny medical benefits to children and families on aid to families with dependent children, medical assistance benefits provided to public assistance recipients under this title, and transitional medical benefits provided under this section shall be provided to those who qualify for grant assistance or transitional benefits.

(8)"

Renumber the remaining subsection consecutively.

#### POINT OF INQUIRY

Senator Anderson: "Senator Pelz, I was just trying to link this into the bill that we are discussing. What is the fiscal note on this particular provision?"

Senator Pelz: "Well, that is fairly perspective. Currently, this is covered by the federal medicaid arrangement. What this is saying is that if Medicaid is block granted, if it is the state's discretion on the block grant and there is no string on the block grant in regards to whether AFDC families would be covered by Medicaid, then hypothetically this would have a fiscal implication in the future and I couldn't tell you what it is. I guess it is the difference between covering families and not covering them. We could save all that money that we currently spend on providing health care to families on AFDC. That is the amount of money we could save, so I guess that is the fiscal note, Senator Anderson."

Senator Anderson: "Senator Pelz, let me ask it in a different way. How much money does the state currently receive for medical assistance for AFDC recipients?"

Senator Pelz: "I don't know; somewhere around a lot."

Further debate ensued.

#### MOTION

At 11:40 a.m., on motion of Senator Loveland, the Senate was declared to be at ease.

The Senate was called to order at 11:59 a.m. by President Pritchard.

There being no objection, the Senate resumed consideration of Third Substitute Senate Bill No. 6062 and the pending amendment by Senator Pelz on page 17, line 4, under consideration before the Senate went at ease.

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

Further debate ensued.

#### POINT OF INQUIRY

Senator Sutherland: "Senator Pelz, as I try to understand this, the amendment, as I understand it, would say that once the state of Washington determines who may receive welfare benefits in this state under a federal block grant program, that concurrent with that decision those persons would also receive health care in the state of Washington?"

Senator Pelz: "The people who are eligible for AFDC would receive health care and my understanding is that if welfare were block granted to the state, the state would have to define eligibility for AFDC at a later date."

Senator Sutherland: "So, the question in part--help me with this--the question in part is, we either make the determination now that people receiving welfare benefits will also receive health care benefits or we wait and make that decision down the road sometime?"

Senator Pelz: "We could make that decision now or we could make that decision later."

Senator Sutherland: "Okay, thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Pelz on page 17, line 4, to Third Substitute Senate Bill No. 6062.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Pelz on page 17, line 4, to Third Substitute Senate Bill No. 6062 and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau and Wojahn - 24.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Haugen, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25.

#### MOTIONS

On motion of Senator Quigley, the following amendment was adopted:

On page 17, after line 9, insert the following:

**"NEW SECTION. Sec. 402.** The time limits on public assistance in section 401 of this act and the general requirements to participate in job search and training in section 201 of this act do not apply in situations where there is no parent residing in the child's home and the child is residing with a relative of specified degree."

Senator Hochstatter moved that the following amendment be adopted:

On page 17, after line 9, insert the following:

**"NEW SECTION. Sec. 402.** A new section is added to chapter 74.12 RCW to read as follows:

The monthly benefit payment paid to a recipient shall not be increased as a result of the recipient's becoming the biological parent of any additional child or children born more than three hundred days after the day on which the recipient first applied for assistance under this chapter. Recipients receiving assistance under this chapter on the effective date of this section shall, for purposes of this section, be considered to have first applied for assistance on the effective date of this section."

Debate ensued.

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

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Hochstatter on page 17, after line 9, to Third Substitute Senate Bill No. 6062.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Hochstatter on page 17, after line 9, to Third Substitute Senate Bill No. 6062 and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Wood and Zarelli - 23.

Voting nay: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, Winsley and Wojahn - 26.

#### MOTION

Senator Wood moved that the following amendment be adopted:

On page 17, after line 9, insert the following:

**"NEW SECTION. Sec. 402.** A new section is added to chapter 74.12 RCW to read as follows:

(1) Under the authority to establish ratable reductions and grant maximums pursuant to RCW 74.04.770, the department shall, by rule, increase the current ratable reduction for all recipients of aid to families with dependent children. The ratable reduction shall result in a nine percent reduction in the monthly payment standards under the aid to families with dependent children program. The increased ratable reduction shall be in addition to any ratable reduction caused by annual adjustments to consolidated standards of need.

(2) All funds generated by the increased ratable reduction shall be used by the department to provide recipients of aid to families with dependent children with work and training-related services and child care services required under this chapter and chapter 74.25 RCW."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Wood on page 17, after line 9, to Third Substitute Senate Bill No. 6062.

The motion by Senator Wood failed and the amendment was not adopted.

#### MOTION

Senator Quigley moved that the following amendments be considered simultaneously and be adopted:

On page 17, line 21, after "arrear." insert "In addition, the legislature finds that disputes over child visitation comprises an often-cited reason why child support is unpaid. It is the intent of the legislature to include custodial parents who deny visitation as persons subject to license suspension."

On page 18, line 23, after "industry." insert the following:

"(e) "Noncomplying custodial parent" means a parent who has custody of the children in a family where the court has ordered visitation rights for the noncustodial parent, and the custodial parent has not complied with the visitation order."

On page 18, line 23, after "industry." insert the following:

"(e) "Noncompliance with a visitation order" means the documented failure of a custodial parent to follow the terms of a court-ordered visitation plan."

On page 18, line 24, after "(2)" insert "Upon notice and motion, a noncustodial parent who has a court-ordered child visitation plan may seek judicial suspension of the driver's business, occupational, or professional licenses cited in sections 510 through 538 of this act, where the licensee is a noncomplying custodial parent.

(3)"

On page 18, at the beginning of line 33, strike "(3)" and insert "(4)"

On page 20, at the beginning of line 16, strike "(4)" and insert "(5)"

On page 20, line 17, after "subsection" strike "(2)" and insert "(3)"

On page 20, at the beginning of line 27, strike "(5)" and insert "(6)"

On page 20, at the beginning of line 31, strike "(6)" and insert "(7)"

On page 21, at the beginning of line 5, strike "(7)" and insert "(8)"

On page 21, at the beginning of line 11, strike "(8)" and insert "(9)"

On page 21, line 16, after "subsection" strike "(2)" and insert "(3)"

On page 21, at the beginning of line 30, strike "(9)" and insert "(10)"

On page 21, line 31, after "subsection" strike "(8)" and insert "(9)"

On page 21, at the beginning of line 36, strike "(10)" and insert "(11)"

On page 21, line 37, after "subsection" strike "(2)" and insert "(3)"

On page 22, at the beginning of line 3, strike "(11)" and insert "(12)"

On page 22, at the beginning of line 5, strike "(12)" and insert "(13)"

On page 22, at the beginning of line 21, strike "(13)" and insert "(14)"

On page 22, line 25, after "subsection" strike "(10)" and insert "(11)"

Debate ensued.

#### POINT OF INQUIRY

Senator Wojahn: "Senator Hargrove, how does a person get their license back? There are no standards in this bill; there are no standards in the amendment. How do they get the license back if they have to go into court?"

Senator Hargrove: "It would be up to the court to decide the circumstances by which it would be taken away and whether visitation was complied with in the future and they would get their driver's license back. So, it would be up to the judge that supervises the case."

Senator Wojahn: "So, it could go on forever if the custodial parent doesn't have the money to go back into court, because it is expensive to go back into court and if she is not getting child support, she can't go back into court. She has no money. How is she going to get the suspension lifted?"

Senator Hargrove: "I think the same circumstance exists for people that pay child support. We have the same court barriers there and I would assume that they could even Pro Se--all these latin terms confuse me--they could represent their own case and if clearly visitation had been given, the driver's license would be returned. That's the best I know."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Quigley on page 17, line 21; page 18, lines 23 (2), 24, and 33; page 20, lines 16, 17, 27 and 31; page 21, lines 5, 11, 16, 30, 31, 36 and 37; and page 22, lines 3, 5, 21 and 25; to Third Substitute Senate Bill No. 6062.

The motion by Senator Quigley carried and the amendments were adopted.

#### MOTION

Senator Schow moved that the following amendment by Senators Schow, Swecker and Zarelli be adopted:

On page 17, beginning on line 12, strike all of sections 501 through 540 on page 45, and insert the following:

"**Sec. 501.** RCW 7.21.030 and 1989 c 373 s 3 are each amended to read as follows:

(1) The court may initiate a proceeding to impose a remedial sanction on its own motion or on the motion of a person aggrieved by a contempt of court in the proceeding to which the contempt is related. Except as provided in RCW 7.21.050, the court, after notice and hearing, may impose a remedial sanction authorized by this chapter.

(2) If the court finds that the person has failed or refused to perform an act that is yet within the person's power to perform, the court may find the person in contempt of court and impose one or more of the following remedial sanctions:

(a) Imprisonment if the contempt of court is of a type defined in RCW 7.21.010(1) (b) through (d). The imprisonment may extend only so long as it serves a coercive purpose.

(b) A forfeiture not to exceed two thousand dollars for each day the contempt of court continues.

(c) An order designed to ensure compliance with a prior order of the court.

(d) Any other remedial sanction other than the sanctions specified in (a) through (c) of this subsection if the court expressly finds that those sanctions would be ineffectual to terminate a continuing contempt of court.

(e) An order suspending a driver's license for willful noncompliance with a child support order.

(3) The court may, in addition to the remedial sanctions set forth in subsection (2) of this section, order a person found in contempt of court to pay a party for any losses suffered by the party as a result of the contempt and any costs incurred in connection with the contempt proceeding, including reasonable attorney's fees."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Schow, Swecker and Zarelli on page 17, beginning on line 12, to Third Substitute Senate Bill No. 6062.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Schow, Swecker and Zarelli on page 17, beginning on line 12, to Third Substitute Senate Bill No. 6062 and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McDonald, Morton, Moyer, Newhouse, Oke, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West and Zarelli - 21.

Voting nay: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, McCaslin, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, Winsley, Wojahn and Wood - 28.

#### MOTION

Senator Deccio moved that the following amendments be considered simultaneously and be adopted:

Beginning on page 23, line 24, strike all of section 504

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 46, after line 33, insert the following:

"**Sec. 543.** RCW 26.16.205 and 1990 1st ex.s. c 2 s 13 are each amended to read as follows:

The expenses of the family and the education of the children, including stepchildren and any child of whom their minor child is a biological parent, are chargeable upon the property of both husband and wife, or either of them, and they may be sued jointly or separately. When a petition for dissolution of marriage or a petition for legal separation is filed, the court may, upon motion of the stepparent, terminate the obligation to support the stepchildren or children of the stepchildren. The obligation to support stepchildren and children of stepchildren shall cease upon the entry of a decree of dissolution, decree of legal separation, or death. The obligation of a husband and wife to support a

child of their minor child terminates when their minor child reaches eighteen years of age, however, a stepparent's support obligation may be terminated earlier as provided for in this section.

**Sec. 544.** RCW 74.20A.020 and 1990 1st ex.s. c 2 s 15 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter and chapter 74.20 RCW shall have the following meanings:

- (1) "Department" means the state department of social and health services.
- (2) "Secretary" means the secretary of the department of social and health services, his designee or authorized representative.
- (3) "Dependent child" means any person:

- (a) Under the age of eighteen who is not self-supporting, married, or a member of the armed forces of the United States; or
- (b) Over the age of eighteen for whom a court order for support exists.

(4) "Support obligation" means the obligation to provide for the necessary care, support, and maintenance, including medical expenses, of a dependent child or other person as required by statutes and the common law of this or another state.

(5) "Child support order" means a superior court order or an administrative order.

(6) "Superior court order" means any judgment, decree, or order of the superior court of the state of Washington, or a court of comparable jurisdiction of another state, establishing the existence of a support obligation and ordering payment of a set or determinable amount of support moneys to satisfy the support obligation. For purposes of RCW 74.20A.055, orders for support which were entered under the uniform reciprocal enforcement of support act by a state where the responsible parent no longer resides shall not preclude the department from establishing an amount to be paid as current and future support.

~~((6))~~ (7) "Administrative order" means any determination, finding, decree, or order for support pursuant to RCW 74.20A.055, or by an agency of another state pursuant to a substantially similar administrative process, establishing the existence of a support obligation and ordering the payment of a set or determinable amount of support moneys to satisfy the support obligation.

~~((7))~~ (8) "Responsible parent" means a natural parent, adoptive parent, or stepparent of a dependent child or a person who has signed an affidavit acknowledging paternity which has been filed with the state office of vital statistics and includes the parent of an unmarried minor with a child.

~~((8))~~ (9) "Stepparent" means the present spouse of the person who is either the mother, father, or adoptive parent of a dependent child, and such status shall exist until terminated as provided for in RCW 26.16.205.

~~((9))~~ (10) "Support moneys" means any moneys or in-kind providings paid to satisfy a support obligation whether denominated as child support, spouse support, alimony, maintenance, or any other such moneys intended to satisfy an obligation for support of any person or satisfaction in whole or in part of arrears or delinquency on such an obligation.

~~((10))~~ (11) "Support debt" means any delinquent amount of support moneys which is due, owing, and unpaid under a superior court order or an administrative order, a debt for the payment of expenses for the reasonable or necessary care, support, and maintenance, including medical expenses, of a dependent child or other person for whom a support obligation is owed; or a debt under RCW 74.20A.100 or 74.20A.270. Support debt also includes any accrued interest, fees, or penalties charged on a support debt, and attorneys fees and other costs of litigation awarded in an action to establish and enforce a support obligation or debt.

~~((11))~~ (12) "State" means any state or political subdivision, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

NEW SECTION. **Sec. 545.** A new section is added to chapter 74.12 RCW to read as follows:

The parents of an unmarried minor who has a child are responsible for the support of the minor and child. The unmarried minor and the minor's child shall be considered to be part of the household of the minor's parents or parent for purposes of determining eligibility for aid to families with dependent children; and as such, the income and resources of the entire household are considered to be available to support the unmarried minor and his or her child.

**Sec. 546.** RCW 13.34.160 and 1993 c 358 s 2 are each amended to read as follows:

(1) In an action brought under this chapter, the court may inquire into the ability of the parent or parents of the child to pay child support and may enter an order of child support as set forth in chapter 26.19 RCW. The court may enforce the same by execution, or in any way in which a court of equity may enforce its decrees. All child support orders entered pursuant to this chapter shall be in compliance with the provisions of RCW 26.23.050.

(2) For purposes of this section, if a dependent child's parent is an unmarried minor, then the parent or parents of the minor shall also be deemed a parent or parents of the dependent child. However, liability for child support under this subsection only exists if the parent or parents of the unmarried minor parent are provided the opportunity for a hearing on their ability to provide support. Any child support order requiring such a parent or parents to provide support for the minor parent's child may be effective only until the minor parent reaches eighteen years of age.

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Deccio on page 23, line 24 and page 46, after line 33, to Third Substitute Senate Bill No. 6062.

The motion by Senator Deccio carried and the amendments were adopted.

#### MOTION

Senator Cantu moved that the following amendments by Senators Cantu and Wood be considered simultaneously and be adopted:

On page 47, line 5, after "as" strike "an AFDC-related group home or"

On page 47, beginning on line 16, after "day-care" strike "or an AFDC-related group home"

On page 47, line 18, after "the" strike "AFDC-related group home or"

On page 47, line 23, after "provider" strike "or AFDC-related group home"

On page 47, at the beginning of line 27, strike "an AFDC-related group home or"

On page 47, beginning on line 32, after "provider"" strike all material through "limited." on line 33 and insert "is as defined in RCW 74.15.020."

On page 48, line 3, after "facility" strike "or as an AFDC-related group home"

On page 48, line 14, after "day-care" strike "or an AFDC-related group home"

On page 48, at the beginning of line 21, strike "AFDC-related group home or"

On page 48, line 26, after "home" strike "or AFDC-related group home"

On page 48, beginning on line 30, after "provider"" strike all material through "each" on line 31 and insert "is"

Beginning on page 48, line 32, strike all of sections 545, 546, and 547

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 53, line 36, after "home" strike "or AFDC-related group home"

On page 54, line 4, after "facility" strike ", or as an AFDC-related group home"

On page 54, beginning on line 6, after "home" strike "or an AFDC-related group home"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Cantu and Wood on page 47, lines 5, 16, 18, 23, 27 and 32; page 48, lines 3, 14, 21, 26, 30 and 32; page 53, line 36; and page 54, lines 4 and 6; to Third Substitute Senate Bill No. 6062.

The motion by Senator Cantu carried and the amendments were adopted.

#### MOTION

Senator Moyer moved that the following amendment by Senators Moyer and McDonald be adopted:

On page 55, after line 10, insert the following:

"NEW SECTION. Sec. 701. A new section is added to chapter 74.13 RCW to read as follows:

(1) The department shall operate an employment child care program for low-income working parents who are not receiving aid to families with dependent children.

(2) Families with gross income at or below thirty-eight percent of state median income adjusted for family size are eligible for employment child care subsidies with a minimum copayment. Families with gross income above thirty-eight percent and at or below fifty-two percent of the state median income adjusted for family size are eligible for an employment child care subsidy with a calculated copayment.

(3) The department shall provide a priority for recent recipients of aid to families with dependent children who are within twelve weeks of losing their transitional child care benefits.

(4) The department shall provide employment child care subsidies for families meeting eligibility standards under this section, within funds appropriated by the legislature for this purpose."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Moyer and McDonald on page 55, after line 10, to Third Substitute Senate Bill No. 6062.

The motion by Senator Moyer carried and the amendment was adopted.

#### MOTION

Senator Hochstatter moved that the following amendment be adopted:

On page 55, after line 10, insert the following:

"**Sec. 701.** RCW 74.08.025 and 1981 1st ex.s. c 6 s 9 are each amended to read as follows:

Public assistance (~~shall~~) may be awarded to any applicant:

- (1) Who is in need and otherwise meets the eligibility requirements of department assistance programs; and
- (2) Who has not made a voluntary assignment of property or cash for the purpose of qualifying for an assistance grant; and
- (3) Who is not an inmate of a public institution except as a patient in a medical institution or except as an inmate in a public institution who could qualify for federal aid assistance: PROVIDED, That the assistance paid by the department to recipients in nursing homes, or receiving nursing home care, may cover the cost of clothing and incidentals and general maintenance exclusive of medical care and health services. The department may pay a grant to cover the cost of clothing and personal incidentals in public or private medical institutions and institutions for tuberculosis. The department shall allow recipients in nursing homes to retain, in addition to the grant to cover the cost of clothing and incidentals, wages received for work as a part of a training or rehabilitative program designed to prepare the recipient for less restrictive placement to the extent permitted under Title XIX of the federal social security act.

**Sec. 702.** RCW 74.08.340 and 1959 c 26 s 74.08.340 are each amended to read as follows:

All assistance granted under this title shall be deemed to be granted and to be held subject to the provisions of any amending or repealing act that may hereafter be enacted, and no recipient shall have any claim for compensation, or otherwise, by reason of his assistance being affected in any way by such amending or repealing act. There is no entitlement to public assistance. Public assistance shall be considered solely as a charitable gesture or gift on the part of the state, which at any time may be discontinued."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Hochstatter on page 55, after line 10, to Third Substitute Senate Bill No. 6062.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Hochstatter on page 55, after line 10, to Third Substitute Senate Bill No. 6062 and the amendment was adopted by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Haugen, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25.

Voting nay: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau and Wojahn - 24.

#### MOTION

Senator Hochstatter moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** It is the intent of the legislature to establish as a state goal the delivery of transitional public assistance. The goal should commit the state to supporting eligible families seeking state financial assistance in times of financial need on a temporary time-limited basis. Furthermore, the state should help eligible families solve their problems through relationships rather than through increased use of taxpayers money.

In addition, it is the intent of this act to encourage the development of positive relationships among people on public assistance, to stabilize family life, improve the health and well-being of women, men, and children, and increase the likelihood of marriage.

It is the intent of the state of Washington to provide temporary transition public assistance to families with children who are experiencing financial hardship. This financial aid is time-limited and intended to provide financial support while a family finds stable work. The legislature finds that a time limitation on public assistance coupled with an immediate but gradual reduction in grant amounts is more beneficial to establishing self-sufficiency than are other public assistance programs.

Single parents raising children are more likely to be living in poverty than two-parent families. Common sense tells us that when single women and children live communally with other women their ability to reduce their dependency on public assistance and improve the health and safety of their children is increased. Requiring recipients to live with other recipients of the same gender on public assistance will reduce the state's expenditures for child care by enabling them to share child care responsibilities and to share living expenses. Single parents raising children alone on public assistance is expensive and difficult. Child care costs are high and parents are isolated from the support of other adults. In hard financial times common sense tells us that people make sacrifices for their children and the state has a responsibility to establish a system of transitional services that places the greatest responsibility for self-sufficiency on the parents of children in need.

To further this goal, when an individual seeks temporary financial aid from the state it is in the individual's best interest and the best interest of the individual's children to make choices regarding their living situation. The state must provide the opportunity for parents to

make the best use of the taxpayers' money that is provided to them by the working citizens of this state. Furthermore, it is in the best interest of children living on public assistance to be cared for by people who are selected by their parents.

A family that shares living expenses such as rent, heating, electricity, phone, and water will have greater discretion in the use of its combined benefits, yielding more money for other needs of children. In addition, it is more economical to live as a group than to live as an individual, which is known to all married couples. Therefore, as a requirement to receive a larger financial grant from the state, a recipient must make a choice to either live communally with other recipients of the same gender in housing of his or her choice or to receive a reduced financial grant.

It is the intent of the legislature that the aid to families with dependent children program encourage marriage. The legislature finds that ninety-five and two-tenths of one percent of Washington parents expressed the belief that divorce is harmful to children.

**NEW SECTION. Sec. 2.** A family or assistance unit is not eligible to participate in the shared housing arrangement provided for in section 3 of this act if the recipient is a minor. When a recipient who is a minor reaches the age of eighteen, the recipient must comply with section 4 of this act.

**NEW SECTION. Sec. 3.** A recipient under eighteen years of age, unmarried, and either pregnant or having a dependent child or children in the recipient's care is eligible for a grant equal to fifty percent of the payment standard based on family size.

**NEW SECTION. Sec. 4. SHARED HOUSING ARRANGEMENT.** (1) A family or assistance unit is not eligible for a full welfare grant in any month if for that month the family or assistance unit cannot prove to the department that it is complying with the shared housing arrangement requirements under this section.

(2) Within the first ninety days after eligibility is determined, an unmarried recipient of aid to families with dependent children must show proof as determined by department rule that he or she is living with another public assistance recipient of the same gender. If the recipient proves that he or she is participating in the shared housing arrangement the recipient is eligible for the full public assistance grant for up to an additional six months. Each quarter thereafter, the financial grant for the assistance unit shall be reduced by twenty-five percent until a total of twenty-seven months has passed, at which time the recipient is no longer eligible for public assistance for two hundred thirteen months. This reduction may be replaced with income earned in gainful employment. Recipients may retain seventy-five cents of every dollar they earn while working in gainful employment while receiving reduced public assistance under this chapter up to the latest officially published federal poverty level for a family of identical size.

(3) The department shall provide individuals choosing to participate in the shared housing arrangement with a preprinted post card on which to list their name, address, phone number, and ages of children of the recipient. The department shall also provide a one-sheet public information guide as a public service to help recipients in interviewing other recipients for a shared housing arrangement. The public information guide shall provide questions that will help recipients in developing successful, long-term, mutually beneficial relationships in a shared housing arrangement, but shall not place the state in the position of any responsibility for approving or disapproving any shared housing arrangement relationship.

(4) If after ninety days a recipient has not declared that he or she wishes to participate in a shared housing arrangement, the recipient is eligible for fifty percent of the financial benefits for which he or she is eligible beginning on the following month and for up to an additional twelve months of eligibility, at which point his or her grant shall be reduced each quarter by twenty-five percent for the remaining twelve months of eligibility, at which time the recipient is ineligible for public assistance for two hundred thirteen months. This reduction may be replaced with income earned in gainful employment. Recipients may retain seventy-five cents of every dollar they earn while working in gainful employment while receiving reduced public assistance under this chapter up to the latest officially published federal poverty level for a family of identical size. In any month that the recipient can show proof that he or she is living in an approved shared living arrangement, the recipient is eligible for the full grant that he or she will receive on the first day of the following month.

(5) If a recipient moves out of a shared housing arrangement and makes the remaining members of the shared housing arrangement ineligible for the full grant, the remaining recipient has sixty days to locate another recipient of the same gender to create a shared housing arrangement to continue in order to participate in the benefits of the shared housing arrangement.

(6) Unless the context clearly requires otherwise, as used in sections 2 through 9 of this act, "shared housing arrangement" means the living situation where an eligible unmarried recipient, as part of the requirements of eligibility for aid to families with dependent children grants, lives with other recipients of public assistance of the same gender in order to receive a full public assistance grant.

**NEW SECTION. Sec. 5. ADDITIONAL ELIGIBILITY REQUIREMENTS--SHARED HOUSING ARRANGEMENT--PARTIAL GRANT.** (1) Proof that a recipient of public assistance under chapter 74.08 RCW is living in a shared housing arrangement with another recipient of public assistance eligible to receive assistance under chapter 74.08 RCW may be established as provided by the rules of the department.

(2) A recipient who willfully makes a false statement as to his or her living situation is guilty of an unlawful practice under RCW 74.08.331.

**NEW SECTION. Sec. 6. DURATION OF ELIGIBILITY.** Recipients of public assistance are eligible for a total of twenty-seven months of public assistance in a lifetime, except that an individual may receive an additional twenty-seven months of public assistance after

two hundred forty months have elapsed from the first day of the initial period of eligibility. The additional twenty-seven months public assistance benefit authorized in this section is subject to the identical grant reductions and shared housing requirements in section 4 of this act.

**NEW SECTION. Sec. 7. RESUMPTION OF ELIGIBILITY.** If a public assistance recipient terminates eligibility for public assistance for any reason other than welfare fraud before the recipient's twenty-seven months are completed, the recipient may reapply and if found eligible may receive a financial grant for an amount equal to the amount of the grant received in the last month in which the recipient was previously eligible, subject to statutory reductions until a total of twenty-seven monthly payments have been received.

If the recipient has received a lump sum payment under section 8 of this act, four months shall be added to the actual number of months the recipient has received public assistance, and this number shall be used in determining eligibility under this section for a financial grant from the transitional public assistance program.

**NEW SECTION. Sec. 8. EFFECT OF MARRIAGE.** If a recipient of public assistance marries, ends eligibility for public assistance, and lives with and remains married to his or her spouse as a legally married couple for twelve months, the recipient shall receive a lump sum check at that time from the state for the sum of the monthly financial benefits for the subsequent four months he or she would have received immediately following the marriage had he or she remained on public assistance.

If the recipient receives a lump sum payment under this section, four months shall be added to determine the number of months for which the recipient received public assistance, as provided in section 7 of this act.

**NEW SECTION. Sec. 9. NONCITIZENS.** (1) It is the intent of the legislature that new immigrants to Washington state provide for themselves and their families. It is the intent of the legislature to limit access to certain public assistance benefits by noncitizens.

(2) Noncitizens are not eligible for financial grants; medical assistance; food stamps; or nutrition services including school lunches, breakfasts, child care nutrition programs, and women, infant, and children's nutrition programs.

**Sec. 10.** RCW 74.12.340 and 1973 1st ex.s. c 154 s 111 are each amended to read as follows:

The department (~~is authorized to promulgate~~) may adopt rules (~~and regulations~~) governing the provision of day care as a part of child welfare services when the secretary determines that a need exists for such day care and that it is in the best interests of the child, the parents, or the custodial parent and in determining the need for such day care priority shall be given to geographical areas having the greatest need for such care and to members of low income groups in the population: **PROVIDED**, That where the family is financially able to pay part or all of the costs of such care, fees shall be imposed and paid according to the financial ability of the family. Recipients participating in a shared housing arrangement under section 5 of this act are not eligible for state or federally funded child care.

**Sec. 11.** RCW 74.15.020 and 1995 c 311 s 18 and 1995 c 302 s 3 are each reenacted and amended to read as follows:

For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

- (1) "Department" means the state department of social and health services;
- (2) "Secretary" means the secretary of social and health services;
- (3) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:
  - (a) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;
  - (b) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;
  - (c) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;
  - (d) "Child day-care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours;
  - (e) "Family day-care provider" means a child day-care provider who regularly provides child day care for not more than twelve children in the provider's home in the family living quarters;
  - (f) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;
  - (g) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036.
- (4) "Agency" shall not include the following:
  - (a) Persons related to the child, expectant mother, or person with developmental disabilities in the following ways:
    - (i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

- (ii) Stepfather, stepmother, stepbrother, and stepsister;
- (iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;
- (iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (4)(a), even after the marriage is terminated; or
- (v) "Extended family members," as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);
- (b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;
- (c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where: (i) The person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care; or (ii) the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;
- (d) Parents on a mutually cooperative basis exchange care of one another's children;
- (e) Parents who are recipients of public assistance living in a shared living arrangement under section 4 of this act who care for each others' children;
- (f) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;
- ~~((f))~~ (g) Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;
- ~~((g))~~ (h) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;
- ~~((h))~~ (i) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;
- ~~((i))~~ (j) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;
- ~~((j))~~ (k) Licensed physicians or lawyers;
- ~~((k))~~ (l) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;
- ~~((l))~~ (m) Facilities approved and certified under chapter 71A.22 RCW;
- ~~((m))~~ (n) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;
- ~~((n))~~ (o) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;
- ~~((o))~~ (p) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;
- ~~((p))~~ (q) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.
- (5) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.
- (6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

NEW SECTION. Sec. 12. RCW 74.12.420 and 1994 c 299 s 9 are each repealed.

NEW SECTION. Sec. 13. Captions used in sections 4 through 9 of this act do not constitute any part of the law.

NEW SECTION. Sec. 14. Sections 2 through 9 of this act are each added to chapter 74.12 RCW."

#### POINT OF INQUIRY

Senator Quigley: "Senator Hochstatter, do I have this right that this strikes the entire welfare reform proposal currently before the Senate--and replaces it?"

Senator Hochstatter: "Senator Quigley, I would hope so."

Senator Quigley: "Okay. Does it require work or is it silent on the subject?"

Senator Hochstatter: "I don't want to require work for anybody. I think that your tummy will do that, as yours and mine is probably doing right now. It says, 'No, you just move together, you just move together, but know this, there is a ramp on the benefits,' so

this will end. So, if you can live that way without requiring work, go for it. I am just saying that the rest of us have to work and knowing that the benefits will end, just like unemployment insurance, they will have to take that incentive."

Senator Quigley: "I see, and how does it treat teens?"

Senator Hochstatter: "Pardon me?"

Senator Quigley: "How does it treat teens?"

Senator Hochstatter: "Teens, there is no grant for under eighteen. You can get the half of grant--you can get the half grant--but you cannot enter into the shared living arrangement. You get half of your grant, you stay with your family, where you have been in the past and you get half the grant for the child."

Senator Quigley: "Does it have any mandates to provide child care or health care?"

Senator Hochstatter: "No, the idea here is--and child care is always a stumbling block--isn't it? What are you going to do with the baby, as though it was your and my baby? This says, 'Hey, the two parents or the two people that have moved together will take care of one and another's kids.'"

Senator Quigley: "And if one of those parents abuses the other parent's child, the state assumes that responsibility, having forced them to move in together?"

Senator Hochstatter: "Senator Quigley, there are all kinds of abuses and this is not world peace. This is saying, 'Here is the opportunity to do something, you pick--you pick--the person that you are going to move in with, but there are no guarantees.'"

Senator Quigley: "Is there a fiscal note on this bill?"

Senator Hochstatter: "No fiscal note."

Senator Quigley: "Hearings? Were there hearings on this bill?"

Senator Hochstatter: "No, this is an amendment hearing."

Senator Quigley: "Is there any other state in the union that has adopted a bill like this, as their welfare reform proposal?"

Senator Hochstatter: "Senator Quigley, I rose saying this is something revolutionary and as old as history. No, there hasn't been."

Senator Quigley: "Okay, thank you very much, Senator."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hochstatter to Third Substitute Senate Bill No. 6062.

The motion by Senator Hochstatter failed and the amendment was not adopted.

#### MOTION

On motion of Senator Quigley, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "74.25.020," strike "74.20A.020,"

On page 1, line 4 of the title, after "43.70.115," insert "26.16.205, 74.20A.020, 13.34.160,"

On page 1, beginning on line 4 of the title, after "43.70.115," strike all material through "74.15.020" on line 5 and insert "and 36.70A.450"

On page 1, line 5 of the title, after "35.63.185," strike all material through "35A.63.215" and insert "35A.63.215, 74.08.025, and 74.08.340"

On page 2, line 2 of the title, after "44.28 RCW;" insert "adding a new section to chapter 74.13 RCW;"

#### MOTION

Senator Quigley moved that the rules be suspended and Engrossed Third Substitute Senate Bill No. 6062 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

Senator Sellar requested time for a caucus.

#### MOTION

At 1:31 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 1:47 p.m. by President Pritchard.

There being no objection, the Senate resumed consideration of Engrossed Third Substitute Senate Bill No. 6062 and the pending motion by Senator Quigley to suspend the rules and advance the bill to third reading and final passage.

The President declared the question before the Senate to be the motion by Senator Quigley to suspend the rules and advance Engrossed Third Substitute Senate Bill No. 6062 to third reading and final passage.

The motion by Senator Quigley carried and Engrossed Third Substitute Senate Bill No. 6062 was advanced to third reading and final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Third Substitute Senate Bill No. 6062.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Third Substitute Senate Bill No. 6062 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, Moyer, Owen, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, Winsley and Wojahn - 28.

Voting nay: Senators Anderson, A., Cantu, Finkbeiner, Hale, Hochstatter, Johnson, McCaslin, McDonald, Morton, Newhouse, Oke, Pelz, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Wood and Zarelli - 21.

ENGROSSED THIRD SUBSTITUTE SENATE BILL NO. 6062, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 1:58 p.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Tuesday, January 23, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTEENTH DAY, JANUARY 22, 1996

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**SIXTEENTH DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Tuesday, January 23, 1996  
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 22, 1996  
SB 5289 Prime Sponsor, Senator Bauer: Continuing the future teachers conditional scholarship program. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5289 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince, Rasmussen, Sheldon, West and Wood.

Referred to Committee on Ways and Means.

January 22, 1996  
SB 6175 Prime Sponsor, Senator Bauer: Creating the state educational trust fund. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules for second reading.

January 22, 1996  
SB 6191 Prime Sponsor, Senator Pelz: Relating to the use of credit cards in state liquor stores. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Fraser and Newhouse.

Referred to Committee on Ways and Means.

January 22, 1996  
SB 6192 Prime Sponsor, Senator Snyder: Providing funding for department of community, trade, and economic development department duties as a member of the agency rural community assistance task force. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 6192 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser and Newhouse.

Referred to Committee on Ways and Means.

January 22, 1996  
SB 6206 Prime Sponsor, Senator Haugen: Regulating cosmetology, barbering, esthetics, and manicuring. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser and Newhouse.

Referred to Committee on Ways and Means.

SB 6216 Prime Sponsor, Senator McAuliffe: Changing state board of education staff provisions. Reported by Committee on Education January 19, 1996

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Goings, Vice Chair; Finkbeiner, Hochstatter, Johnson, Pelz and Rasmussen.

Passed to Committee on Rules for second reading.

SB 6286 Prime Sponsor, Senator Pelz: Conferring possessory and lien rights to entities that used dies, molds, forms, and patterns unclaimed. Reported by Committee on Labor, Commerce and Trade January 22, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser and Newhouse.

Passed to Committee on Rules for second reading.

SB 6289 Prime Sponsor, Senator Prentice: Regulating fraternal benefit societies. Reported by Committee on Financial Institutions and Housing January 19, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Hale, Roach and Sutherland.

Passed to Committee on Rules for second reading.

SB 6293 Prime Sponsor, Senator Prentice: Filing documents with the insurance commissioner. Reported by Committee on Financial Institutions and Housing January 19, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6293 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach and Sutherland.

Passed to Committee on Rules for second reading.

SB 6303 Prime Sponsor, Senator Bauer: Changing tuition for full-time nonresident undergraduate students at the University of Washington and Washington State University. Reported by Committee on Higher Education January 22, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6303 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Rasmussen, Sheldon and Wood.

Referred to Committee on Ways and Means.

SB 6325 Prime Sponsor, Senator Fairley: Funding construction of a Shoreline regional economic development center. Reported by Committee on Labor, Commerce and Trade January 22, 1996

MAJORITY Recommendation: Do pass and the bill be referred to Committee on Ways and Means. Signed by Senators Pelz, Chair; Deccio, Franklin, Fraser and Newhouse.

Referred to Committee on Ways and Means.

SB 6338 Prime Sponsor, Senator Goings: Amending the duty of the state board of education to approve private schools to include kindergarten. Reported by Committee on Education January 19, 1996

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Goings, Vice Chair; Finkbeiner, Hochstatter, Johnson, Pelz and Rasmussen.

Passed to Committee on Rules for second reading.

SB 6414 Prime Sponsor, Senator Pelz: Providing for federal income tax withholding from unemployment compensation benefits. Reported by Committee on Labor, Commerce and Trade January 22, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser and Newhouse.

Passed to Committee on Rules for second reading.

January 22, 1996

SB 6423 Prime Sponsor, Senator Sutherland: Creating the Washington electronic authentication act. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: Do pass as amended. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

January 22, 1996

SB 6571 Prime Sponsor, Senator Pelz: Funding public facilities. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Deccio, Franklin, Fraser and Newhouse.

Referred to Committee on Ways and Means.

January 22, 1996

SCR 8427 Prime Sponsor, Senator Pelz: Creating a Joint Task Force on Vocational Rehabilitation and Training. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser and Newhouse.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE HOUSE

January 19, 1996

MR. PRESIDENT:

The House has passed:  
SECOND SUBSTITUTE HOUSE BILL NO. 1097,  
SECOND SUBSTITUTE HOUSE BILL NO. 1182,  
SECOND SUBSTITUTE HOUSE BILL NO. 1229,  
SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1330,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1733,  
SECOND ENGROSSED HOUSE BILL NO. 1835,  
SUBSTITUTE HOUSE BILL NO. 1905,  
SUBSTITUTE HOUSE BILL NO. 1911,  
SUBSTITUTE HOUSE BILL NO. 2125, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 6657 by Senators Thibaudeau, Prentice and Kohl

AN ACT Relating to the jurisdiction of the Washington human rights commission; amending RCW 49.60.010, 49.60.020, 49.60.030, 49.60.040, 49.60.130, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.222, 49.60.224, 49.60.225, and 48.30.300; reenacting and amending RCW 49.60.120 and 49.60.223; and creating a new section.

Referred to Committee on Law and Justice.

SB 6658 by Senators Thibaudeau, Pelz and Heavey

AN ACT Relating to fair competition in the motion picture industry; adding a new section to chapter 19.58 RCW; and declaring an emergency.

Referred to Committee on Labor, Commerce and Trade.

SB 6659 by Senators Schow, Morton, Owen, Oke, Heavey, Prince and Prentice

AN ACT Relating to use of high-occupancy vehicle lanes; amending RCW 46.61.165; and prescribing penalties.

Referred to Committee on Transportation.

SB 6660 by Senators McAuliffe, Pelz, Haugen, Sheldon, Winsley and Kohl

AN ACT Relating to mandatory school attendance; amending RCW 28A.225.010; creating a new section; and providing an effective date.

Referred to Committee on Education.

SB 6661 by Senators McAuliffe, Pelz, Haugen and Sheldon

AN ACT Relating to paid initiative and referendum signature gatherers; amending RCW 29.79.490; and prescribing penalties.

Referred to Committee on Government Operations.

SB 6662 by Senators Quigley and Kohl

AN ACT Relating to health insurance benefits for family planning; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health and Long-Term Care.

SB 6663 by Senators Sheldon, Winsley and Drew (by request of State Board for Community and Technical Colleges)

AN ACT Relating to investments of surplus funds by community and technical college districts and the state board for community and technical colleges; and amending RCW 43.250.010, 43.250.020, and 43.250.040.

Referred to Committee on Ways and Means.

SB 6664 by Senator Haugen

AN ACT Relating to mediation in land-use decisions; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 35.22 RCW; and adding a new section to chapter 36.32 RCW.

Referred to Committee on Government Operations.

SB 6665 by Senators Prentice, Deccio, Hale, Finkbeiner, Smith, Franklin, Schow, Heavey, McAuliffe, Snyder, Newhouse, Spanel, Hochstatter, Loveland, Roach, Owen, Sheldon, Oke, Winsley, Swecker, Strannigan, Goings, Zarelli, Morton, Prince, Cantu, Bauer, Drew, Kohl, Sutherland and Rinehart

AN ACT Relating to authorizing optometrists to use and prescribe approved drugs for diagnostic or therapeutic purposes without limitation upon the methods of delivery in the practice of optometry; and amending RCW 18.53.010, 69.41.030, and 69.50.101.

Referred to Committee on Health and Long-Term Care.

SB 6666 by Senators Winsley, Haugen, Fairley, Swecker, McDonald, Fraser, McAuliffe and Rasmussen

AN ACT Relating to nuisance aquatic weeds; creating new sections; and declaring an emergency.

Referred to Committee on Ecology and Parks.

SB 6667 by Senators Quigley, Smith and Goings

AN ACT Relating to enforcement of public disclosure laws; amending RCW 42.17.390, 42.17.400, 29.15.025, and 42.17.360; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6668 by Senators Hargrove and Oke

AN ACT Relating to lowering local property tax rates and providing a compensating tax; and adding a new section to chapter 84.52 RCW.

Referred to Committee on Government Operations.

SB 6669 by Senators Thibaudeau, Drew, Pelz, Smith and Kohl

AN ACT Relating to excessive charges for products and services because of the customer's sex; and adding a new section to chapter 49.60 RCW.

Referred to Committee on Labor, Commerce and Trade.

SB 6670 by Senators Strannigan, Rasmussen, Prince, Heavey, Schow and West

AN ACT Relating to distribution of motor vehicle excise tax revenues; amending RCW 82.44.120, 82.44.150, 82.14.200, 82.14.210, 82.14.310, and 82.14.330; reenacting and amending RCW 82.44.110, 82.44.110, 82.44.110, 82.44.110, and 82.14.320; adding a new section to chapter 70.05 RCW; adding a new chapter to Title 82 RCW; repealing RCW 82.44.155 and 82.44.160; providing effective dates; and providing expiration dates.

Referred to Committee on Ways and Means.

SB 6671 by Senators McDonald, Snyder, West, Rinehart, Loveland, Sellar, Oke and Kohl

AN ACT Relating to state revenue and caseload forecasts; amending RCW 82.33.010, 82.33.020, 82.33.030, 82.33.040, 7.68.085, 41.06.087, 41.45.020, 41.50.067, 43.88.020, 43.88.037, 43.88.120, 43.88.160, 50.38.050, 70.94.431, and 70.94.483; reenacting and amending RCW 43.88.030 and 70.94.650; adding a new section to chapter 82.33 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6672 by Senators Hargrove, Long and Oke (by request of Department of Social and Health Services and Department of Corrections)

AN ACT Relating to reports of abuse of children and adult dependent and developmentally disabled persons; amending RCW 26.44.030; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 6673 by Senators Owen and Wood

AN ACT Relating to fuel tax evasion; amending RCW 82.36.030, 82.36.045, 82.36.060, 82.36.070, 82.36.160, 82.36.390, 82.36.400, 82.38.030, 82.38.110, 82.38.120, 82.38.140, 82.38.150, 82.38.170, 82.42.020, 82.42.040, and 82.42.080; creating new sections; and prescribing penalties.

Referred to Committee on Transportation.

SB 6674 by Senators Morton, Hochstatter, Prince, Sellar and A. Anderson

AN ACT Relating to extending the dates related to safety standards for agriculture; and amending RCW 49.17.041.

Referred to Committee on Labor, Commerce and Trade.

SB 6675 by Senators Morton, Hochstatter and Sellar

AN ACT Relating to occupational safety and health; amending RCW 49.17.030; adding a new section to chapter 49.70 RCW; repealing RCW 49.70.117 and 49.70.119; and declaring an emergency.

Referred to Committee on Labor, Commerce and Trade.

SB 6676 by Senators Morton, Hochstatter, Prince, Sellar, McCaslin and A. Anderson

AN ACT Relating to citations under the Washington industrial safety and health act; and amending RCW 49.17.120.

Referred to Committee on Labor, Commerce and Trade.

SB 6677 by Senators Morton, Hochstatter, Prince and Sellar

AN ACT Relating to agriculture; and adding a new section to chapter 49.17 RCW.

Referred to Committee on Labor, Commerce and Trade.

SB 6678 by Senators Morton, Hochstatter, Prince, Sellar and A. Anderson

AN ACT Relating to seasonal employment; amending RCW 51.08.178; and creating a new section.

Referred to Committee on Labor, Commerce and Trade.

SB 6679 by Senators Morton, Hochstatter and Sellar

AN ACT Relating to civil penalties for subsequent violations of the industrial safety and health act; amending RCW 49.17.180; and adding a new section to chapter 49.17 RCW.

Referred to Committee on Labor, Commerce and Trade.

SB 6680 by Senators Snyder, McDonald, Loveland, Sellar, Rinehart, West, Strannigan, Quigley, Cantu, Oke, Winsley, Kohl, Long and Roach

AN ACT Relating to the performance assessment of state government; amending RCW 43.88.090 and 43.88.160; reenacting and amending RCW 43.88.030; adding a new chapter to Title 44 RCW; and repealing RCW 43.88B.005, 43.88B.007, 43.88B.010, 43.88B.020, 43.88B.030, 43.88B.031, 43.88B.040, 43.88B.050, 43.88B.900, and 43.88B.901.

Referred to Committee on Ways and Means.

SB 6681 by Senators Rasmussen, Hargrove, Long, Schow, Franklin, McAuliffe, Drew, Fairley, Oke, Kohl and Prentice

AN ACT Relating to an ombudsman program for individuals with developmental disabilities; adding a new chapter to Title 43 RCW; making an appropriation; and providing an effective date.

Referred to Committee on Human Services and Corrections.

SB 6682 by Senators Rasmussen, Swecker, Drew and Roach

AN ACT Relating to an integrated curriculum of agriculture and history; creating new sections; and making an appropriation.

Referred to Committee on Education.

SB 6683 by Senators Finkbeiner and Sutherland

AN ACT Relating to personal wireless service facilities; adding a new section to chapter 43.21C RCW; adding new sections to chapter 80.36 RCW; adding a new section to chapter 19.27 RCW; adding a new section to chapter 70.92 RCW; adding a new section to chapter 43.70 RCW; and making an appropriation.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 6684 by Senators McAuliffe, Johnson, Goings, Finkbeiner, Pelz, Rasmussen, Fairley, Hochstatter, Bauer and Winsley

AN ACT Relating to student safety to and from school; amending RCW 28A.160.150, 28A.160.160, and 28A.160.180; and creating a new section.

Referred to Committee on Education.

SB 6685 by Senators Kohl, Owen, Prince and Fairley

AN ACT Relating to public transportation systems; adding a new chapter to Title 47 RCW; and creating a new section.

Referred to Committee on Transportation.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 1097 by House Committee on Law and Justice (originally sponsored by Representatives Sheahan, Appelwick and Padden)

Waiving penalties for certain estate tax returns.

Referred to Committee on Ways and Means.

2SHB 1182 by House Committee on Law and Justice (originally sponsored by Representatives Hickel and Appelwick)

Modifying the uniform commercial code.

Referred to Committee on Law and Justice.

2SHB 1229 by House Committee on Law and Justice (originally sponsored by Representatives Sheahan and Appelwick)

Modifying options for payment of retirement allowances.

Referred to Committee on Ways and Means.

2E2SHB 1330 by House Committee on Appropriations (originally sponsored by Representatives Dyer, Dellwo and Backlund) (by request of Department of Health)

Modifying health facility and services provisions.

Referred to Committee on Health and Long-Term Care.

ESHB 1733 by House Committee on Finance (originally sponsored by Representatives Boldt, Padden, B. Thomas, D. Schmidt, Cooke, Stevens, L. Thomas and Goldsmith)

Providing tax exemptions for nonprofit camps and conferences.

Referred to Committee on Ways and Means.

2EHB 1835 by Representatives Schoesler, Basich, Kremen, Mitchell and Beeksma

Revising standards relating to manufactured homes.

Referred to Committee on Government Operations.

SHB 1905 by House Committee on Health Care (originally sponsored by Representatives Lambert, Sherstad, Pelesky, Casada and Johnson)

Increasing the blood supply by authorizing directed donations.

Referred to Committee on Health and Long-Term Care.

SHB 1911 by House Committee on Commerce and Labor (originally sponsored by Representatives Lisk, Goldsmith, Hargrove and Cairnes)

Expanding authority for retrospective rating plans.

Referred to Committee on Labor, Commerce and Trade.

SHB 2125 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives L. Thomas, Wolfe, Beeksma, Sterk, Honeyford, Robertson, Chandler, Smith, Pelesky, Kessler, Dyer, D. Sommers, Huff, Radcliff, Dellwo, Scheuerman and Cooke)

Authorizing and implementing interstate banking.

Referred to Committee on Financial Institutions and Housing.

#### MOTION

At 12:09 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Wednesday, January 24, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTEENTH DAY, JANUARY 23, 1996

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**SEVENTEENTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Wednesday, January 24, 1996  
The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Haugen, Kohl and Pelz. On motion of Senator Thibaudeau, Senators Kohl and Pelz were excused.

The Sergeant at Arms Color Guard, consisting of Pages David Smith and Killy Nichelini, presented the Colors. Rev. Sandra Lee, pastor of the Olympia Unitarian Universalist Congregation, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 6093 Prime Sponsor, Senator Sheldon: Providing for sidewalk reconstruction. Reported by Committee on Government Operations January 23, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6093 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey and Winsley.

Passed to Committee on Rules for second reading.

SB 6094 Prime Sponsor, Senator Loveland: Changing property tax valuation, classification, listing, and rate calculation processes. Reported by Committee on Government Operations January 23, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

SB 6097 Prime Sponsor, Senator Rasmussen: Promoting beekeeping operations. Reported by Committee on Agriculture and Agricultural Trade and Development January 23, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6097 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; A. Anderson, Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

SB 6104 Prime Sponsor, Senator Haugen: Requiring fiscal notes for initiatives. Reported by Committee on Government Operations January 23, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6104 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

SB 6108 Prime Sponsor, Senator Sheldon: Changing how valuation is determined for property taxation of senior citizens and persons retired because of physical disability. Reported by Committee on Government Operations January 23, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 23, 1996

SB 6109 Prime Sponsor, Senator Loveland: Modifying county treasury management. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6109 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 23, 1996

SB 6126 Prime Sponsor, Senator McCaslin: Revising county treasurer receipting practices. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6126 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 22, 1996

SB 6158 Prime Sponsor, Senator Hargrove: Authorizing the department of corrections to intercept, record, and divulge electronically monitored inmate conversations. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6158 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Schow, Strannigan, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

January 23, 1996

SB 6160 Prime Sponsor, Senator Loveland: Requiring the preparation of maps by county assessors for listing of real estate. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 23, 1996

SB 6176 Prime Sponsor, Senator Bauer: Studying service delivery alternatives for higher education. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chair; Drew, Hale, McAuliffe, Rasmussen, Sheldon and Wood.

Referred to Committee on Ways and Means.

January 19, 1996

SB 6217 Prime Sponsor, Senator Johnson: Changing requirements for admission to teacher preparation programs. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Goings, Vice Chair; Finkbeiner, Hochstatter, Johnson, Pelz and Rasmussen.

Passed to Committee on Rules for second reading.

January 22, 1996

SB 6243 Prime Sponsor, Senator Goings: Prohibiting state funding of organ transplants for offenders sentenced to death. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Long, Moyer, Schow, Strannigan and Zarelli.

Passed to Committee on Rules for second reading.

January 23, 1996

SB 6282 Prime Sponsor, Senator Rasmussen: Providing for marketing contracts and revising elections of directors and amendments to articles for cooperative associations. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: That Substitute Senate Bill No. 6282 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; A. Anderson, Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

January 23, 1996

SB 6283 Prime Sponsor, Senator Rasmussen: Increasing tax deductions available to low-density light and power businesses. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

January 23, 1996

SB 6314 Prime Sponsor, Senator Rinehart: Requiring higher education tuition rates to increase annually based on the average per capita income in the state. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chair; Drew, Hale, McAuliffe, Prince, Rasmussen, Sheldon and Wood.

Referred to Committee on Ways and Means.

January 22, 1996

SB 6315 Prime Sponsor, Senator Hargrove: Revising procedures for recoupment of assessments against offenders. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6315 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Schow, Strannigan, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

January 23, 1996

SB 6394 Prime Sponsor, Senator Loveland: Regulating cooling services as thermal heating services. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

January 23, 1996

SB 6631 Prime Sponsor, Senator Sutherland: Exempting thermal energy companies from utilities and transportation commission authority. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

January 23, 1996

SB 6640 Prime Sponsor, Senator Snyder: Distributing moneys from the timber tax distribution account for watershed recovery plans. Reported by Committee on Natural Resources

MAJORITY Recommendation: That it be referred to Committee on Ways and Means without recommendation. Signed by Senators Drew, Chair; Spanel, Vice Chair; Hargrove, Haugen, Morton, Oke, Snyder, Strannigan and Swecker.

Referred to Committee on Ways and Means.

REPORTS OF STANDING COMMITTEE  
GUBERNATORIAL APPOINTMENTS

January 23, 1996

GA 9157 SUSAN JOHNSON, appointed May 8, 1995, for a term ending April 3, 1999, as a member of the State Board for Community and Technical Colleges.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Hale, McAuliffe, Prince, Rasmussen, Sheldon and Wood.

Passed to Committee on Rules.

January 23, 1996

GA 9169 DAVID P. ROBERTS, appointed June 29, 1995, for a term ending April 3, 1998, as a member of the State Board for Community and Technical Colleges.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Hale, McAuliffe, Prince, Rasmussen, Sheldon and Wood.

Passed to Committee on Rules.

January 23, 1996

GA 9217 JAMES R. FAULSTICH, appointed November 21, 1995, for a term ending June 30, 1999, as a member of the Higher Education Coordinating Board.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Hale, McAuliffe, Prince, Rasmussen, Sheldon and Wood.

Passed to Committee on Rules.

January 23, 1996

GA 9218 FREDERIC L. GLOVER, appointed November 21, 1995, for a term ending September 30, 1999, as a member of the Board of Trustees for Central Washington University.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Hale, McAuliffe, Prince, Rasmussen, Sheldon and Wood.

Passed to Committee on Rules.

January 23, 1996

GA 9220 CHANG M. SOHN, appointed November 21, 1995, for a term ending June 30, 1996, as a member of the Higher Education Coordinating Board.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Hale, McAuliffe, Prince, Rasmussen, Sheldon and Wood.

Passed to Committee on Rules.

January 23, 1996

GA 9221 WALTER WAISATH, JR., appointed November 21, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees for Clover Park Technical College District No. 29.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Hale, McAuliffe, Prince, Rasmussen, Sheldon and Wood.

Passed to Committee on Rules.

January 23, 1996

GA 9227 ELIZABETH CHEN, appointed November 27, 1995, for a term ending September 30, 1999, as a member of the Board of Trustees for Highline Community College District No. 9.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Hale, McAuliffe, Prince, Rasmussen, Sheldon and Wood.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

December 21, 1995

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

I have the honor to submit the following appointment subject to your confirmation.  
SuAnn M. Bond, appointed December 21, 1995, for a term ending January 19, 2000, as a member of the Board of Pharmacy.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Health and Long-Term Care.

January 19, 1996

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

I have the honor to submit the following appointment subject to your confirmation.  
Karen Kiessling, appointed January 19, 1996, for a term ending January 19, 2000, as a member of the Board of Pharmacy.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Health and Long-Term Care.

MESSAGES FROM THE HOUSE

January 22, 1996

MR. PRESIDENT:

The House has passed:  
HOUSE BILL NO. 2126,  
SUBSTITUTE HOUSE BILL NO. 2130,  
SUBSTITUTE HOUSE BILL NO. 2138,  
HOUSE BILL NO. 2172,  
SUBSTITUTE HOUSE BILL NO. 2178, and the same are herewith transmitted.

TIMOTHY A. MARTIN

January 22, 1996

MR. PRESIDENT:

The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2175,  
ENGROSSED HOUSE BILL NO. 2202, and the same are herewith transmitted.

TIMOTHY A. MARTIN

INTRODUCTION AND FIRST READING

SB 6686 by Senators A. Anderson, Oke, Zarelli and Swecker

AN ACT Relating to final orders of growth management hearings boards; and amending RCW 36.70A.300, 34.05.620, and 34.05.630.

Referred to Committee on Government Operations.

SB 6687 by Senators Schow, Hargrove, Long, Zarelli and Strannigan

AN ACT Relating to study of class II tax reduction industries; creating a new section; and providing an expiration date.

Referred to Committee on Ways and Means.

SB 6688 by Senators Sellar, Winsley and Long

AN ACT Relating to juvenile fishing licenses; amending RCW 77.32.101, 77.32.161, and 77.32.360; and creating a new section.

Referred to Committee on Natural Resources.

SB 6689 by Senators Wood, Bauer, Prince, Sheldon, Drew, Zarelli, Winsley and Rasmussen

AN ACT Relating to collegiate license plates; amending RCW 46.04.127, 46.16.301, 46.16.324, and 28B.10.890; and providing an effective date.

Referred to Committee on Transportation.

SB 6690 by Senators Rasmussen, Swecker, Morton, Snyder and Fraser

AN ACT Relating to water permit fees; amending RCW 90.03.470, 89.30.001, and 90.40.090; amending 1993 c 495 s 3 (uncodified); adding a new section to chapter 90.03 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Ways and Means.

SB 6691 by Senators Rasmussen, Hargrove and Drew

AN ACT Relating to fire protection districts; and amending RCW 52.16.170.

Referred to Committee on Natural Resources.

SB 6692 by Senators Rasmussen, Morton and Hargrove

AN ACT Relating to the state weed board; and adding a new section to chapter 17.10 RCW.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SB 6693 by Senators McCaslin and Haugen

AN ACT Relating to annexation for municipal purposes; and amending RCW 35.13.180 and 35A.14.300.

Referred to Committee on Government Operations.

SB 6694 by Senators Morton, A. Anderson and Rasmussen

AN ACT Relating to microchipping of equine; amending RCW 16.57.010; adding new sections to chapter 16.57 RCW; and prescribing penalties.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SB 6695 by Senators Morton, Swecker, Rasmussen, A. Anderson, Schow and Roach

AN ACT Relating to long-term agreements with the department of natural resources; and adding a new section to chapter 43.30 RCW.

Referred to Committee on Natural Resources.

SB 6696 by Senators Fairley, Haugen, Winsley, Sheldon and McCaslin

AN ACT Relating to property owner notification regarding pending annexations of territory by direct petition method; and amending RCW 35.13.125, 35.13.130, and 35A.14.120.

Referred to Committee on Government Operations.

SB 6697 by Senators McAuliffe, Winsley, Fairley and Goings

AN ACT Relating to aid to families with dependent children; amending RCW 74.12.035; and adding a new section to chapter 74.12 RCW.

Referred to Committee on Health and Long-Term Care.

SB 6698 by Senators Swecker, Newhouse, Haugen and Rasmussen

AN ACT Relating to locally conducted basin assessments and planning for watersheds; adding a new chapter to Title 90 RCW; and creating new sections.

Referred to Committee on Ecology and Parks.

SB 6699 by Senator Prince

AN ACT Relating to transportation of persons with special transportation needs; and amending RCW 81.66.010, 81.66.070, 46.74.010, 82.08.0287, 82.36.285, 82.38.080, and 82.44.015.

Referred to Committee on Transportation.

SB 6700 by Senators Prentice, Quigley, Wojahn, Snyder, Thibaudeau and Fairley (by request of Insurance Commissioner Senn)

AN ACT Relating to treatment to restore physical function; and amending RCW 48.20.395, 48.21.230, 48.44.330, and 48.46.280.

Referred to Committee on Financial Institutions and Housing.

SB 6701 by Senators Fraser and Wood

AN ACT Relating to intercity transportation; amending RCW 35.58.250 and 36.57A.100; reenacting and amending RCW 82.44.110; adding a new section to chapter 47.26 RCW; adding a new section to chapter 47.08 RCW; creating new sections; and making an appropriation.

Referred to Committee on Transportation.

SB 6702 by Senators Fraser, McCaslin, Sheldon, West, Winsley and Hale

AN ACT Relating to clarifying and streamlining procedures of the joint administrative rules review committee; amending RCW 34.05.330, 34.05.620, 34.05.630, 34.05.640, and 34.05.655; and repealing RCW 34.05.645.

Referred to Committee on Government Operations.

SB 6703 by Senators Fraser, Swecker, Fairley and Winsley

AN ACT Relating to historic preservation; amending RCW 27.34.220; and reenacting and amending RCW 43.82.010.

Referred to Committee on Government Operations.

SB 6704 by Senator Sutherland

AN ACT Relating to the use of telecommunications in the medical industry; and creating new sections.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 6705 by Senators Bauer, Wood, Kohl, Zarelli, Sutherland, Cantu, Prince, Sheldon, Loveland, Winsley, Hale and Rasmussen

AN ACT Relating to telecommunications, telecommunications planning, and higher education technology; amending 1995 2nd sp.s. c 18 s 903 (uncodified); adding a new section to chapter 28B.80 RCW; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

SB 6706 by Senators Goings, Winsley, Rasmussen, Sheldon, Hale, Haugen, McCaslin, Heavey, Johnson, McAuliffe and Oke

AN ACT Relating to property tax exemptions; amending RCW 84.36.381; and creating a new section.

Referred to Committee on Ways and Means.

SB 6707 by Senators Rasmussen, Hochstatter, Goings, Finkbeiner, Winsley and A. Anderson

AN ACT Relating to the recruitment, preparation, and continuing education of vocational agriculture teachers; adding a new section to chapter 28A.415 RCW; and creating a new section.

Referred to Committee on Education.

SB 6708 by Senators Goings, Rasmussen, Winsley, Sheldon, Haugen, Hale, McCaslin, Heavey, Finkbeiner, Hochstatter, McAuliffe and Oke

AN ACT Relating to sex offender registration violations; reenacting and amending RCW 9A.44.130; and prescribing penalties.

Referred to Committee on Human Services and Corrections.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 2126 by Representatives Dyer, Cody, Sheldon, Smith, Van Luven, Thompson and Murray

Allowing a dentist to obtain an inactive license.

Referred to Committee on Health and Long-Term Care.

SHB 2130 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives L. Thomas, Smith and Pelesky)

Clarifying submission of insurance antifraud plans.

Referred to Committee on Financial Institutions and Housing.

SHB 2138 by House Committee on Law and Justice (originally sponsored by Representatives Sheahan, Appelwick, Scott, Hatfield, Dickerson, Thompson and Costa)

Concerning the payment and recovery of fees.

Referred to Committee on Law and Justice.

HB 2172 by Representatives Dyer, Cody, Dellwo, Dickerson, Horn and Carlson (by request of Department of Social and Health Services)

Authorizing actions and penalties against adult residential care providers by the department of social and health services.

Referred to Committee on Human Services and Corrections.

ESHB 2175 by House Committee on Law and Justice (originally sponsored by Representatives Campbell, Smith, Buck, McMahan, Pennington, Schoesler, Elliot and Thompson)

Regulating liability of sport shooting ranges.

Referred to Committee on Law and Justice.

SHB 2178 by House Committee on Law and Justice (originally sponsored by Representatives Campbell, Smith, Robertson, Sterk, Sheahan, Hickel, McMahan, Pennington, Schoesler, Sheldon, Chappell, Carrell, Delvin, Huff, Quall, Morris, Mitchell, Thompson, Stevens and Costa)

Penalizing disarming a law enforcement officer.

Referred to Committee on Law and Justice.

EHB 2202 by Representatives Chandler, Mastin, Honeyford, Koster, Carrell, Horn, Elliot, Van Luven, Boldt, Goldsmith, Hargrove and McMahan

Establishing procedures by which owners of single-family residences may use lake water for noncommercial landscape irrigation.

Referred to Committee on Ecology and Parks.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9195, Sally G. Schaefer, as a member of the Board of Trustees for Clark Community College District No. 14, was confirmed.

APPOINTMENT OF SALLY G. SCHAEFER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.  
Absent: Senator Haugen - 1.

Excused: Senators Kohl and Pelz - 2.

#### MOTION

On motion of Senator Moyer, gubernatorial appointment No. 9194, Michael Ormsby, as a member of the Board of Trustees for Eastern Washington University, was confirmed.

#### APPOINTMENT OF MICHAEL ORMSBY

The Secretary called the roll. The appointment was confirmed by the following vote: 46; Nays, 0; Absent, 1; Excused, 2. Voting yeas: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senator Goings - 1. Excused: Senators Kohl and Pelz - 2.

#### MOTION

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

#### MESSAGE FROM THE GOVERNOR VETO MESSAGE ON SENATE BILL NO. 6117

January 22, 1996

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

I am returning herewith, without my approval as to Senate Bill No. 6117 entitled:  
"AN ACT Relating to reducing business and occupation taxes by reducing the 1993 service rate increases by fifty percent and increasing tax credits in distressed areas;"

At a time of strong demands on our state's financial resources and expectations of significant reductions in federal support for state programs in future years, Senate Bill No. 6117 would reduce state revenues more than any other tax measure currently under consideration by the state legislature — by \$132.4 million in the 1995-97 Biennium and \$216.6 million in the 1997-99 Biennium. Moreover, as apportioned by this bill, these reductions are not targeted to create family-wage jobs, correct inequities in the state's tax code, or improve our state's overall economy.

It is important to remember that although the state currently anticipates a reserve of \$677 million under the biennial budget approved last June, only \$118 million of this amount is from surplus revenues projected in the 1995-97 Biennium. The remainder is a one-time surplus carried forward from the previous biennium and does not represent an ongoing flow of excess revenues. We must maintain a prudent reserve for the future.

Sections 1 and 2 of Senate Bill No. 6117 reduce the Business & Occupation (B&O) tax rate for the three classifications of service firms in the state. The B&O tax rate for "selected business services" is reduced from 2.5 percent to 2.0 percent. The B&O tax rate for "financial services" is reduced from 1.7 percent to 1.6 percent, and the rate for "other services" and real estate brokers is reduced from 2.0 percent to 1.75 percent. The reductions represent a 50 percent roll-back of the increase for these categories enacted in 1993. The estimated revenue loss on a cash basis associated with sections 1 and 2 of this bill is \$129.2 million in the 1995-97 Biennium and \$211.2 million in the next biennium.

While I support extending additional tax incentives to business this year, I believe these measures must be carefully targeted to produce the greatest possible economic return for our state. Targeted tax initiatives, such as tax exemptions on the purchase or repair of machinery and equipment, will do much more to spur further investment in our state's important manufacturing sector and draw new employers to our state than will a simple tax cut for certain service industries. Historically, each new job created in manufacturing generates two additional jobs elsewhere in our economy. Service industries, by contrast, generate less than one additional job for every new job added to that sector — and Senate Bill No. 6117 provides no inducement for those businesses to create the additional family-wage jobs essential to our state's economic development.

I also believe that any tax initiatives that reduce state revenues should be targeted to help those businesses and individuals who need it most. If this bill was meant to help new or small businesses such as barber shops or janitorial services, it misses the mark. More than three-quarters of the tax cut proposed by this measure would go to large companies involved in banking, law, medicine, and engineering.

Sections 3 and 4 of Senate Bill No. 6117 would provide or expand B&O tax credits for certain business activities, with an estimated reduction of \$3.2 million in revenues during the 1995-97 Biennium and \$5.4 million in the next biennium. Although I support the general intent of these provisions, I have not approved these sections for the reasons stated below.

Section 3 of Senate Bill No. 6117 increases the distressed area B&O tax credit in chapter 82.62 RCW from \$1,000 to \$2,000 for each qualified employment position created in an eligible business project approved after January 1, 1996. Eligible businesses are those engaged in manufacturing, research and development activities, or computer services. Current law caps the program for all participants at \$15 million in tax credits per biennium, and any single employer is limited to a total of \$300,000 dollars of credit during the life of the program.

The legislature's goal through increasing the tax credit allowed for each new employment position created under chapter 82.62 RCW appears to be to expand participation in the program. However, the state's experience has shown that the primary constraint on business participation is not the size of the tax credit for each new position created, but rather the requirement that an employer increase its existing work force by 15 percent or create a new work force to qualify for the tax credit.

The Department of Revenue estimates that increasing the tax credit from \$1,000 to \$2,000 for each new position created would result in an additional \$900,000 in credits claimed during the current biennium. However, the department also believes that most of those additional credits would be claimed by companies already participating in the program. As a result, those firms would reach the \$300,000 cap more quickly, after which there would be no incentive to hire additional employees. Rather than inducing more businesses to participate in the program, the primary effect of section 3 of Senate Bill No. 6117 would be to curtail the incentive for participating businesses to hire additional employees — in direct opposition to the goal of this measure.

Section 4 of Senate Bill No. 6117 establishes a new B&O tax credit for job training provided or sponsored by employers to enhance the performance of their employees. This tax credit would be limited to businesses engaged in manufacturing, research and development activities, or computer services in distressed areas of the state. To qualify for the tax credit, training must be offered to employees without charge and must be approved by the state Employment Security Department. The credit, effective after January 1, 1996, would be limited to 20 percent of the value of the training services, and total credits for a business could not exceed \$5,000 per calendar year.

Although this section stipulates that job-training activities must be approved by the Employment Security Department to qualify for the proposed tax credit, it offers no assurance that the training will produce a long-term enhancement of the employee's skills or abilities. The language is sufficiently broad as to allow on-the-job training which employees currently receive to qualify for the credit. While I strongly support the idea of providing job-training incentives for businesses, I also believe that the state must endeavor to gain the greatest benefit possible out of each dollar of credit.

For these reasons, I have vetoed Senate Bill No. 6117 in its entirety.

Respectfully submitted,  
MIKE LOWRY, Governor

#### MOTION

On motion of Senator Snyder, the Veto Message on Senate Bill No. 6117 was held on the desk.

#### MOTION

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

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Finkbeiner, Gubernatorial Appointment No. 9189, Deloris I. Brown, as a member of the Board of Trustees for Lake Washington Technical College District No. 26, was confirmed.

#### APPOINTMENT OF DELORIS I. BROWN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator Prince - 1.

Excused: Senator Kohl - 1.

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

There being no objection, the Senate resumed consideration of the Governor's Veto Message on Senate Bill No. 6117, which was read in earlier today.

#### MOTION

Senator Quigley moved that the Senate pass Senate Bill No. 6117, notwithstanding the Governor's Veto.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Quigley that Senate Bill No. 6117 pass the Senate notwithstanding the Governor's veto. The President declared a vote 'yea' will override the Governor's veto and a vote 'nay' will sustain the veto. The President declared that a two-thirds majority of those present is required to override the veto.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6117 notwithstanding the Governor's veto and the Governor's veto was overridden by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 41.

Voting nay: Senators Fairley, Fraser, Heavey, Pelz, Sutherland, Thibaudeau and Wojahn - 7.

Excused: Senator Kohl - 1.

SENATE BILL NO. 6117, having received the constitutional two-thirds majority, notwithstanding the Governor's veto, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 5993, by Senate Committee on Government Operations (originally sponsored by Senators Winsley, Finkbeiner, Swecker and Wood)

Providing for paid leaves of absence for state employees to provide disaster relief services.

The bill was read the second time.

#### MOTION

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 5993 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Thibaudeau, Senator Quigley was excused.  
The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5993.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5993 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Johnson, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43.

Voting nay: Senators Cantu, Hochstatter, McDonald and Roach - 4.

Excused: Senators Kohl and Quigley - 2.

SUBSTITUTE SENATE BILL NO. 5993, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6089, by Senators Rasmussen, Drew, Sheldon, Roach, Oke, A. Anderson and Goings

Changing criteria for eligibility for firearms range account funding.

The bill was read the second time.

#### MOTION

On motion of Senator Drew, the rules were suspended, Senate Bill No. 6089 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6089.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6089 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 2; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 43.

Voting nay: Senators Fairley and Wojahn - 2.

Absent: Senators Snyder and Strannigan - 2.

Excused: Senators Kohl and Quigley - 2.

SENATE BILL NO. 6089, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8400, by Senators Haugen, Winsley, Owen, C. Anderson and Oke

Creating the Joint Select Committee on Veterans and Military Personnel Affairs.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Concurrent Resolution No. 8400 was substituted for Senate Concurrent Resolution No. 8400 and the substitute concurrent resolution was placed on second reading and read the second time.

On motion of Senator Drew, the rules were suspended, Substitute Senate Concurrent Resolution No. 8400 was advanced to third reading, the second reading considered the third and the substitute concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Concurrent Resolution No. 8400.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Concurrent Resolution No. 8400 and the substitute concurrent resolution passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yeas: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senator Franklin - 1.

Excused: Senators Kohl and Quigley - 2.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8400, having received the constitutional majority, was declared passed.

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

#### MOTION

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

#### SENATE RESOLUTION 1996-8677

By Senators Cantu, Sheldon and Rasmussen

WHEREAS Washington State has a long history of developing quality products and services; and  
WHEREAS, The quality of these products and services is essential to the future success and well-being of the citizens of our state;  
and

WHEREAS, It is in the best interest of the state to encourage superior quality and performance in government, education, and private business; and

WHEREAS, The Washington State Quality Award Council and The Quality for Washington State Foundation are organizations that strive to foster this positive characteristic; and

WHEREAS, These organizations have dedicated themselves to honoring others who have implemented superior quality systems and achieved exceptional performance;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor The Washington State Quality Award Council and The Quality for Washington State Foundation for their contributions to quality products and services in Washington.

#### MOTION

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

#### SENATE RESOLUTION 1996-8678

By Senators McAuliffe, Franklin, Rasmussen, Bauer, Pelz, Fairley, Haugen, Goings, Thibaudeau, Prentice, Sheldon, Spanel and Fraser

WHEREAS, The health and safety of our school children is of the utmost importance; and

WHEREAS, School nurses serve a vital link in keeping our children healthy; and

WHEREAS, School nurses are frequently the first line of defense in detecting children's health problems; and

WHEREAS, Healthy children make better learners and children need supportive health services to remain in school; and

WHEREAS, School nurses provide for the safe administration of medicine, skilled emergency care, help in crisis situations such as substance abuse and child abuse, and teaching for healthier children;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state Washington, that the school nurses in the state of Washington be recognized for their dedication and public service in helping the children of the state of Washington; and

BE IT FURTHER RESOLVED, That the school nurses of the state of Washington be honored today, which is School Nurses Day; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to by the Secretary of the Senate to the School Nurses Organization of Washington.

#### MOTION

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

#### SENATE RESOLUTION 1996-8676

By Senators Franklin, Snyder, Sheldon, Wood, Spanel, Long, Fraser and Sutherland

WHEREAS, The Honorable Barbara Charline Jordan served for seven years in the United States Congress as a Representative from the state of Texas; and

WHEREAS, She was the first black State Senator in the history of the state of Texas; and

WHEREAS, She became, in 1972, the first southern black citizen elected to Congress since Reconstruction; and

WHEREAS, She was an honored and outstanding member of the Democratic Party; and

WHEREAS, As a junior member of the House Judiciary Committee, she became nationally known as a deliberate and forceful speaker and people's advocate; and

WHEREAS, She was held in the highest esteem by the Democratic Party and addressed national conventions on three occasions;  
and

WHEREAS, In both her private and professional life, Barbara Jordan set a standard of independence, eloquence, and integrity that we all would do well to strive to meet; and

WHEREAS, Although her medical condition of multiple sclerosis confined her to a wheelchair, she remained active as a professor at the University of Texas and in community affairs; and

WHEREAS, She most recently served as chairperson of President Clinton's Task Force on National Immigration Policies; and  
WHEREAS, She became a model for African Americans and women who sought to make their voices heard in the political arena;  
and

WHEREAS, At age fifty-nine, her life was cut far too short; she accomplished more than most others who live much longer; and  
WHEREAS, Many Americans will always remember her, appreciate her many contributions to her country as a public servant and stateswoman, and hold her memory in the highest esteem;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Senate of the state of Washington do pay their humblest respects to the memory of Barbara Charline Jordan on the occasion of her death, and urge all citizens of Washington to join them in mourning the passing of a great American leader; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted immediately to the family of Barbara Jordan, the University of Texas, the Congress of the United States, the Texas Democratic Party, and the Democratic National Committee.

Senators Franklin, President Pritchard and Senator Fraser spoke to Senate Resolution 1996-8676.

#### MOTION

At 11:19 a.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Thursday, January 25, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTEENTH DAY, JANUARY 24, 1996

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**EIGHTEENTH DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Thursday, January 25, 1996  
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 23, 1996  
SSB 5818 Prime Sponsor, Senate Committee on Ways and Means: Paying benefits when a member dies before retirement. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hochstatter, Johnson, Long, McDonald, Moyer, Roach, Sheldon, Snyder, Spanel, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

January 24, 1996  
SB 6110 Prime Sponsor, Senator Haugen: Providing moneys for the death investigations account. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hargrove, Hochstatter, Long, Moyer, Sheldon, Spanel, Strannigan, West and Winsley.

Passed to Committee on Rules for second reading.

January 23, 1996  
SB 6123 Prime Sponsor, Senator Quigley: Providing basic health plan services for agencies licensed under chapter 74.15 RCW. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6123 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Fairley, Franklin, Thibaudeau and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Deccio and Moyer.

Referred to Committee on Ways and Means.

January 23, 1996  
SB 6124 Prime Sponsor, Senator Quigley: Including physical therapy, occupational therapy, chiropractic, and midwifery as optional basic health plan services. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6124 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Fairley, Franklin, Thibaudeau, Winsley and Wood.

MINORITY Recommendation: Do not pass. Signed by Senators Deccio and Moyer.

Referred to Committee on Ways and Means.

January 24, 1996

SB 6133 Prime Sponsor, Senator Fairley: Making certain sentencing conditions set by local judges enforceable county-wide. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6133 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Johnson, McCaslin and Schow.

Passed to Committee on Rules for second reading.

January 24, 1996

SB 6151 Prime Sponsor, Senator Smith: Providing two superior court positions for Thurston county. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Roach, Sheldon, Spanel, Strannigan, West and Winsley.

Passed to Committee on Rules for second reading.

January 23, 1996

SB 6154 Prime Sponsor, Senator Bauer: Creating a retirement option for certain fire fighters. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6154 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Long, Moyer, Roach, Sheldon, Spanel, Strannigan, West and Winsley.

Passed to Committee on Rules for second reading.

January 23, 1996

SB 6155 Prime Sponsor, Senator Bauer: Correcting the teachers' retirement system plan III. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6155 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hochstatter, Long, Moyer, Roach, Sheldon, Snyder, Spanel, Sutherland, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

January 23, 1996

SB 6156 Prime Sponsor, Senator Bauer: Separating from PERS I without withdrawing contributions. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hochstatter, Long, Moyer, Roach, Sheldon, Snyder, Spanel, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

January 23, 1996

SB 6157 Prime Sponsor, Senator Long: Providing portable benefits for dual members. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hochstatter, Johnson, Long, Moyer, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

January 24, 1996

SB 6163 Prime Sponsor, Senator Wojahn: Extending a tax exemption for prepayments for health care services provided under Title XVIII (medicare) of the social security act. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Long, Moyer, Sheldon, Spanel, Strannigan, West and Winsley.

Passed to Committee on Rules for second reading.

January 24, 1996

SB 6167 Prime Sponsor, Senator Smith: Revising requirements for filing petitions for dissolution of marriage. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

SB 6168 Prime Sponsor, Senator Smith: Amending the limited liability companies act. Reported by Committee on Law and Justice January 24, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6168 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

SB 6179 Prime Sponsor, Senator Smith: Revising the procedure for impanelling juries. Reported by Committee on Law and Justice January 24, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

SB 6180 Prime Sponsor, Senator Smith: Allowing additional time for phasing in additional King County superior court judges. Reported by Committee on Law and Justice January 24, 1996

MAJORITY recommendation: That Substitute Senate Bill No. 6180 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

SB 6181 Prime Sponsor, Senator Smith: Clarifying the waiver of jury trial rights upon acceptance of a deferred prosecution. Reported by Committee on Law and Justice January 24, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

SB 6182 Prime Sponsor, Senator Owen: Increasing penalties for crimes involving methamphetamine. Reported by Committee on Law and Justice January 24, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6182 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

SB 6185 Prime Sponsor, Senator Bauer: Establishing the innovation and quality in higher education program. Reported by Committee on Higher Education January 24, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6185 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chair; Drew, Hale, McAuliffe, Prince, Rasmussen, Sheldon and Wood.

Referred to Committee on Ways and Means.

SB 6197 Prime Sponsor, Senator Swecker: Augmenting water supply. Reported by Committee on Ecology and Parks January 24, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6197 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

SB 6198 Prime Sponsor, Senator Long: Collecting state retirement system overpayments. Reported by Committee on Ways and Means January 23, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6198 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hochstatter, Johnson, Long, McDonald, Moyer, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West and Winsley.

Passed to Committee on Rules for second reading.

January 23, 1996  
SB 6220 Prime Sponsor, Senator Owen: Increasing disability and death benefits for volunteer fire fighters. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hochstatter, Johnson, Long, McDonald, Moyer, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West and Winsley.

Passed to Committee on Rules for second reading.

January 23, 1996  
SB 6232 Prime Sponsor, Senator Fraser: Providing actuarially equivalent survivor benefits. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6232 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hochstatter, Long, Moyer, Roach, Sheldon, Snyder, Spanel, Sutherland and Winsley.

Passed to Committee on Rules for second reading.

January 23, 1996  
SB 6233 Prime Sponsor, Senator Long: Determining retirement system service credit for military service. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hochstatter, Johnson, Long, Moyer, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland and West.

Passed to Committee on Rules for second reading.

January 23, 1996  
SB 6255 Prime Sponsor, Senator Franklin: Requiring approval by the insurance commissioner of premium rates for health benefit plans. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Fairley, Franklin and Thibaudeau.

MINORITY Recommendation: Do not pass. Signed by Senators Deccio and Moyer.

Passed to Committee on Rules for second reading.

January 22, 1996  
SB 6261 Prime Sponsor, Senator Fraser: Providing financial assistance for brownfield cleanup and redevelopment. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6261 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Referred to Committee on Ways and Means.

January 23, 1996  
SB 6267 Prime Sponsor, Senator McAuliffe: Changing provisions relating to the principal internship support program. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6267 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Goings, Vice Chair; Finkbeiner, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

January 23, 1996  
SB 6272 Prime Sponsor, Senator McAuliffe: Requiring school employees with regularly scheduled unsupervised access to children to undergo record checks. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6272 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators McAuliffe, Chair; Goings, Vice Chair; Finkbeiner, Hochstatter, Johnson, Pelz and Rasmussen.

Referred to Committee on Ways and Means.

SB 6284 Prime Sponsor, Senator Drew: Providing sales and use tax exemptions for public records. Reported by Committee on Ways and Means  
January 24, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6284 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Long, Moyer, Roach, Sheldon, Spanel, Strannigan, West and Winsley.

Passed to Committee on Rules for second reading.

SB 6292 Prime Sponsor, Senator Prentice: Defining member insurers and who they cover. Reported by Committee on Financial Institutions and Housing  
January 23, 1996

MAJORITY Recommendation: That the bill be referred to Committee on Ways and Means without recommendation. Signed by Senators Prentice, Chair; Hale, Roach and Sellar.

Referred to Committee on Ways and Means.

SB 6322 Prime Sponsor, Senator Owen: Adjusting fees used for recreational vehicle sanitary facilities. Reported by Committee on Transportation  
January 23, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6322 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Goings, Haugen, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

SB 6404 Prime Sponsor, Senator Prentice: Showing metric equivalents for English weights and measures. Reported by Committee on Transportation  
January 23, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Goings, Haugen, Morton, Oke, Prentice, Prince, Rasmussen, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

SB 6405 Prime Sponsor, Senator Owen: Creating a scenic byways designation program. Reported by Committee on Transportation  
January 23, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Goings, Haugen, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

SB 6406 Prime Sponsor, Senator Owen: Revising regulation of vehicle size and load. Reported by Committee on Transportation  
January 23, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Goings, Haugen, Morton, Oke, Prentice, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

SB 6416 Prime Sponsor, Senator Wood: Rescinding a retirement allowance agreement. Reported by Committee on Ways and Means  
January 24, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Long, McDonald, Moyer, Roach, Sheldon, Spanel, Strannigan, West and Winsley.

Passed to Committee on Rules for second reading.

January 24, 1996

SB 6467 Prime Sponsor, Senator Spanel: Concerning the collection of pollution program fees. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

SB 6471 Prime Sponsor, Senator McAuliffe: Updating terminology relating to vocational education. Reported by Committee on Education January 23, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6471 be substituted therefor, and the substitute bill do pass. Signed by Senators Goings, Vice Chair; Finkbeiner, Hochstatter, Johnson, Pelz and Rasmussen.

Passed to Committee on Rules for second reading.

SB 6507 Prime Sponsor, Senator Drew: Creating the Washington higher education loan program. Reported by Committee on Higher Education January 24, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6507 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chair; Drew, Hale, McAuliffe, Prince, Rasmussen, Sheldon, Wood and Zarelli.

Referred to Committee on Ways and Means.

SB 6508 Prime Sponsor, Senator McAuliffe: Establishing the advance college payment program. Reported by Committee on Higher Education January 24, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6508 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chair; Drew, Hale, McAuliffe, Prince, Rasmussen, Sheldon and Wood.

Referred to Committee on Ways and Means.

SB 6517 Prime Sponsor, Senator McAuliffe: Adopting recommendations of the joint select committee on education restructuring. Reported by Committee on Education January 23, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Goings, Vice Chair; Finkbeiner, Hochstatter, Johnson, Pelz and Rasmussen.

Passed to Committee on Rules for second reading.

SJM 8022 Prime Sponsor, Senator Fraser: Opposing national park closures. Reported by Committee on Ecology and Parks January 24, 1996

MAJORITY Recommendation: That Substitute Senate Joint Memorial No. 8022 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

GA 9244 RALPH MACKEY, reappointed January 8, 1996, for a term ending December 31, 1998, as a member of the Interagency Committee for Outdoor Recreation. Reported by Committee on Ecology and Parks January 24, 1996

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules.

GA 9245 MARY ANN HUNTINGTON, reappointed January 8, 1996, for a term ending December 31, 1998, as a member of the Interagency Committee for Outdoor Recreation. January 24, 1996

Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENT

January 22, 1996

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Jeff G. Johnson, reappointed January 22, 1996, for a term ending June 30, 1999, as a member of the Work Force Training and Education Coordinating Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

MESSAGE FROM THE HOUSE

January 24, 1996

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6117 with the constitutional two-thirds majority vote of 76 YEAS and 21 NAYS notwithstanding the Governor's veto, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

EDITOR'S NOTE: The following letter was transmitted to the Secretary of State by Secretary of the Senate, Marty Brown, on Senate Bill No. 6117.

WASHINGTON STATE SENATE  
MARTY BROWN  
Secretary of the Senate

January 25, 1996

The Honorable Ralph Munro  
Secretary of State  
State of Washington  
Olympia, WA 98504

Dear Mr. Secretary:

I am transmitting herewith SENATE BILL NO. 6117 as vetoed by Governor Mike Lowry on January 22, 1996.  
The 1996 Regular Session of the Fifty-fourth Legislature passed the measure notwithstanding Governor Lowry's veto. The Senate overrode the Governor's veto by a vote of 41 yeas and 7 nays on January 24, 1996. The House of Representatives overrode the Governor's veto by a vote of 76 yeas and 21 nays on January 24, 1996.

Sincerely yours,  
MARTY BROWN, Secretary of the Senate

INTRODUCTION AND FIRST READING

SB 6709 by Senator Prentice

AN ACT Relating to powers of regional transportation authorities; and amending RCW 81.104.015, 81.104.020, 81.104.140, 81.104.170, 81.112.050, 81.112.070, and 81.112.080.

Referred to Committee on Transportation.

SB 6710 by Senators Deccio and Winsley

AN ACT Relating to mandatory liability insurance; and amending RCW 46.30.020.

Referred to Committee on Law and Justice.

SB 6711 by Senator Deccio

AN ACT Relating to administrative rule making; amending RCW 34.05.380; and adding a new section to chapter 34.05 RCW.

Referred to Committee on Government Operations.

SB 6712 by Senator Haugen

AN ACT Relating to local government; and adding new sections to chapter 35.51 RCW.

Referred to Committee on Government Operations.

SB 6713 by Senator Drew

AN ACT Relating to disclosure of branded titles to vehicle purchasers; amending RCW 46.70.101; and prescribing penalties.

Referred to Committee on Labor, Commerce and Trade.

SB 6714 by Senators McAuliffe, Pelz, Rasmussen and Haugen

AN ACT Relating to state funding to replace federal reductions in the head start program funding; creating a new section; and making an appropriation.

Referred to Committee on Ways and Means.

SB 6715 by Senators Moyer, Owen, Deccio, Hochstatter, Johnson, Loveland, Morton, Snyder, Prince, Rasmussen and Winsley

AN ACT Relating to review of mandated health insurance benefits; amending RCW 48.42.060, 48.42.070, and 48.42.080; adding a new chapter to Title 48 RCW; recodifying RCW 48.42.060, 48.42.070, and 48.42.080; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

#### MOTION

At 12:07 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Friday, January 26, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTEENTH DAY, JANUARY 25, 1996

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**NINETEENTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Friday, January 26, 1996  
The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Deccio, Moyer, Quigley and Roach. On motion of Senator Thibaudeau, Senator Quigley was excused.

The Sergeant at Arms Color Guard, consisting of Pages Megan Baseman and Derek Mahoney, presented the Colors. Reverend Sandra Lee, pastor of the Olympia Unitarian Universalist Congregation, offered the prayer.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

ESSB 5530 Prime Sponsor, Senate Committee on Law and Justice: Authorizing the use of automated traffic enforcement systems. Reported by Committee on Law and Justice  
January 24, 1996

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5530 be substituted therefor, and the second substitute bill do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

SB 5614 Prime Sponsor, Senator Pelz: Revising provisions relating to compensation during appeal of department of labor and industries industrial insurance orders. Reported by Committee on Labor, Commerce and Trade  
January 24, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Franklin, Fraser and Wojahn.

Passed to Committee on Rules for second reading.

SB 5615 Prime Sponsor, Senator Pelz: Revising provisions relating to compensation during reconsideration of department of labor and industries industrial insurance orders. Reported by Committee on Labor, Commerce and Trade  
January 24, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Franklin, Fraser and Wojahn.

Passed to Committee on Rules for second reading.

ESB 5841 Prime Sponsor, Senator Pelz: Enacting the personnel system reform act of 1995. Reported by Committee on Labor, Commerce and Trade  
January 24, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 5841 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Franklin, Fraser and Wojahn.

Referred to Committee on Ways and Means.

SB 6078 Prime Sponsor, Senator Heavey: Representing regional transit authority projects. Reported by Committee on Transportation  
January 24, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6078 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

January 25, 1996

SB 6100 Prime Sponsor, Senator Haugen: Requiring biennial progress reports from the department of ecology. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Pelz, Roach, Sheldon, Snyder, Spanel, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

January 24, 1996

SB 6112 Prime Sponsor, Senator Wojahn: Increasing allowable costs for vocational rehabilitation. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 6112 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Pelz, Chair; Heavey, Vice Chair; Franklin, Fraser and Wojahn.

Passed to Committee on Rules for second reading.

January 25, 1996

SB 6146 Prime Sponsor, Senator Loveland: Revising procedures for minimizing property damage by wildlife. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6146 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Referred to Committee on Ways and Means.

January 24, 1996

SB 6169 Prime Sponsor, Senator Smith: Amending the business corporation act. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6169 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

January 25, 1996

SB 6184 Prime Sponsor, Senator Loveland: Crediting certain insurance premium taxes. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That the bill be referred to Committee on Ways and Means without recommendation. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Sellar and Sutherland.

Referred to Committee on Ways and Means.

January 24, 1996

SB 6237 Prime Sponsor, Senator Prince: Permitting the use of certain wireless communications and computer equipment in vehicles. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6237 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

January 24, 1996

SB 6241 Prime Sponsor, Senator Sellar: Allowing certain towns to maintain hotel/motel taxes for tourism promotion. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6241 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Fraser, Hargrove, Johnson, Long, McDonald, Moyer, Roach, Sheldon, Spanel, West and Winsley.

Passed to Committee on Rules for second reading.

January 25, 1996  
SB 6247 Prime Sponsor, Senator Sheldon: Revising economic development activities. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Kohl, Long, McDonald, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

January 25, 1996  
SB 6292 Prime Sponsor, Senator Prentice: Defining member insurers and who they cover. Reported by Committee on Ways and Means

MAJORITY Recommendation: That the bill be referred to Committee on Financial Institutions and Housing without recommendation. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Referred to Committee on Financial Institutions and Housing.

January 25, 1996  
SB 6312 Prime Sponsor, Senator Bauer: Changing the tuition exemption for veterans of the Persian Gulf combat zone. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, Hale, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules for second reading.

January 25, 1996  
SB 6313 Prime Sponsor, Senator Rinehart: Waiving tuition and fees for certain state employees. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6313 be substituted therefor, and the substitute bill do pass. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Hale, McAuliffe, Rasmussen, Wood and Zarelli.

Passed to Committee on Rules for second reading.

January 25, 1996  
SB 6397 Prime Sponsor, Senator Sheldon: Providing business and occupation tax exemptions for auctions and wholesale transactions involving motor vehicles. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6397 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

January 24, 1996  
SB 6415 Prime Sponsor, Senator Pelz: Eliminating unemployment compensation disqualification for participation in employer sponsored programs for voluntary work force reductions. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Franklin, Fraser and Wojahn.

Passed to Committee on Rules for second reading.

January 24, 1996  
SB 6445 Prime Sponsor, Senator Sutherland: Making changes to water supply regulation. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6445 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

January 25, 1996  
SB 6453 Prime Sponsor, Senator Sutherland: Allowing phone companies and other information providers to include listings for elective officials in their directories free of charge. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

January 25, 1996  
SB 6456 Prime Sponsor, Senator Fraser: Allowing a property tax credit as an incentive for the improvement and restoration of streams, rivers, and riparian areas. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6456 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder and Strannigan.

Referred to Committee on Ways and Means.

January 24, 1996  
SB 6489 Prime Sponsor, Senator Owen: Clarifying criteria for refund of overpayments of vehicle and vessel license fees. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

January 25, 1996  
SB 6582 Prime Sponsor, Senator Kohl: Reducing financial disparities between part-time and full-time faculty at community and technical colleges. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6582 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Hale, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Referred to Committee on Ways and Means.

January 25, 1996  
SB 6583 Prime Sponsor, Senator Spanel: Clarifying eligibility requirements for state-funded benefits for part-time academic employees of community and technical colleges. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6583 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Hale, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Referred to Committee on Ways and Means.

January 25, 1996  
SB 6618 Prime Sponsor, Senator Snyder: Measuring state fiscal conditions. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6618 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Kohl, Long, McDonald, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

January 25, 1996  
SB 6671 Prime Sponsor, Senator McDonald: Changing the name of the economic and revenue forecast council to the economic, revenue, and caseload forecast council, and amending its duties accordingly. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6671 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

January 25, 1996  
SB 6680 Prime Sponsor, Senator Snyder: Strengthening legislative review of agency performance. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6680 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

January 25, 1996

SB 6687 Prime Sponsor, Senator Schow: Ordering the legislative budget committee to perform a study of class II tax reduction industries.  
Reported by Committee on Ways and Means

MAJORITY Recommendation: That the bill be referred to Committee on Human Services and Corrections without recommendation. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Referred to Committee on Human Services and Corrections.

January 25, 1996

SB 6703 Prime Sponsor, Senator Fraser: Providing for historic preservation. Reported by Committee on Government Operations

MAJORITY Recommendation: That the bill be referred to Committee on Ecology and Parks without recommendation. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Referred to Committee on Ecology and Parks.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 25, 1996

GA 9196 RACHEL GARSON, appointed November 6, 1995, for a term ending August 2, 1998, as a member of the Lottery Commission.  
Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Franklin, Fraser and Newhouse.

Passed to the Committee on Rules.

January 25, 1996

GA 9215 NATHAN S. FORD, appointed October 9, 1995, for a term ending January 15, 1999, as a member of the Liquor Control Board.  
Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Franklin, Fraser and Newhouse.

Passed to the Committee on Rules.

#### INTRODUCTION AND FIRST READING

SB 6716 by Senators Thibaudeau, Wood and Drew

AN ACT Relating to the domestic animal fit for purchase certificate; adding a new section to chapter 16.52 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce and Trade.

SB 6717 by Senators Thibaudeau and Roach

AN ACT Relating to Fircrest school; adding new sections to chapter 79.01 RCW; and adding new sections to chapter 43.131 RCW.

Referred to Committee on Human Services and Corrections.

SB 6718 by Senators Sutherland, McDonald, Finkbeiner, Winsley, Haugen and Hochstatter (by request of State Archivist)

AN ACT Relating to archives and records management; amending RCW 40.14.025 and 40.14.027; adding a new section to chapter 36.22 RCW; adding a new section to chapter 40.14 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6719 by Senators Prentice and Fraser

AN ACT Relating to business opportunity fraud; amending RCW 19.110.010, 19.110.020, 19.110.050, 19.110.070, 19.110.100, and 19.110.150; and prescribing penalties.

Referred to Committee on Financial Institutions and Housing.

SB 6720 by Senators Pelz, Deccio, Heavey, Hochstatter, Wojahn, Newhouse, West, Oke and Winsley

AN ACT Relating to the location of Indian gaming facilities; and amending RCW 9.46.360.

Referred to Committee on Labor, Commerce and Trade.

SB 6721 by Senators Pelz, Moyer, Heavey, Oke, Bauer, Winsley and Hochstatter

AN ACT Relating to tobacco prevention programs for youth; adding a new section to chapter 82.24 RCW; adding new sections to chapter 43.70 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health and Long-Term Care.

SB 6722 by Senators Pelz, Wojahn, Heavey, Goings, Hargrove, Rasmussen, Winsley and Kohl

AN ACT Relating to safeguarding summer youth employment and training programs; adding new sections to chapter 50.72 RCW; creating new sections; and making an appropriation.

Referred to Committee on Labor, Commerce and Trade.

SB 6723 by Senators Pelz, Goings, Hargrove, Heavey, Wojahn, Rasmussen, Winsley and Kohl

AN ACT Relating to safeguarding employment, training, and development programs for young men and women in Washington state; adding new sections to chapter 50.72 RCW; creating new sections; and making an appropriation.

Referred to Committee on Labor, Commerce and Trade.

SB 6724 by Senators Moyer, Fairley, Wood and Winsley

AN ACT Relating to health facilities and services; amending RCW 70.38.025; adding a new chapter to Title 70 RCW; creating new sections; decodifying RCW 70.38.155, 70.38.156, 70.38.157, 70.38.914, 70.38.915, 70.38.916, 70.38.917, 70.38.918, and 70.38.919; repealing RCW 70.38.095; prescribing penalties; and providing effective dates.

Referred to Committee on Health and Long-Term Care.

SB 6725 by Senators Sutherland, Finkbeiner and Hochstatter

AN ACT Relating to exempting electrical switchgear and control apparatus from chapter 70.79 RCW; and amending RCW 70.79.080.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 6726 by Senators Prentice, Spanel and Thibaudeau

AN ACT Relating to the utilities and transportation commission; adding a new section to chapter 80.04 RCW; and creating a new section.

Referred to Committee on Energy, Telecommunications and Utilities.

SB 6727 by Senators McAuliffe, Hochstatter, Franklin and Prentice

AN ACT Relating to medicinal and catheterization administration in public schools; and amending RCW 28A.210.260 and 28A.210.280.

Referred to Committee on Education.

SB 6728 by Senators Loveland, Prince, Heavey, Deccio, Snyder, Rasmussen, West and Roach

AN ACT Relating to the thoroughbred industry; amending RCW 67.16.105 and 67.16.170; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 81.12 RCW.

Referred to Committee on Ways and Means.

MOTION

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

SENATE RESOLUTION 1996-8679

By Senators West, Snyder, Cantu, Sellar, McCaslin, Oke, Zarelli, Owen, Anderson, Wojahn, Hochstatter, Hale, Franklin, Spanel, Haugen, Sheldon, Long, Wood, Kohl and Rasmussen

WHEREAS, Over nine thousand men and women of the Washington State National Guard continue to serve the country as a key part of our national defense; and

WHEREAS, These citizen soldiers reside in every legislative district throughout Washington and through the gift of their time and personal energies serve the needs of the people of Washington State; and

WHEREAS, The Guard is active in promoting positive activities for the youth of our state through active involvement in the D. A. R. E. program, drug demand reduction presentations at local schools, and Camp Minuteman, a motivational summer youth experience at Camp Murray; and

WHEREAS, The Guard makes a major contribution to our state's war on drugs by dedicating soldiers, airmen, and equipment to support forty-three different local law enforcement agencies. These counterdrug support efforts by our men and women last year contributed to 5,548 drug related arrests, and the seizure and destruction of nearly four hundred ten million dollars of illegal drugs; and

WHEREAS, In local communities, the Guard continues to be an essential source of social support for local communities by making armories available for public use for classes, food banks, and community and youth activities. The Guard also answered numerous calls for assistance from local communities for missions varying from traditional color guards to hauling food in support of anti-hunger initiatives; and

WHEREAS, The Guard continues to demonstrate its essential state role as an integral part of the state's ability to protect and sustain the lives and property of its citizens. The Guard was ready when winds and floods threatened Western Washington citizens last November. In August and September 1994, when a great conflagration sped through Central Washington and its communities, more than 3,500 Guard soldiers and airmen with mass amounts of vital equipment swelled the ranks of fire fighters and rescuers. From the response to Mt. St Helen's eruption, the Spokane wildfire, Skagit River Valley floods, to the Inauguration Day windstorm, the Guard has accomplished its mission in the face of frequent danger and constant adversity without the loss of life or significant injury; and

WHEREAS, These soldiers and airmen sacrifice their time, comfort and their energies to protect and preserve the lives and property of their fellow citizens, and demonstrate the vitality of the great tradition of sacrifice and service to state and nation that characterize the Washington National Guard; and

WHEREAS, The men and women of the Washington National Guard, who follow the long tradition of guardians of our democracy, began with the citizen soldiers of the Massachusetts Bay Colony in 1636, a tradition that is encoded in the United States Constitution as a bulwark to preserve the independence of the people and the sovereignty of the states, and is continued in our own State Constitution Act;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate express its appreciation to the families and employers of our Guard soldiers and airmen for their support without which the Guard's mission could not be successful; and

BE IT FURTHER RESOLVED, That the Senate specifically and particularly recognize the value of a strong Washington State National Guard to the economy and well-being of this state, both through the occasional performance of its state disaster relief mission, and through the ongoing benefit to local communities by the presence of productively employed, drug free, and efficiently trained Guard members and the armories that house them; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted to the Adjutant General of the Washington State National Guard, the Governor of the state of Washington, the Secretary of the Army, the Secretary of the Air Force, and to the President of the United States, the Honorable Bill Clinton.

Senators West and Oke spoke to Senate Resolution 1996-8679.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Washington State National Guard, who were seated in the gallery.

MOTION

On motion of Senator Spanel, the Senate reverted to the sixth order of business.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9191, Craig Cole, as a member of the Human Rights Commission, was confirmed.

APPOINTMENT OF CRAIG COLE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1. Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45.

Absent: Senators Deccio, Moyer and Roach - 3.

Excused: Senator Quigley - 1.

MOTION

On motion of Senator Anderson, Senators Deccio, Moyer and Roach were excused.

#### MOTION

On motion of Senator Wojahn, Gubernatorial Appointment No. 9229, Lyle Quasim, as Secretary of the Department of Social and Health Services, was confirmed.

Senators Wojahn, Winsley and Hargrove spoke to the confirmation of Lyle Quasim as Secretary of the Department of Social and Health Services.

#### APPOINTMENT OF LYLE QUASIM

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4. Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 43.

Voting nay: Senators Strannigan and Zarelli - 2.

Excused: Senators Deccio, Moyer, Quigley and Roach - 4.

#### MOTION

At 10:33 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:25 a.m. by President Pritchard.

#### SECOND READING

SENATE BILL NO. 5250, by Senators Owen, Haugen, Hargrove, Rasmussen, Prince, Morton and Prentice

Regulating collection of historic and special interest motor vehicles.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5250 was substituted for Senate Bill No. 5250 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 5250 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Anderson, Senators, Johnson, Schow and Zarelli were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5250.

#### ROLL CALL

The Secretary call the final passage of Substitute Senate Bill No. 5250 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 1; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 41.

Voting nay: Senator Hargrove - 1.

Excused: Senators Deccio, Johnson, Moyer, Quigley, Roach, Schow and Zarelli - 7.

SUBSTITUTE SENATE BILL NO. 5250, having received the constitutional majority, was declared passed. Their being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 5322, by Senate Committee on Ways and Means (originally sponsored by Senators Gaspard, Roach, McDonald, Rinehart, Heavey, Johnson, Franklin, Loveland, West and Winsley)

Providing a death benefit award.

#### MOTIONS

On motion of Senator Rinehart, Second Substitute Senate Bill No. 5322 was substituted for Substitute Senate Bill No. 5322 and the second substitute bill was placed on second reading and read the second time.

Senator Haugen moved that the following amendments by Senators Haugen and Winsley be considered simultaneously and be adopted:

On page 1, line 15, after "75.08.011;" insert the following: "(d) any volunteer fire fighter under chapter 41.24 RCW;"

On page 1, line 15, after "and" strike "(d)" and insert "(e)"  
Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Haugen and Winsley on page 1, line 15(2), to Second Substitute Senate Bill No. 5322.

The motion by Senator Haugen carried and the amendments were adopted.

#### MOTION

On motion of Senator Rinehart, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5322 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5322.

#### ROLL CALL

The Secretary call the final passage of Engrossed Second Substitute Senate Bill No. 5322 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 6; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, A., Bauer, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, McCaslin, McDonald, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 36.

Voting nay: Senators Cantu, Hochstatter, Long, Morton, Newhouse and Oke - 6.

Excused: Senators Deccio, Johnson, Moyer, Quigley, Roach, Schow and Zarelli - 7.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5322, having received the constitutional majority, was declared passed. Their being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6414, by Senators Pelz and Newhouse (by request of Employment Security Department)

Providing for federal income tax withholding from unemployment compensation benefits.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Senate Bill No. 6414 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6414.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6414 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 42.

Excused: Senators Deccio, Johnson, Moyer, Quigley, Roach, Schow and Zarelli - 7.

SENATE BILL NO. 6414, having received the constitutional majority, was declared passed. Their being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6366, by Senators Haugen, Prince, Wojahn, Sutherland, Winsley and Snyder (by request of Washington State Historical Society)

Authorizing the Washington state historical society to work with the Lewis and Clark trail committee in developing activities to commemorate the Lewis and Clark trail bicentennial.

The bill was read the second time.

#### MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 6366 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6366.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6366 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 43.

Excused: Senators Deccio, Johnson, Moyer, Quigley, Roach and Zarelli - 6.

SENATE BILL NO. 6366, having received the constitutional majority, was declared passed. Their being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5687, by Senators Long, Rasmussen, Johnson, Bauer, Kohl, Finkbeiner, Fairley, C. Anderson, Hochstatter, Gaspard, Pelz, Prince and Winsley

Changing provisions relating to instruction in Braille.

#### MOTIONS

On motion of Senator McAuliffe, Second Substitute Senate Bill No. 5687 was substituted for Senate Bill No. 5687 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Second Substitute Senate Bill No. 5687 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5687.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5687 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44.

Excused: Senators Deccio, Johnson, Moyer, Quigley and Roach - 5.

SECOND SUBSTITUTE SENATE BILL NO. 5687, having received the constitutional majority, was declared passed. Their being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6091, by Senators Haugen, Winsley, Sheldon, Drew, McCaslin, Long, Hale, Snyder, Heavey and Sellar

Converting water and sewer districts into water-sewer districts.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6091 was substituted for Senate Bill No. 6091 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6091 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6091.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6091 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44.

Excused: Senators Deccio, Johnson, Moyer, Quigley and Roach - 5.

SENATE BILL NO. 6091, having received the constitutional majority, was declared passed. Their being no objection, the title of the bill will stand as the title of the act.

#### MOTION

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

#### MOTIONS

On motion of Senator Spanel, the Committee on Labor, Commerce and Trade was relieved of further consideration of Senate Bill No. 6643.  
On motion of Senator Spanel, Senate Bill No. 6643 was referred to the Committee on Health and Long-Term Care.

#### MOTION

Senator West moved that the Committee on Ways and Means be immediately relieved of further consideration of Substitute House Bill No. 1957 and that Substitute House Bill No. 1957 be placed on the second reading calendar.  
Debate ensued.  
Senator Newhouse demanded a roll call and the demand was sustained.

#### PARLIAMENTARY INQUIRY

Senator Snyder: "A parliamentary inquiry, Mr. President. How many votes does this take to relieve the committee?"

#### RULING BY THE PRESIDENT

President Pritchard: "Twenty-five votes."  
Further debate ensued.  
The President declared the question before the Senate to be the roll call on the adoption of the motion by Senator West to immediately relieve the Committee on Ways and Means of further consideration of Substitute House Bill No. 1957 and to place Substitute House Bill No. 1957 on the second reading calendar.

#### ROLL CALL

The Secretary called the roll and the motion by Senator West to relieve the Committee on Ways and Means of Substitute House Bill No. 1957 failed by the following vote: Yeas, 21; Nays, 24; Absent, 0; Excused, 4.  
Voting yea: Senators Anderson, A., Cantu, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Schow, Sellar, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 21.  
Voting nay: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau and Wojahn - 24.  
Excused: Senators Deccio, Moyer, Quigley and Roach - 4.

#### PERSONAL PRIVILEGE

Senator Snyder: "A point of personal privilege. Mr. President and members of the Senate, there was an article in the P.I. on Monday in which I made a very disparaging remark about Congresswoman Linda Smith. It was completely uncalled for on my part and I want to stand today and make a public apology to Congresswoman Smith, and I hope that she accepts my apology. Thank you."

#### MOTION

At 12:10 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Monday, January 29, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

NINETEENTH DAY, JANUARY 26, 1996

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**TWENTY-SECOND DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Monday, January 29, 1996  
The Senate was called to order at 10:00 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Drew, Finkbeiner, McDonald, Moyer, Oke, Quigley, Smith and Sutherland. On motion of Senator Anderson, Senators McDonald, Moyer and Oke were excused. On motion of Senator Thibaudeau, Senators Drew, Quigley, Smith and Sutherland were excused.

The Sergeant at Arms Color Guard, consisting of Pages Brynn Connors and Brian Hans, presented the Colors. Senator Sid Snyder offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 24, 1996  
2SSB 5476 Prime Sponsor, Senate Committee on Ways and Means: Sharing leave and personal holiday time. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Third Substitute Senate Bill No. 5476 be substituted therefor, and the third substitute bill do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Deccio, Franklin, Fraser and Wojahn.

Referred to Committee on Ways and Means.

January 25, 1996  
SSB 5947 Prime Sponsor, Senate Committee on Ways and Means: Providing a specific funding mechanism for making additional community and technical college faculty salary increment awards. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Pelz, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

January 25, 1996  
SB 6116 Prime Sponsor, Senator Thibaudeau: Providing for a certain disclosure of health care information without patient's authorization. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

January 25, 1996  
SB 6141 Prime Sponsor, Senator Swecker: Requiring additional public notice and participation in various activities of investor-owned water companies. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 6141 be substituted therefor, and the substitute bill do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

January 25, 1996

SB 6245 Prime Sponsor, Senator Thibaudeau: Requiring child death investigations and reports. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6245 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

January 25, 1996

SB 6273 Prime Sponsor, Senator Quigley: Authorizing certain public works projects. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6273 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Johnson, Kohl, Long, McDonald, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

January 26, 1996

SB 6302 Prime Sponsor, Senator Haugen: Revising provision for appointment of a county legislative authority member of the forest practices board. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Haugen, Morton, Oke, Owen and Snyder.

Passed to Committee on Rules for second reading.

January 26, 1996

SB 6443 Prime Sponsor, Senator Fairley: Prohibiting the lease of certain tidal or submerged lands for oil or gas exploration. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; Haugen, Morton, Oke, Owen and Snyder.

Passed to Committee on Rules for second reading.

January 25, 1996

SB 6556 Prime Sponsor, Senator Sutherland: Enhancing public electronic access to government information. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 6556 be substituted therefor, and the substitute bill do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Referred to Committee on Ways and Means.

January 25, 1996

SJM 8023 Prime Sponsor, Senator Deccio: Requesting the department of transportation to name an overpass after Senator Matson. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Haugen, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

#### INTRODUCTION AND FIRST READING

SB 6729 by Senators Hargrove, Long and Winsley

AN ACT Relating to structured transition for juvenile offenders; reenacting and amending RCW 13.40.020; adding new sections to chapter 13.40 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Human Services and Corrections.

SB 6730 by Senators Strannigan, Rasmussen, Heavey, Schow, Finkbeiner, West, Winsley, Long, Johnson and Roach

AN ACT Relating to high-occupancy vehicle lanes; and amending RCW 46.61.165.

Referred to Committee on Transportation.

SB 6731 by Senators Hargrove, Long and Winsley (by request of Department of Social and Health Services)

AN ACT Relating to adoption support reconsideration program; and amending RCW 74.13.150.

Referred to Committee on Human Services and Corrections.

SB 6732 by Senators Owen and Haugen

AN ACT Relating to a citizens' ombudsman for the department of natural resources; adding a new section to chapter 43.30 RCW; and creating a new section.

Referred to Committee on Natural Resources.

SB 6733 by Senators Kohl, Hargrove, Long, Moyer, Franklin, Deccio, Schow, Strannigan, Owen, Thibaudeau, Smith, Sutherland and Winsley

AN ACT Relating to chemical dependency counselors; amending RCW 18.19.020, 18.19.030, and 18.19.070; adding a new section to chapter 18.19 RCW; and creating new sections.

Referred to Committee on Human Services and Corrections.

SB 6734 by Senators Strannigan, Fraser, Swecker, Spanel, Winsley, Long and Haugen

AN ACT Relating to gifts of land for public recreation and conservation uses; and amending RCW 43.98A.005, 43.98A.040, 43.98A.050, 43.98A.070, and 43.98A.080.

Referred to Committee on Ecology and Parks.

SB 6735 by Senators Pelz, Sutherland, Hargrove, Schow, Smith and Fairley

AN ACT Relating to disclosure requirements for campaign contributions by gambling interests; amending RCW 42.17.090, 9.46.075, and 9.46.070; adding a new section to chapter 42.17 RCW; and providing an effective date.

Referred to Committee on Labor, Commerce and Trade.

SB 6736 by Senators Goings, Pelz, Heavey, Rasmussen, McAuliffe, Fraser, Bauer, Franklin, Loveland, Sheldon, Spanel, Fairley, Thibaudeau, Wojahn, Snyder, Sutherland, Drew, Rinehart, Kohl, Smith, Haugen and Winsley

AN ACT Relating to employees of school districts; amending RCW 28A.400.200; adding new sections to chapter 41.59 RCW; and repealing RCW 41.59.120 and 41.59.935.

Referred to Committee on Labor, Commerce and Trade.

SB 6737 by Senators McAuliffe, Sheldon, Thibaudeau, Fairley and Kohl

AN ACT Relating to the study of athletic opportunities for girls; creating new sections; and making an appropriation.

Referred to Committee on Education.

#### MOTION

At 10:08 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:29 a.m. by President Pritchard.

#### SECOND READING

SENATE BILL NO. 6135, by Senators Fairley, Winsley and Kohl

Using gender-neutral language in Title 35A RCW.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6135 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6135.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6135 and the bill passed the Senate by the following vote:  
Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 41.

Absent: Senator Finkbeiner - 1.

Excused: Senators Drew, McDonald, Moyer, Oke, Quigley, Smith and Sutherland - 7.

SENATE BILL NO. 6135, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Wood, Senator Finkbeiner was excused.

#### SECOND READING

SENATE BILL NO. 6090, by Senators Hale, Haugen, Winsley and Swecker

Recording instruments via electronic transmission.

The bill was read the second time.

#### MOTION

On motion of Senator Hale, the rules were suspended, Senate Bill No. 6090 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6090.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6090 and the bill passed the Senate by the following vote:  
Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 41.

Excused: Senators Drew, Finkbeiner, McDonald, Moyer, Oke, Quigley, Smith and Sutherland - 8.

SENATE BILL NO. 6090, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6243, by Senators Goings, Hargrove, Rasmussen, Quigley, Bauer, Fraser, Drew, Smith, Wojahn, Franklin, Sheldon, Pelz, Snyder, Haugen, Heavey, Long, Oke, Wood and Johnson

Prohibiting state funding of organ transplants for offenders sentenced to death.

The bill was read the second time.

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 6243 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6243.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6243 and the bill passed the Senate by the following vote:  
Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 42.

Excused: Senators Drew, Finkbeiner, McDonald, Oke, Quigley, Smith and Sutherland - 7.  
SENATE BILL NO. 6243, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Pelz: "A point of personal privilege. Thank you, Mr. President, and members of the Senate. I rise to point out that the excruciating pain that we have just endured was, in fact, the braying of the maiden speech of the recent Senator from the Twenty-fifth District. He does not realize in his newness to this Chamber that his long-winded cacophony will force a delay in a cherished process by which this body considers the vital legislation before us during this session. Senator Goings probably does not realize that in a couple of weeks we will be feeling the pressure as we attempt to pass all the fantastic legislation coming out of our committees on a daily basis--that somewhere, because of his endless speech, the opportunity to create a new lien will be lost. The possibility to pass a new government regulation will elude us and at least six bills from the Gov Ops Committee will not move forward in the process. For that, you owe each of us a gift."

#### REPLY BY THE PRESIDENT

President Pritchard: "Thank you, Senator. I think it is quite appropriate that you should warn the Senator about endless speeches."

#### PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege. Not having the oratorical skills of my fellow Senator, Senator Pelz, I would like to ask Senator Goings that if you are going to provide us with something to eat, it will take as long to eat it as your speech was."

#### PERSONAL PRIVILEGE

Senator Roach: "A point of personal privilege. I just wanted to bring up something to the members. It was discovered a little earlier this year, by someone working on the Corrections Committee, the Department of Corrections has paid for penial implants for some of those that are incarcerated. So that while we are talking right now about this subject, certainly we need to be looking into what else is being done that probably the taxpayers would say would be incredibly out of line."

#### REPLY BY THE PRESIDENT

President Pritchard: "Thank you, Senator. I'm not sure we have to discuss penial implants."

#### PERSONAL PRIVILEGE

Senator Goings: "A point of personal privilege. Senator Roach, we will have to come back next session in order to discuss that. I just want to thank the majority leader for sticking with me through that. Senator Snyder, thank you very much. Senator Pelz, my conservative colleague, I am not sure about Seattle, but in the Twenty-fifth, we are a very organized lot and so it is my pleasure to present to you my gift at this time. Senator Pelz, to help sweeten you up a little more, I have three extra Almond Roca's for you. Thank you, Mr. President."

#### POINT OF INQUIRY

Senator Deccio: "Senator Goings, does it take you that long to turn down a loan or grant a loan as it did for you to make the speech on your bill?"

Senator Goings: "As you know, as a banker, I take my trade very seriously and we do put in as much time as possible. As you know, with the weather change and the golf courses being green again, that all determines how long it takes."

#### SECOND READING

SENATE BILL NO. 6214, by Senators Snyder, Newhouse, Rasmussen, Morton, Prince and Hargrove

Defining a temporary growing structure.

#### MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 6214 was substituted for Senate Bill No. 6214 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 6214 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6214.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6214 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 42.

Excused: Senators Drew, Finkbeiner, McDonald, Oke, Quigley, Smith and Sutherland - 7.

SUBSTITUTE SENATE BILL NO. 6214, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6286, by Senators Pelz, Deccio, Heavey and Hale

Conferring possessory and lien rights to entities that used dies, molds, forms, and patterns unclaimed.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Senate Bill No. 6286 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6286.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6286 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 42.

Excused: Senators Drew, Finkbeiner, McDonald, Oke, Quigley, Smith and Sutherland - 7.

SUBSTITUTE SENATE BILL NO. 6286, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 12:00 noon, on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Tuesday, January 30, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

#### JOURNAL OF THE SENATE

TWENTY-SECOND DAY, JANUARY 29, 1996

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**TWENTY-THIRD DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Tuesday, January 30, 1996  
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 29, 1996  
SB 6113 Prime Sponsor, Senator Wojahn: Authorizing the presumption of paternity to be rebutted in an appropriate administrative hearing. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Referred to Committee on Ways and Means.

January 29, 1996  
SB 6115 Prime Sponsor, Senator Wojahn: Revising penalties for persons who damage property with graffiti. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin and Roach.

Passed to Committee on Rules for second reading.

January 25, 1996  
SB 6121 Prime Sponsor, Senator Quigley: Providing premium offsets for medicare supplemental insurance policies. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6121 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Wojahn, Vice Chair; Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Referred to Committee on Ways and Means.

January 29, 1996  
SB 6131 Prime Sponsor, Senator Fairley: Providing a cause of action for persons who are coerced into sexually explicit conduct. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6131 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen and Long.

Passed to Committee on Rules for second reading.

January 29, 1996  
SB 6134 Prime Sponsor, Senator Fairley: Increasing the penalties for repeated prostitution-related offenses. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6134 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

January 29, 1996  
SB 6204 Prime Sponsor, Senator Haugen: Decriminalizing certain traffic offenses. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6204 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin and Roach.

Passed to Committee on Rules for second reading.

January 29, 1996

SB 6380 Prime Sponsor, Senator Bauer: Eliminating the requirement that degree-granting private vocational schools participate in the tuition recovery trust fund. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince, Rasmussen, Sheldon, Wood and Zarelli.

Passed to Committee on Rules for second reading.

January 25, 1996

SB 6426 Prime Sponsor, Senator Prentice: Administering the state housing finance commission. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 6426 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar and Smith.

Passed to Committee on Rules for second reading.

January 29, 1996

SB 6494 Prime Sponsor, Senator McAuliffe: Correcting obsolete references in the state even start program. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, McAuliffe, Prince, Rasmussen, Sheldon, Wood and Zarelli.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

January 24, 1996

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Dr. Martin Kaatz, reappointed January 24, 1996, for a term ending January 1, 2001, as a member of the Forest Practices Appeals Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Natural Resources.

January 25, 1996

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

I have the honor to submit the following appointment, subject to your confirmation.  
Gregory Costello, appointed January 25, 1996, for a term ending January 1, 1999, as a member of the Forest Practices Appeals Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Natural Resources.

January 25, 1996

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

I have the honor to submit the following appointment, subject to your confirmation.  
Ann Mottet, appointed January 25, 1996, for a term ending September 30, 2000, as a member of the Board of Trustees for Lower Columbia Community College District No. 13.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 25, 1996

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

I have the honor to submit the following appointment, subject to your confirmation.  
James P. Dawson, appointed January 25, 1996, for a term ending September 30, 2000, as a member of the Board of Trustees for Pierce College District No. 11.

Sincerely,

Referred to Committee on Higher Education.

MIKE LOWRY, Governor

January 25, 1996

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

I have the honor to submit the following appointment, subject to your confirmation.  
Judy Guenther, appointed January 25, 1996, for a term ending September 30, 2000, as a member of the Board of Trustees for  
Centralia Community College District No. 12.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

MESSAGES FROM THE HOUSE

January 26, 1996

MR. PRESIDENT:

The House has passed:  
THIRD SUBSTITUTE HOUSE BILL NO. 1004,  
ENGROSSED HOUSE BILL NO. 1099,  
HOUSE BILL NO. 1104,  
HOUSE BILL NO. 1151,  
HOUSE BILL NO. 1256,  
HOUSE BILL NO. 1436,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1555,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1704,  
HOUSE BILL NO. 2212,  
SUBSTITUTE HOUSE BILL NO. 2224,  
HOUSE JOINT MEMORIAL NO. 4001, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

January 26, 1996

MR. PRESIDENT:

The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1231,  
ENGROSSED HOUSE BILL NO. 1647,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1921,  
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1967,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2004,  
ENGROSSED HOUSE BILL NO. 2032, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6738 by Senators Roach, Owen and Fraser

AN ACT Relating to the choice of retirement systems by department of fish and wildlife enforcement officers; reenacting and amending RCW 41.26.030; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Ways and Means.

SB 6739 by Senators Hargrove, Loveland, Owen, Franklin, Drew, Smith and Kohl

AN ACT Relating to state workers' salaries that are more than twenty-five percent behind the prevailing rates for their job classes; and creating new sections.

Referred to Committee on Ways and Means.

SB 6740 by Senators Spanel and Schow

AN ACT Relating to taxation of gambling activities; and amending RCW 9.46.110.

Referred to Committee on Labor, Commerce and Trade.

SB 6741 by Senators Haugen and Spanel

AN ACT Relating to the fishery retail fish dealer's license; amending RCW 75.28.300; and adding a new section to chapter 75.28 RCW.

Referred to Committee on Natural Resources.

SB 6742 by Senators Bauer and Kohl

AN ACT Relating to employees of community and technical colleges; amending RCW 28B.52.035; reenacting and amending RCW 28B.50.140; and adding new sections to chapter 28B.52 RCW.

Referred to Committee on Labor, Commerce and Trade.

SB 6743 by Senator Prentice

AN ACT Relating to binding interest arbitration for classified school employees; and adding a new section to chapter 41.56 RCW.

Referred to Committee on Labor, Commerce and Trade.

SB 6744 by Senators Kohl, McCaslin, Fairley and Thibaudeau

AN ACT Relating to medicinal marijuana; amending RCW 69.51.020 and 69.51.040; creating new sections; and making appropriations.

Referred to Committee on Ways and Means.

SB 6745 by Senators Loveland, Newhouse, Prentice, Roach, Sheldon, Swecker, Sellar, Winsley, McAuliffe, Finkbeiner, Bauer, Schow, Rasmussen, Wood, Goings, Morton, Heavey, Strannigan, A. Anderson and Zarelli

AN ACT Relating to limiting cigarettes and other tobacco products taxes; and amending RCW 82.24.020 and 82.26.020.

Referred to Committee on Health and Long-Term Care.

SJM 8029 by Senators Loveland, Hale, Newhouse, Hochstatter, McCaslin, Sellar, Wojahn, Franklin, Haugen, Rinehart, Snyder, Owen, Spanel, Fraser, Sheldon, Fairley, Rasmussen, Heavey, McAuliffe, Prentice, Deccio and Roach

Requesting that the Hanford Fast Flux Facility be preserved.

Referred to Committee on Energy, Telecommunications and Utilities.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

3SHB 1004 by House Committee on Higher Education (originally sponsored by Representatives Carlson, Sherstad, Benton, Dyer, Thompson, Goldsmith, Radcliff, Pennington, Mitchell, Basich, Blanton, Mulliken, Boldt, Fuhrman, Huff, Talcott and McMahan)

Allowing institutions of higher education to contract for services.

Referred to Committee on Labor, Commerce and Trade.

EHB 1099 by Representatives Scott, Appelwick, Padden, Campbell, Sherstad and Benton

Requiring HIV testing for persons arrested for being involved with prostitution.

Referred to Committee on Law and Justice.

HB 1104 by Representatives McMorris, Campbell, Pennington, Mulliken, Koster, Sheldon, Padden, Kremen, Smith, Chandler, Honeyford, Hargrove, McMahan, Benton, D. Schmidt, Chappell, Thompson, Fuhrman, Delvin, Schoesler, Casada, Blanton, Stevens, Johnson, Huff, Foreman, Hymes, Sherstad, Robertson, Backlund, L. Thomas, Mielke, Cairnes, Elliot, Goldsmith and Buck

Removing requirements relating to carrying firearms unloaded and enclosed in an opaque case or wrapper.

Referred to Committee on Law and Justice.

HB 1151 by Representatives Pennington, McMorris, Smith, Boldt, Campbell, Sheldon, L. Thomas, Thompson, Foreman, Benton, Robertson, Goldsmith, McMahan, Hargrove, Sherstad, Clements, Mulliken, Schoesler, Johnson, D. Schmidt, B. Thomas, Delvin, Koster, Hymes and Mielke

Modifying licensing requirements for the sale of ammunition.

Referred to Committee on Law and Justice.

ESHB 1231 by House Agriculture and Ecology (originally sponsored by Representatives Rust, Chandler, Valle, Cole, Mastin and Chopp)

Promoting the recycled content of products and buildings.

Referred to Committee on Ecology and Parks.

HB 1256 by Representatives Schoesler, Sheldon, Thompson, Johnson, Clements, Hickel, Huff, Boldt, Sheahan and Basich

Preempting the field of landlord-tenant regulation.

Referred to Committee on Financial Institutions and Housing.

HB 1436 by Representatives Dyer and B. Thomas

Supplementing emergency services resulting from the impact of tourism in small communities.

Referred to Committee on Ways and Means.

ESHB 1555 by House Committee on Agriculture and Ecology (originally sponsored by Representatives McMorris, Foreman, Mastin, Chandler, Chappell, Koster, Boldt, Schoesler, Johnson, Honeyford, Clements, Regala, Basich, Hargrove, L. Thomas, Thompson, Delvin, Elliot, Goldsmith, McMahan, Mulliken, Fuhrman, Stevens and Lisk)

Revising department of ecology entry authority for water quality complaints caused by agricultural activity.

Referred to Committee on Ecology and Parks.

EHB 1647 by Representatives Goldsmith, Romero and Lisk (by request of Employment Security Department)

Expanding the authority of the employment security department to share data.

Referred to Committee on Labor, Commerce and Trade.

ESHB 1704 by House Committee on Commerce and Labor (originally sponsored by Representatives Lisk, L. Thomas, Ballasiotes, Kremen, Chappell, Cooke, Goldsmith, Padden, Radcliff, Mulliken, Pennington, McMorris, Smith, Delvin, Hickel, Mastin, Sehlin, Beeksma, Robertson, Cairnes, Koster, Brumsickle, D. Schmidt, Horn, Reams, Campbell, Chandler, Backlund, McMahan and Elliot)

Eliminating registration requirements for sellers of travel.

Referred to Committee on Labor, Commerce and Trade.

ESHB 1921 by House Committee on Transportation (originally sponsored by Representatives Benton, Elliot, Chopp, Thompson, Carlson, D. Schmidt, Ogden and Mason)

Providing for existing general aviation airport land use encroachment planning.

Referred to Committee on Government Operations.

2ESHB 1967 by House Committee on Transportation (originally sponsored by Representatives Romero, Robertson, R. Fisher, K. Schmidt, Tokuda, Chopp, Patterson, Regala, Hatfield, Wolfe, Cole, Dellwo, Valle and Ogden)

Increasing penalties for repeat violations of vehicle licensing requirements.

Referred to Committee on Transportation.

E2SHB 2004 by House Committee on Appropriations (originally sponsored by Representatives Thompson, Fuhrman, Goldsmith, Buck, Elliot, Cairnes and Sheldon)

Taking emergency measures to protect the health of the Loomis state forest.

Referred to Committee on Natural Resources.

EHB 2032 by Representatives K. Schmidt, R. Fisher, Hatfield, Cairnes, Brown, Backlund, Romero, Johnson, D. Schmidt, Elliot, Benton and Blanton

Depositing certain sales or use tax revenue into the transportation fund.

Referred to Committee on Transportation.

HB 2212 by Representatives B. Thomas, Carrell, Talcott, Honeyford, Benton, Schoesler, Mastin, Sheldon, Radcliff, Koster, Campbell, Smith, Huff, Horn, Morris, Thompson, Cooke, Goldsmith, Backlund, Hargrove and McMahan

Repealing the 1993 sales taxation of certain services.

Referred to Committee on Ways and Means.

SHB 2224 by House Committee on Commerce and Labor (originally sponsored by Representatives Mastin, Schoesler, Chandler, Honeyford, Sheahan, Carlson, Thompson, McMorris, Backlund, McMahan and Stevens)

Regulating teen-age work hours.

Referred to Committee on Labor, Commerce and Trade.

HJM 4001 by Representatives Campbell, B. Thomas, Chappell, Schoesler, Talcott, Dyer, Mastin, Chandler, Casada, Kremen, Sheahan, Backlund, Beeksma, Pennington, Lambert, Smith, Delvin, Robertson, Buck, Elliot, Mulliken, Blanton, Benton, McMahan, Hargrove, Radcliff, Koster, Scott, Cooke, Johnson, Thompson, Goldsmith, Crouse, Brumsickle, G. Fisher, Basich, Grant, Sehlin, Van Luven, Hankins, McMorris, Fuhrman, Sheldon, Huff, Silver and Hymes

Petitioning the federal government to cease and desist mandates that are beyond the scope of its powers.

Referred to Committee on Government Operations.

#### MOTION

At 12:05 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Wednesday, January 31, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-THIRD DAY, JANUARY 30, 1996

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**TWENTY-FOURTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Wednesday, January 31, 1996  
The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Johnson, Pelz and Swecker. On motion of Senator Anderson, Senators Johnson and Swecker were excused. On motion of Senator Thibaudeau, Senators Bauer and Pelz were excused.

The Sergeant at Arms Color Guard, consisting of Pages Nini Hayes and Phyllis McElroy, presented the Colors. Reverend Bruce Sanders, pastor of the Capital Vision Christian Church of Olympia, and a guest of Senator Gary Strannigan, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

SSB 5053 Prime Sponsor, Senate Committee on Government Operations: Modifying real estate disclosure provisions. Reported by  
Committee on Government Operations January 30, 1996

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5053 be substituted therefor, and the second substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

SB 5865 Prime Sponsor, Senator Snyder: Assigning the rights of lottery prize winners. Reported by Committee on Labor, Commerce and  
Trade January 29, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 5865 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Deccio, Franklin, Fraser, McDonald, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

SB 5879 Prime Sponsor, Senator Winsley: Authorizing regulation of vegetation height on residential lots along shorelines. Reported by  
Committee on Ecology and Parks January 26, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Fairley, Vice Chair; McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

SB 6105 Prime Sponsor, Senator Winsley: Standardizing the recording of documents. Reported by Committee on Government Operations January 30, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6105 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

SB 6106 Prime Sponsor, Senator Winsley: Advancing the cutoff for candidacy filings. Reported by Committee on Government Operations January 30, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, McCaslin and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Heavey.

Passed to Committee on Rules for second reading.

January 30, 1996  
SB 6202 Prime Sponsor, Senator Haugen: Authorizing smaller counties to have five-member boards of county commissioners. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 30, 1996  
SB 6262 Prime Sponsor, Senator Morton: Providing for cougar transport tags. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6262 be substituted therefor, and the substitute bill do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

January 29, 1996  
SB 6339 Prime Sponsor, Senator Haugen: Concerning the requirements for receipt of an alcohol server permit. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Deccio, Franklin, Fraser, McDonald, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

January 29, 1996  
SB 6345 Prime Sponsor, Senator Haugen: Defining "sale" and related terms with regard to gambling act. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Deccio, Franklin, Fraser, McDonald, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

January 30, 1996  
SB 6382 Prime Sponsor, Senator Hochstatter: Lowering the business and occupation taxation of the handling of hay, alfalfa, or seed. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: That Substitute Senate Bill No. 6382 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; A. Anderson, Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

January 26, 1996  
SB 6395 Prime Sponsor, Senator Snyder: Funding maritime historic restoration and preservation. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6395 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

January 30, 1996  
SB 6398 Prime Sponsor, Senator Hargrove: Providing for background checks of employees at the special commitment center. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6398 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Prentice, Schow, Smith, Strannigan, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

SB 6407 Prime Sponsor, Senator Sheldon: Filing faxed documents. Reported by Committee on Government Operations January 30, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

SB 6428 Prime Sponsor, Senator Newhouse: Revising irrigation district mergers. Reported by Committee on Government Operations January 30, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

SB 6466 Prime Sponsor, Senator Spanel: Allowing construction that has a minor impact on air quality to proceed without a notice of construction or review approval from the department of ecology. Reported by Committee on Ecology and Parks January 26, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6466 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

SB 6529 Prime Sponsor, Senator Drew: Requiring the fish and wildlife commission to simplify licensing requirements for recreational hunting and fishing. Reported by Committee on Natural Resources January 30, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6529 be substituted therefor, and the substitute bill do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

SB 6559 Prime Sponsor, Senator Fraser: Studying the feasibility of developing and maintaining a state-wide benchmarks system. Reported by Committee on Ecology and Parks January 26, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6559 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Fairley, Vice Chair; McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

SB 6560 Prime Sponsor, Senator Fraser: Extending for four years the authority to delegate portions of well drilling administration and enforcement to local governments. Reported by Committee on Ecology and Parks January 30, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6560 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

SB 6566 Prime Sponsor, Senator Fraser: Increasing the annual snowmobile registration fee. Reported by Committee on Ecology and Parks January 30, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE SECRETARY OF STATE

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

Mr. President:

As required by Article II, Section 1, of the State Constitution and RCW 29.79.200, we herewith respectfully certify that we have completed the verification of the signatures on Initiative to the Legislature 177, a copy of which was preliminarily certified to you on January 8, 1996, and we have determined that the initiative contains the signatures of at least 196,035 legal voters in the state of Washington. As the number exceeds that required by the State Constitution (181,667), we hereby certify that Initiative to the Legislature 177 is qualified to appear on the state general election ballot unless approved by the Legislature during this session.

IN TESTIMONY WHEREOF, I have hereunto set  
(Seal) my hand and affixed the Seal of the state of Washington,  
this 30th day of January, 1996.

RALPH MUNRO  
Secretary of State

#### MOTION

On motion of Senator Spanel, Initiative to the Legislature 177 was referred to the Committee on Education.

#### INTRODUCTION AND FIRST READING

SB 6746 by Senator Prentice

AN ACT Relating to the credit unions examination fund; and amending 1995 2nd sp.s. c 18 s 125 (uncodified).

Referred to Committee on Financial Institutions and Housing.

SB 6747 by Senators Deccio, Prentice, McAuliffe, Franklin, Newhouse and Moyer

AN ACT Relating to the designation of a nursing home; amending RCW 71A.20.020; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 6748 by Senators Heavey and Deccio

AN ACT Relating to providing limited circumstances under which a qualifying manufacturer that is a public company may have an indirect interest in property on which a retail liquor licensed premises is located; and amending RCW 66.28.010.

Referred to Committee on Labor, Commerce and Trade.

SB 6749 by Senators Hochstatter, Schow and Oke

AN ACT Relating to making welfare work; amending RCW 74.12.340; reenacting and amending RCW 74.15.020; adding new sections to chapter 74.12 RCW; creating new sections; repealing RCW 74.12.420; and prescribing penalties.

Referred to Committee on Health and Long-Term Care.

SB 6750 by Senators Heavey, Newhouse, Haugen, Oke, Hochstatter, Schow, Rasmussen and Johnson

AN ACT Relating to excise taxation of management entities providing services for casino gambling activity in Washington state; amending RCW 82.04.290; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Labor, Commerce and Trade.

SB 6751 by Senators Roach, Oke and Schow

AN ACT Relating to penalties for arson; reenacting and amending RCW 9.94A.320; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6752 by Senators Roach and Schow

AN ACT Relating to crimes committed by juveniles; amending RCW 13.40.040, 13.40.050, 13.40.130, 13.40.320, 13.40.185, 13.40.160, 13.40.210, 13.40.025, 13.40.027, 13.40.030, 9A.04.050, 13.40.060, and 13.40.0357; reenacting and amending RCW 13.04.030 and 13.40.020; creating a new section; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6753 by Senators Oke, Prince, Prentice, Sheldon, Swecker, Wojahn, Deccio, Schow, A. Anderson, Sellar, Winsley, Strannigan, Finkbeiner, Moyer, McDonald, Haugen, Wood and Rasmussen

AN ACT Relating to agreements, advisory vote procedures, and funding for the Tacoma Narrows bridge under the public-private transportation initiatives program; amending RCW 47.46.030 and 47.46.040; and making an appropriation.

Referred to Committee on Transportation.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Smith, Gubernatorial Appointment No. 9150, John Little, as a member of the Human Rights Commission, was confirmed.

APPOINTMENT OF JOHN LITTLE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4. Voting yea: Senators Anderson, A., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45.

Excused: Senators Bauer, Johnson, Pelz and Swecker - 4.

PERSONAL PRIVILEGE

Senator Zarelli: "Mr. President, I ask for a point of personal privilege. I would like to speak to my fellow Senators and in honor of Senate tradition, that this being my first year in the Washington State Senate, I have placed on your desk a gift from me to you, representative of my district. I wanted to let everybody know how privileged I feel to serve here in the Washington State Senate with each and everyone of you. The farmer who raised these flowers and sells them in his small business is in the gallery today."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Benno and Klazina Dobbe from the Holland America Bulb Farm of Woodland, and guests of Senator Zarelli, who were seated in the gallery.

MOTION

On motion of Senator Smith, Gubernatorial Appointment No. 9156, Hubert Locke, as a member of the Sentencing Guidelines Commission, was confirmed.

Senators Smith, McCaslin and Kohl spoke to the confirmation of Hubert Locke as a member of the Sentencing Guidelines Commission.

APPOINTMENT OF HUBERT LOCKE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3. Voting yea: Senators Anderson, A., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Excused: Senators Bauer, Johnson and Pelz - 3.

MOTION

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

SENATE RESOLUTION 1996-8680

By Senators Rasmussen, Spanel, Cantu, Haugen and Kohl

WHEREAS, Washington is home to 930 dairy farms and 263,000 dairy cows; and  
WHEREAS, Washington's dairy cows are the third most productive in America, averaging more than 3,800 pounds of milk per cow above the national average; and  
WHEREAS, In the latest statistics, milk production in Washington increased four percent for a total annual production of 5.2 billion pounds in 1994; and  
WHEREAS, Washington's livestock and livestock products established an all-time record high value, with milk as the number one commodity in the category; and  
WHEREAS, Our state's dairy farmers contributed \$681 million to the state's economy in 1994, up seven percent from the previous year; and

WHEREAS, Milk production ranks second in dollar value among all of Washington's bountiful agricultural commodities; and  
WHEREAS, In addition, many of Washington's manufactured dairy products, such as butter, cheeses, and ice cream, have seen remarkable increases in production and value in recent years; and

WHEREAS, Washington's dairy industry is actually older than the state itself; and

WHEREAS, The first creamery in Washington was started at Cheney in 1880, at a time when cattle outnumbered territorial residents by more than two to one; and

WHEREAS, Citizens throughout the state today honor this special industry with the annual Dairy Day celebration at the state capitol; and

WHEREAS, The Washington State Dairy Federation is the proud sponsor of this observance; and

WHEREAS, Jada Feddema of Skagit County is representing the dairy industry with distinction as the reigning Washington State Dairy Ambassador; and

WHEREAS, The Jane and Steve Warner family of Snohomish; the Marv Stremmler family of Lynden; the Dick and Olga VanderKooy family of Mt. Vernon; and the Harold and Joni Visser family of Sunnyside are admirably representing the dairy farmers of Washington as the 1996 Washington State Dairy Families of the Year;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate acknowledge and honor the men and women whose work on dairy farms throughout Washington has contributed to the strength and vitality of our state and its economy, the character of our communities, and the well being of our citizens; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the President of the Senate to Washington State Dairy Ambassador Jada Feddema, and to the Warner, Stremmler, VanderKooy, and Visser families.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Jada Feddema, the Washington State Dairy Ambassador and Alternate Ambassadors, Liska Baldwin and Andrea Van Dyk, who were seated on the rostrum.

With permission of the Senate, business was suspended to permit Dairy Ambassador Jada to address the Senate.

The President also welcomed and introduced the Jane and Steve Warner family of Snohomish and the Dick and Olga VanderKooy family of Mt. Vernon, the 1996 Washington Dairy Families of the Year, as well as other members of the Dairy Ambassador delegation, who were seated in the gallery.

#### MOTION

At 10:29 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:56 a.m. by President Pritchard.

#### MOTION

On motion of Senator Spanel, the Senate returned to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 6166, by Senators Fraser, Swecker, Fairley and Winsley

Changing the name and functions of the Puget Sound Water Quality Authority.

#### MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6166 was substituted for Senate Bill No. 6166 and the substitute bill was placed on second reading and read the second time.

Senator Wood moved that the following amendment by Senators Wood and Fraser be adopted:

On page 9, beginning on line 5, after "8;" strike all material through "12." on line 9, and insert "and

(6) RCW 90.70.100 and 1991 c 200 s 502.

Sec. 7. RCW 43.131.369 and 1990 c 115 s 11 are each amended to read as follows:

The Puget Sound water quality authority and its powers and duties shall be terminated on June 30, ~~((1995))~~ 2001, as provided in RCW 43.131.370.

Sec. 8. RCW 43.131.370 and 1990 c 115 s 12 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((1996))~~ 2002:

(1) Section 1, chapter 451, Laws of 1985 and RCW 90.70.001;

(2) Section 2, chapter 451, Laws of 1985 and RCW 90.70.005;

(3) Section 3, chapter 451, Laws of 1985, section 2, chapter 115, Laws of 1990 and RCW 90.70.011;

(4) Section 5, chapter 451, Laws of 1985 and RCW 90.70.025;

(5) ~~((Section 6, chapter 451, Laws of 1985 and RCW 90.70.035;~~

~~(6) Section 7, chapter 451, Laws of 1985, section 72, chapter 36, Laws of 1988, section 3, chapter 115, Laws of 1990 and RCW 90.70.045;~~

~~(7))~~ Section 4, chapter 451, Laws of 1985, section 4, chapter 115, Laws of 1990 and RCW 90.70.055;

~~((8) Section 8, chapter 451, Laws of 1985, section 31, chapter 11, Laws of 1989, section 5, chapter 115, Laws of 1990 and RCW 90.70.060;~~

~~(9))~~ ~~(6)~~ Section 9, chapter 451, Laws of 1985, section 6, chapter 115, Laws of 1990 and RCW 90.70.070;

~~((10))~~ ~~(7)~~ Section 10, chapter 451, Laws of 1985, section 7, chapter 115, Laws of 1990 and RCW 90.70.080; and

~~((14))~~ ~~(8)~~ Section 14, chapter 451, Laws of 1985 and RCW 90.70.901."

Renumber the remaining section consecutively.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Wood and Fraser on page 9, beginning on line 5, to Substitute Senate Bill No. 6166.

The motion by Senator Wood carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Fraser, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "90.70.025," strike "and 90.70.055" and insert "90.70.055, 43.131.369, and 43.131.370"

On page 1, beginning on line 3 of the title, after "90.70.090," strike all material through "43.131.370" on line 4, and insert "and 90.70.100"

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute Senate Bill No. 6166 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6166.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6166 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, McDonald, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn and Wood - 34.

Voting nay: Senators Anderson, A., Cantu, Deccio, Hochstatter, McCaslin, Morton, Moyer, Newhouse, Roach, Schow, Sellar, Strannigan, West and Zarelli - 14.

Excused: Senator Johnson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6166, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 12:04 p.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Thursday, February 1, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-FOURTH DAY, JANUARY 31, 1996

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**TWENTY-FIFTH DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Thursday, February 1, 1996  
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 31, 1996  
SB 5080 Prime Sponsor, Senator Smith: Directing the department of licensing to develop electronic security systems to prevent fraud involving drivers' licenses and identicards. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5080 be substituted therefor, and the second substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Long, Roach and Schow.

Referred to Committee on Ways and Means.

January 31, 1996  
SB 5485 Prime Sponsor, Senator Rasmussen: Authorizing community councils in unincorporated areas of counties. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey and McCaslin.

Passed to Committee on Rules for second reading.

January 31, 1996  
SSB 5545 Prime Sponsor, Senate Committee on Labor, Commerce and Trade: Allowing businesses in this state to participate in the small business innovation research program. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Deccio, Franklin, Fraser, McDonald, Newhouse and Wojahn.

Referred to Committee on Ways and Means.

January 31, 1996  
SB 5955 Prime Sponsor, Senator Owen: Providing for joint residential placement. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

MINORITY Recommendation: Do not pass. Signed by Senators Smith, Chair; and Fairley, Vice Chair.

Passed to Committee on Rules for second reading.

January 30, 1996  
SB 6095 Prime Sponsor, Senator Rasmussen: Establishing parameters for solid waste facility locational standards. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6095 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Fraser, Chair; Fairley, Vice Chair; Spanel and Swecker.

Passed to Committee on Rules for second reading.

January 30, 1996

SB 6096 Prime Sponsor, Senator Rasmussen: Changing financial responsibility requirements for operators of solid waste landfills. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6096 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Fraser, Chair; Fairley, Vice Chair; Spanel and Swecker.

Passed to Committee on Rules for second reading.

January 31, 1996

SB 6107 Prime Sponsor, Senator Winsley: Harmonizing various election procedures. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6107 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 31, 1996

SB 6111 Prime Sponsor, Senator Sutherland: Providing for 911 emergency communications funding. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6111 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

January 31, 1996

SB 6132 Prime Sponsor, Senator Fairley: Limiting the exemption from campaign financing disclosure requirements to political subdivisions under one thousand population. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6132 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Quigley, Roach and Schow.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Haugen, Long and McCaslin.

Passed to Committee on Rules for second reading.

January 31, 1996

SB 6161 Prime Sponsor, Senator Fraser: Authorizing payment of attorneys' fees and costs in actions for damages to trees, timber, or shrubs. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6161 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, McCaslin and Quigley.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Haugen.

Passed to Committee on Rules for second reading.

January 31, 1996

SB 6186 Prime Sponsor, Senator Sheldon: Establishing the Washington state organ donor medal. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6186 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Heavey and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Hale and McCaslin.

Passed to Committee on Rules for second reading.

January 30, 1996

SB 6187 Prime Sponsor, Senator Sheldon: Providing for mandatory arbitration for actions to quiet title. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

January 30, 1996

SB 6188 Prime Sponsor, Senator Sheldon: Establishing a conditional privilege for communications between victims of sexual assaults and their personal representatives. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6188 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

January 31, 1996

SB 6211 Prime Sponsor, Senator Haugen: Concerning interlocal agreements. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6211 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 31, 1996

SB 6226 Prime Sponsor, Senator Bauer: Allowing appointment of a medical examiner in more populous counties. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey and Winsley.

Passed to Committee on Rules for second reading.

January 31, 1996

SB 6235 Prime Sponsor, Senator Drew: Adopting ethics standards for academic or scientific public service work. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6235 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 31, 1996

SB 6246 Prime Sponsor, Senator Smith: Penalizing false accusations of child abuse or neglect. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

MINORITY Recommendation: Do not pass. Signed by Senator Fairley, Vice Chair.

Passed to Committee on Rules for second reading.

January 31, 1996

SB 6252 Prime Sponsor, Senator Smith: Providing a classification for unclassified felonies. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

January 31, 1996

SB 6253 Prime Sponsor, Senator Smith: Revising the duties of the sentencing guidelines commission. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Referred to Committee on Ways and Means.

January 30, 1996

SB 6274 Prime Sponsor, Senator Long: Providing for increased supervision of sex offenders for up to the entire maximum term of the sentence. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6274 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Prentice, Schow, Smith, Strannigan, Thibaudeau and Zarelli.

Referred to Committee on Ways and Means.

January 31, 1996

SB 6276 Prime Sponsor, Senator Long: Enhancing sentences and supervision of sex offenders. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6276 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Referred to Committee on Ways and Means.

January 31, 1996

SB 6279 Prime Sponsor, Senator Rasmussen: Providing for the taxation of fermented apple cider. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6279 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

January 30, 1996

SB 6280 Prime Sponsor, Senator Kohl: Authorizing a technology fee at public institutions of higher education. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6280 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, Hale, McAuliffe, Rasmussen, Sheldon and Wood.

MINORITY Recommendation: Do not substitute and do not be referred to Committee on Ways and Means. Signed by Senator Prince.

Referred to Committee on Ways and Means.

January 30, 1996

SB 6292 Prime Sponsor, Senator Prentice: Defining member insurers and who they cover. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar and Smith.

Passed to Committee on Rules for second reading.

January 31, 1996

SB 6294 Prime Sponsor, Senator Bauer: Increasing a distribution of motor vehicle excise taxes to cities. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Hargrove, Hochstatter, Johnson, Kohl, McDonald, Moyer, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

January 30, 1996

SB 6314 Prime Sponsor, Senator Rinehart: Requiring higher education tuition rates to increase annually based on the average per capita income in the state. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hochstatter, Kohl, Long, McDonald, Moyer, Pelz, Sheldon, Snyder, Spanel, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

January 31, 1996

SB 6352 Prime Sponsor, Senator Goings: Allowing the association of superior court judges to establish when the annual meeting will be held. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

SB 6368 Prime Sponsor, Senator Heavey: Authorizing islands within Puget Sound and in larger counties to have community councils. Reported by Committee on Government Operations January 31, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Goings, Hale, Heavey and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator McCaslin.

Passed to Committee on Rules for second reading.

SB 6373 Prime Sponsor, Senator Prentice: Providing for a new auditor's fee to help fund low-income housing projects. Reported by Committee on Financial Institutions and Housing January 30, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6373 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Sellar and Smith.

Referred to Committee on Ways and Means.

SB 6379 Prime Sponsor, Senator Bauer: Adding a representative of private career schools to the work force training and education coordinating board. Reported by Committee on Higher Education January 30, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6379 be substituted therefor, and the substitute bill do pass. Signed by Senators Bauer, Chair; Drew, Hale, McAuliffe, Rasmussen, Sheldon and Wood.

Passed to Committee on Rules for second reading.

SB 6390 Prime Sponsor, Senator Smith: Regulating interception of communications. Reported by Committee on Law and Justice January 30, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6390 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Johnson, Long, McCaslin and Roach.

Passed to Committee on Rules for second reading.

SB 6399 Prime Sponsor, Senator Hargrove: Prohibiting mandatory child support for postsecondary education of adult children. Reported by Committee on Law and Justice January 31, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

SB 6402 Prime Sponsor, Senator Haugen: Providing for future law enforcement officers training. Reported by Committee on Law and Justice January 30, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6402 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

SB 6413 Prime Sponsor, Senator Pelz: Revising provisions for successor unemployment compensation contribution rates. Reported by Committee on Labor, Commerce and Trade January 31, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, McDonald, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

January 31, 1996

SB 6425 Prime Sponsor, Senator Swecker: Concerning the indebtedness of a port district. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 30, 1996

SB 6444 Prime Sponsor, Senator Fraser: Assisting mobile home park residents. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Sellar and Smith.

Referred to Committee on Ways and Means.

January 30, 1996

SB 6460 Prime Sponsor, Senator Fraser: Allowing public utility tax credits for water conservation activities. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6460 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Referred to Committee on Ways and Means.

January 30, 1996

SB 6475 Prime Sponsor, Senator Roach: Revising procedures for disqualification of district judges. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6475 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

January 30, 1996

SB 6495 Prime Sponsor, Senator Smith: Creating two additional superior court positions for Chelan and Douglas counties jointly. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Johnson, Long, McCaslin and Roach.

Referred to Committee on Ways and Means.

January 30, 1996

SB 6507 Prime Sponsor, Senator Drew: Creating the Washington higher education loan program. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6507 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Cantu, Drew, Fraser, Hochstatter, Johnson, Kohl, McDonald, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

January 30, 1996

SB 6508 Prime Sponsor, Senator McAuliffe: Establishing the advance college payment program. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6508 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hochstatter, Kohl, Long, McDonald, Moyer, Pelz, Sheldon, Snyder, Spanel, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

January 31, 1996

SB 6549 Prime Sponsor, Senator Smith: Allowing assigned claims in the small claims department of district court. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6549 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

January 30, 1996

SB 6553 Prime Sponsor, Senator Prentice: Revising judicial authority to order inspections. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 6553 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Sellar and Smith.

Passed to Committee on Rules for second reading.

January 30, 1996

SB 6576 Prime Sponsor, Senator Schow: Protecting the privacy of adult adoptees. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6576 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Prentice, Schow, Strannigan, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

January 30, 1996

SB 6605 Prime Sponsor, Senator Loveland: Changing provisions relating to bond debt service payments from the community and technical college capital projects account. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6605 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Cantu, Drew, Fraser, Hochstatter, Johnson, Kohl, McDonald, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

January 31, 1996

SB 6616 Prime Sponsor, Senator Hale: Expediting the release of employment security data to governmental agencies for preparing small business economic impact statements or cost benefit analysis. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 29, 1996

SB 6653 Prime Sponsor, Senator Bauer: Regulating real estate brokerage relationships. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 6653 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Deccio, Franklin, Fraser, McDonald, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

January 31, 1996

SB 6667 Prime Sponsor, Senator Quigley: Increasing penalties for public disclosure violations. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6667 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen and Quigley.

Passed to Committee on Rules for second reading.

January 31, 1996

SB 6704 Prime Sponsor, Senator Sutherland: Relating to the use of telecommunications in the medical industry. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

January 31, 1996

SB 6725 Prime Sponsor, Senator Sutherland: Exempting electrical switchgear and control apparatus from chapter 70.79 RCW. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 6725 be substituted therefor, and the substitute bill do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

January 30, 1996

SHB 2125 Prime Sponsor, House Committee on Financial Institutions and Insurance: Authorizing and implementing interstate banking.

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar and Smith.

Passed to Committee on Rules for second reading.

REPORT OF STANDING COMMITTEE  
GUBERNATORIAL APPOINTMENT

January 31, 1996

GA 9164 VAUGHN LEIN, appointed June 21, 1995, for a term ending June 12, 1999, as a member of Columbia River Gorge Bi-State Commission.  
Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe and Swecker.

Passed to Committee on Rules.

INTRODUCTION AND FIRST READING

SB 6754 by Senator Quigley

AN ACT Relating to studying the impact on rural hospitals of changing the certificate of need program; creating a new section; and making an appropriation.

Referred to Committee on Health and Long-Term Care.

SB 6755 by Senators Long, Strannigan, Winsley, McAuliffe, Haugen and Fraser

AN ACT Relating to an allocation to the city of Bothell for park purposes; and making an appropriation.

Referred to Committee on Ways and Means.

SB 6756 by Senators Long and Pelz

AN ACT Relating to homeowner's associations; amending RCW 64.38.010 and 64.38.045; adding a new section to chapter 64.38 RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 6757 by Senator Morton

AN ACT Relating to contract restrictions for first class school districts; and reenacting and amending RCW 42.23.030.

Referred to Committee on Education.

SB 6758 by Senators Schow, Owen, Smith, Rasmussen and Oke

AN ACT Relating to the use of campaign contributions for a different office; and amending RCW 42.17.790.

Referred to Committee on Law and Justice.

SCR 8428 by Senators Bauer, Wood, Kohl, Hale, Sheldon, Prince, Drew, McAuliffe and Rasmussen

Approving recommendations of the 1996 higher education master plan.

Referred to Committee on Higher Education.

MOTION

At 12:06 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Friday, February 2, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-FIFTH DAY, FEBRUARY 1, 1996

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**TWENTY-SIXTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Friday, February 2, 1996  
The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators McCaslin and McDonald. On motion of Senator Anderson, Senators McCaslin and McDonald were excused.

The Sergeant at Arms Color Guard, consisting of Pages Gary Whiteman and David Pfaff, presented the Colors. Reverend Kathryn Everett, pastor of the First United Methodist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 1, 1996  
2SSB 5159 Prime Sponsor, Senate Committee on Ways and Means: Creating the warm water game fish enhancement program. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Third Substitute Senate Bill No. 5159 be substituted therefor, and the third substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Strannigan and Swecker.

Referred to Committee on Ways and Means.

January 31, 1996  
SB 5352 Prime Sponsor, Senator Sheldon: Exempting federal small business innovation research program distributions from business and occupation tax. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Deccio, Franklin, Fraser, McDonald, Newhouse and Wojahn.

Referred to Committee on Ways and Means.

January 31, 1996  
2ESSB 5375 Prime Sponsor, Senate Committee on Law and Justice: Suspending various licenses for failure to pay child support. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5375 be substituted therefor, and the second substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen and Quigley.

MINORITY Recommendation: Do not pass second substitute. Signed by Senators Johnson and Schow.

Referred to Committee on Ways and Means.

January 31, 1996  
SSB 5516 Prime Sponsor, Senate Committee on Labor, Commerce and Trade: Providing for drug-free workplaces. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5516 be substituted therefor, and the second substitute bill do pass. Signed by Senators Pelz, Chair; A. Anderson, Deccio, Franklin and McDonald.

Minority Recommendation: Do not pass second substitute. Signed by Senator Heavey, Vice Chair.

Passed to Committee on Rules for second reading.

January 30, 1996

SB 6033 Prime Sponsor, Senator Deccio: Requiring identification badges for all hospital workers. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6033 be substituted therefor, and the substitute bill do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

January 31, 1996

SB 6114 Prime Sponsor, Senator Kohl: Increasing the penalty for providing liquor to persons under age twenty-one. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

January 31, 1996

SB 6119 Prime Sponsor, Senator Quigley: Regulating insurance coverage for prescription medicine. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6119 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Thibaudeau and Wood.

MINORITY Recommendation: Do not pass. Signed by Senator Moyer.

Referred to Committee on Ways and Means.

January 31, 1996

SB 6130 Prime Sponsor, Senator Fairley: Providing standards of conduct for adult cabarets and adult theaters. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6130 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

January 31, 1996

SB 6137 Prime Sponsor, Senator Kohl: Providing tax credits as an incentive for employer-sponsored child care benefits. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6137 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Franklin, Kohl, Long, Moyer, Prentice, Schow, Smith, Strannigan, Thibaudeau and Zarelli.

Referred to Committee on Ways and Means.

January 29, 1996

SB 6173 Prime Sponsor, Senator Haugen: Regulating motor vehicle dealers. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 6173 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Deccio, Franklin, Fraser, McDonald, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6205 Prime Sponsor, Senator Haugen: Providing procedures for creating new counties. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6205 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey and McCaslin.

Passed to Committee on Rules for second reading.

SB 6207 Prime Sponsor, Senator Haugen: Creating two pilot projects to improve investigative interviewing of child victim witnesses. Reported by Committee on Law and Justice  
January 31, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6207 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

SB 6223 Prime Sponsor, Senator Pelz: Providing uniform construction trade administrative procedures. Reported by Committee on Labor, Commerce and Trade  
January 31, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6223 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, McDonald, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

SB 6236 Prime Sponsor, Senator Swecker: Establishing shoreline management project completion timelines. Reported by Committee on Ecology and Parks  
February 1, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6236 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

SB 6239 Prime Sponsor, Senator Wojahn: Providing for osteoporosis prevention and treatment education. Reported by Committee on Health and Long-Term Care  
January 31, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Referred to Committee on Ways and Means.

SB 6240 Prime Sponsor, Senator Wojahn: Providing for osteoporosis health services coverage. Reported by Committee on Health and Long-Term Care  
January 31, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Fairley, Franklin, Thibaudeau, Winsley and Wood.

MINORITY Recommendation: Do not pass. Signed by Senator Moyer.

Referred to Committee on Ways and Means.

SB 6266 Prime Sponsor, Senator Morton: Establishing lost and uncertain boundaries. Reported by Committee on Law and Justice  
February 1, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6266 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, Quigley and Schow.

Passed to Committee on Rules for second reading.

SB 6297 Prime Sponsor, Senator Newhouse: Providing for modifications to the creation and operation of irrigation district joint control boards. Reported by Committee on Government Operations  
February 1, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 31, 1996

SB 6299 Prime Sponsor, Senator Rasmussen: Increasing penalties for multiple violations of domestic violence protection orders. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6299 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

SB 6300 Prime Sponsor, Senator Smith: Clarifying domestic violence provisions. Reported by Committee on Law and Justice January 31, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6300 be substituted therefore, and the substitute bill do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

SB 6319 Prime Sponsor, Senator McCaslin: Paying county fees by credit card. Reported by Committee on Government Operations February 1, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6319 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

SB 6328 Prime Sponsor, Senator Fairley: Making sex offenders with child victims subject to life imprisonment without parole after two offenses. Reported by Committee on Law and Justice January 31, 1996

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Referred to Committee on Ways and Means.

SB 6349 Prime Sponsor, Senator McAuliffe: Revising educational program for juveniles in detention facilities. Reported by Committee on Human Services and Corrections January 31, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Prentice, Schow, Strannigan, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

SB 6363 Prime Sponsor, Senator Pelz: Providing for payment of job modification or accommodation costs for injured workers. Reported by Committee on Labor, Commerce and Trade January 31, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6363 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Deccio, Franklin, McDonald, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

SB 6377 Prime Sponsor, Senator Heavey: Providing business tax credits for assisting in the provision of child care. Reported by Committee on Human Services and Corrections January 31, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6377 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Prentice, Schow, Smith, Strannigan, Thibaudeau and Zarelli.

Referred to Committee on Ways and Means.

SB 6400 Prime Sponsor, Senator Hargrove: Revising child support rules. Reported by Committee on Law and Justice January 31, 1996

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

MINORITY Recommendation: Do not pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings and Quigley.

Referred to Committee on Ways and Means.

SB 6403 Prime Sponsor, Senator Winsley: Revising the responsibility for fire investigation. Reported by Committee on Government Operations February 1, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

SB 6410 Prime Sponsor, Senator Bauer: Repealing the sunset of the department of information services. Reported by Committee on Government Operations February 1, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

SB 6419 Prime Sponsor, Senator Loveland: Redefining the term "public works project." Reported by Committee on Government Operations February 1, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

SB 6420 Prime Sponsor, Senator Heavey: Prohibiting first and business class travel at public expense. Reported by Committee on Government Operations February 1, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6420 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

SB 6422 Prime Sponsor, Senator Haugen: Requiring additional planning for general aviation facilities. Reported by Committee on Government Operations February 1, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6422 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey and Winsley.

Passed to Committee on Rules for second reading.

SB 6431 Prime Sponsor, Senator Sutherland: Prohibiting employment discrimination based on higher education. Reported by Committee on Labor, Commerce and Trade January 31, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Deccio, Franklin and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senator Newhouse.

Passed to Committee on Rules for second reading.

SB 6435 Prime Sponsor, Senator Fraser: Modifying water resource management. Reported by Committee on Ecology and Parks February 1, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6435 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Fairley, Vice Chair; McAuliffe and Spanel.

MINORITY Recommendation: Do not pass. Signed by Senators Hochstatter and Swecker.

Referred to Committee on Ways and Means.

January 31, 1996

SB 6441 Prime Sponsor, Senator Moyer: Requiring expiration dates on prescriptions dispensed by nonresident pharmacies. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

SB 6455 Prime Sponsor, Senator Heavey: Adopting the citizen whistleblower act. Reported by Committee on Government Operations February 1, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6455 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Referred to Committee on Ways and Means.

SB 6457 Prime Sponsor, Senator Quigley: Providing for regulation and control of tobacco products. Reported by Committee on Health and Long-Term Care January 31, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6457 be substituted therefor, and the substitute bill do pass. Signed by Senators Quigley, Chair; Fairley, Franklin, Moyer and Thibaudeau.

Passed to Committee on Rules for second reading.

SB 6462 Prime Sponsor, Senator Wojahn: Increasing penalties for domestic violence crimes. Reported by Committee on Law and Justice January 31, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

SB 6501 Prime Sponsor, Senator Kohl: Requiring the child care coordinating committee to develop a comprehensive career development plan for early child care and education and school-age care. Reported by Committee on Human Services and Corrections January 31, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6501 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Prentice, Smith and Thibaudeau.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Schow and Zarelli.

Referred to Committee on Ways and Means.

SB 6504 Prime Sponsor, Senator Fraser: Restructuring laws on the voters' pamphlet. Reported by Committee on Government Operations February 1, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6504 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Referred to Committee on Ways and Means.

SB 6505 Prime Sponsor, Senator Hale: Clarifying and harmonizing provisions relating to cities and towns. Reported by Committee on Government Operations February 1, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6505 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

SB 6521 Prime Sponsor, Senator Heavey: Establishing electrical administrative procedures. Reported by Committee on Labor, Commerce and Trade January 31, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6521 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Deccio, Franklin, Fraser, McDonald, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6533 Prime Sponsor, Senator Owen: Authorizing the fish and wildlife commission to conduct or authorize auctions and raffles for hunting of game animals and for wildlife-related recreation. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6533 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

January 29, 1996

SB 6535 Prime Sponsor, Senator Fraser: Promoting international educational, cultural, and business exchanges. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 6535 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Deccio, Franklin, Fraser and McDonald.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6561 Prime Sponsor, Senator Haugen: Canceling presidential primary if parties do not agree to have delegates' votes on first ballot reflect primary results. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6572 Prime Sponsor, Senator McDonald: Revising the competitive bid system. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6572 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6602 Prime Sponsor, Senator Wood: Requiring a statement of permitted uses and use restrictions for condominiums. Reported by Committee on Law and Justice

MAJORITY Recommendation: That the bill be referred to Committee on Financial Institutions and Housing without recommendation. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, Quigley, Roach and Schow.

Referred to Committee on Financial Institutions and Housing.

February 1, 1996

SB 6615 Prime Sponsor, Senator Hale: Protecting certain business information. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6642 Prime Sponsor, Senator Heavey: Limiting voters of a port commissioner district to elect commissioners in districts with populations of five hundred thousand or more. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6642 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Haugen, Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 31, 1996

SB 6672 Prime Sponsor, Senator Hargrove: Requiring department of corrections personnel to report suspected abuse of children and adult dependent and developmentally disabled persons. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Prentice, Schow, Smith, Strannigan, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6682 Prime Sponsor, Senator Rasmussen: Establishing a pilot program to develop an integrated vocational agricultural educational program. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Goings, Vice Chair; Finkbeiner, Hochstatter, Johnson, Pelz and Rasmussen.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6692 Prime Sponsor, Senator Rasmussen: Providing for state and federal cooperation for weed control on federal land. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: That Substitute Senate Bill No. 6692 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; A. Anderson, Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6693 Prime Sponsor, Senator McCaslin: Modifying annexation of noncontiguous territory for municipal purposes. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6694 Prime Sponsor, Senator Morton: Microchipping equine. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: That Substitute Senate Bill No. 6694 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; A. Anderson, Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6702 Prime Sponsor, Senator Fraser: Clarifying and streamlining of the joint administrative rules review committee. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale and Winsley.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6703 Prime Sponsor, Senator Fraser: Providing for historic preservation. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

January 31, 1996

SB 6708 Prime Sponsor, Senator Goings: Increasing penalties for sex offender registration violations. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Long, Moyer, Prentice, Schow, Strannigan, Thibaudeau and Zarelli.

Referred to Committee on Ways and Means.

January 31, 1996

SB 6731 Prime Sponsor, Senator Hargrove: Revising the adoption support reconsideration program. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Prentice, Schow, Smith and Thibaudeau.

Referred to Committee on Ways and Means.

January 31, 1996

SJM 8028 Prime Sponsor, Senator Wojahn: Requesting clarification of the Indian Gaming Regulatory Act of 1988. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Deccio, Franklin, Fraser, McDonald, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

February 1, 1996

SJM 8029 Prime Sponsor, Senator Loveland: Requesting that the Hanford Fast Flux Facility be preserved. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

February 1, 1996

SCR 8428 Prime Sponsor, Senator Bauer: Approving recommendations of the 1996 higher education master plan. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, Hale, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 1, 1996

GA 9163 JUDITH BUTLER, reappointed June 23, 1995, for a term ending March 26, 1999, as a member of the Higher Education Facilities Authority.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Hale, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

February 1, 1996

GA 9165 TOM MCKERN, appointed June 19, 1995, for a term ending September 30, 1999, as a member of the Board of Trustees for Spokane and Spokane Falls Community College District No. 17.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Hale, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

February 1, 1996

GA 9190 DAVID W. COLE, appointed October 12, 1995, for a term ending September 30, 2001, as a member of the Board of Trustees for Western Washington University.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Hale, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

February 1, 1996

GA 9193 ELIZABETH McINTURFF, appointed October 10, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees for Spokane and Spokane Falls Community College District No. 17.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Hale, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

February 1, 1996

GA 9197 LARRY B. OGG, appointed October 23, 1995, for a term ending September 30, 1999, as a member of the Board of Trustees for Shoreline Community College District No. 7.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Hale, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

February 1, 1996

GA 9205 SHOUBEE LIAW, reappointed September 30, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees for Shoreline Community College District No. 7.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Hale, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

February 1, 1996

GA 9207 SUSAN RINGWOOD, reappointed September 30, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees for Renton Technical College District No. 27.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Hale, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

February 1, 1996

GA 9224 LEA ARMSTRONG, appointed November 28, 1995, for a term ending September 30, 1999, as a member of the Board of Trustees for Green River Community College District No. 10.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Hale, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

February 1, 1996

GA 9228 DOUGLAS D. PETERS, appointed December 4, 1995, for a term ending September 30, 1999, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Hale, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

February 1, 1996

GA 9242 CAROL A. WENDLE, reappointed January 4, 1996, for a term ending September 30, 1999, as a member of the Spokane Joint Center for Higher Education.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Hale, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

February 1, 1996  
GA 9243 KAREN MILLER, reappointed January 8, 1996, for a term ending September 30, 2000, as a member of the Board of Trustees for Edmonds Community College District No. 23.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Hale, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

February 1, 1996  
GA 9251 RON WHITENER, appointed January 9, 1996, for a term ending July 5, 1996, as a member of the Puget Sound Water Quality Authority.  
Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules.

February 1, 1996  
GA 9252 BOB EDWARDS, appointed January 10, 1996, for a term ending July 5, 1999, as a member of the Puget Sound Water Quality Authority.  
Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENT

January 31, 1996  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:  
I have the honor to submit the following appointment, subject to your confirmation.  
Gary L. Christenson, to be appointed February 1, 1996, for a term ending at the pleasure of the Governor, as the Administrator of the Washington State Health Care Authority.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Health and Long-Term Care.

MESSAGE FROM THE HOUSE

January 31, 1996  
MR. PRESIDENT:  
The House has passed:  
SECOND ENGROSSED HOUSE BILL NO. 1016,  
SECOND SUBSTITUTE HOUSE BILL NO. 1289,  
ENGROSSED HOUSE BILL NO. 2132,  
ENGROSSED HOUSE BILL NO. 2133,  
HOUSE BILL NO. 2134,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2150,  
HOUSE BILL NO. 2484, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6759 by Senators Swecker and Oke

AN ACT Relating to property tax notices; amending RCW 84.56.050; and creating a new section.

Referred to Committee on Government Operations.

SB 6760 by Senators McCaslin, Hochstatter and Winsley

AN ACT Relating to motor vehicle emission inspections; and amending RCW 70.120.170 and 46.16.015.

Referred to Committee on Ecology and Parks.

SB 6761 by Senators Thibaudeau, Owen and Prentice

AN ACT Relating to city and town transportation financing; amending RCW 84.52.010, 84.52.043, 84.52.105, 84.52.120, 82.80.060, and 82.80.070; creating a new section; and repealing RCW 82.80.050.

Referred to Committee on Transportation.

SB 6762 by Senator Fairley

AN ACT Relating to the prohibition of spinal manipulation by licensed physical therapists; amending RCW 18.74.010 and 18.74.035; and repealing RCW 18.74.085.

Referred to Committee on Health and Long-Term Care.

SB 6763 by Senators Hale, Loveland, McCaslin, Oke and Rasmussen

AN ACT Relating to exempting juvenile court work programs from provisions relating to wages and working conditions of minors; and amending RCW 49.12.121.

Referred to Committee on Labor, Commerce and Trade.

SB 6764 by Senator Sheldon

AN ACT Relating to the taxation of physical fitness services; amending RCW 82.04.050; adding a new section to chapter 43.135 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6765 by Senators McAuliffe, Pelz, Bauer, Goings, Haugen, Heavey, Sheldon, Fairley, Drew and Winsley

AN ACT Relating to charter schools; adding new sections to chapter 28A.150 RCW; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.405 RCW; adding a new chapter to Title 28A RCW; and creating new sections.

Referred to Committee on Education.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

2EHB 1016 by Representatives K. Schmidt and Kremen

Exempting state and county ferry fuel sales and use tax.

Referred to Committee on Transportation.

2SHB 1289 by House Committee on Law and Justice (originally sponsored by Representatives Ballasiotes, Costa, Sheahan, Van Luven, Lambert, Mason, Mielke, Reams, Delvin, Foreman and Scott)

Specifying the duties of an operator of a vessel involved in an accident.

Referred to Committee on Law and Justice.

EHB 2132 by Representatives Chandler, Chappell, Grant, Mastin, Regala and Johnson (by request of Department of Agriculture)

Rule making by the department of agriculture.

Referred to Committee on Agriculture and Agricultural Trade and Development.

EHB 2133 by Representatives Chandler, Chappell, Mastin, Schoesler, Grant, Regala, Honeyford, Johnson and Boldt (by request of Department of Agriculture)

Disclosing agriculture business records.

Referred to Committee on Agriculture and Agricultural Trade and Development.

HB 2134 by Representatives Robertson, Chappell, Koster, Mastin, Regala, Chandler, Honeyford, Campbell, L. Thomas, Johnson, Stevens, Boldt and Goldsmith (by request of Department of Agriculture)

Degrading certain dairy licenses.

Referred to Committee on Agriculture and Agricultural Trade and Development.

ESHB 2150 by House Committee on Transportation (originally sponsored by Representatives K. Schmidt, Skinner, R. Fisher, Sterk, Romero, Conway, Smith, Lambert, D. Schmidt, Mitchell, Robertson, Backlund, Ballasiotes, Kremen, Pennington, Hymes, Crouse, Delvin, Buck, Chappell, Ogden, Brown, Scott, Blanton, Lisk, Mulliken, Sheldon, Grant, Chandler, Radcliff, Honeyford, Koster, Huff, L. Thomas, Quall, Johnson, Hickel, Thompson, Cooke, Patterson, Costa and McMahan)

Authorizing investigation of documents submitted with a driver's license application.

Referred to Committee on Transportation.

HB 2484 by Representatives Van Luven, Sheldon, Radcliff, Hatfield, Sherstad, D. Schmidt, Cooke, Conway, Goldsmith, Silver, Kessler and Johnson

Allowing sales and use tax exemptions for manufacturing machinery and equipment used for maintenance, improvement, and research and development.

Referred to Committee on Ways and Means.

#### MOTION

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

#### SENATE RESOLUTION 1996-8681

WHEREAS, It is the policy of the Washington State Senate to recognize excellence in academic and athletic endeavors by our state's youth; and

WHEREAS, It is vital to the future of the state of Washington and the United States of America that young people participate in healthy activities and channel their energies and talents into achieving educational success; and

WHEREAS, During each school year, the Washington Interscholastic Activities Association (WIAA) recognizes the academic achievement of high school athletic teams; and

WHEREAS, The members of the Mercer Island High School Girls' Swim and Dive Team have won the 1995 Fall WIAA Academic Championship in their sport by achieving a team GPA of 3.812; and

WHEREAS, The members of the Mercer Island High School Girls' Cross Country Team have won the 1995 Fall WIAA Academic Championship in their sport by achieving a team GPA of 3.865; and

WHEREAS, The Mercer Island High School Girls' Swim and Dive Team has captured the state AAA swimming and diving championship title for four years in a row; and

WHEREAS, The Mercer Island High School Girls' Swim and Dive Team and Girls' Cross Country Team made their families, teachers, coaches, peers and their community proud during their recently concluded seasons; and

WHEREAS, The pride in their achievements shall follow the members of the teams, their families, their school, their community, and all the citizens of the state of Washington; and

WHEREAS, These accomplishments could not have been achieved without the perseverance and dedication of Swim and Dive Team members Michelle Harper, Colleen Helsel, Kendra Helsel, Annie Hess, Anna Hoard, Jane Humphries, Maya Jones, Chace Kloppenburg, Mollie LeClercq, Heather McClure, Siobhan Nolan, Sarah Shulman, Missi Schmeizer, Kirty Strand, Jenny Vetter, Lauren Williams, Lacey Yantis, Rebecca Youngs and Team Captains Christina Jahncke, Tatum Lipman and Jenny Strasburger; and Cross Country Team members Kasha Bell, Ariel Burnell, Elizabeth Celms, Jessica Connolly, Brittany Kammerer, Molly Kellerher, Dana VanderHouwen and Team Captains Carla Fowler, Elizabeth Howie and Sarah Jarman;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the members of the Mercer Island Girls' Swim and Dive Team and their coaches Frank Ceteznik and Bob Harshbarger, and the members of the Girls' Cross Country Team and their coaches Nile Clarke and Susan Stodden; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Mercer Island High School Principal, Dr. Judy Smith, Associate Principal and Athletic Director, Craig Olson, and the members and coaches of the Mercer Island High School Girls' Swim and Dive Team and Girls' Cross Country Team.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Mercer Island High School Girls' Swim and Dive Team and the Girls' Cross Country Team and their coaches, who were seated in the gallery.

#### MOTION

On motion of Senator Spanel, the Senate reverted to the sixth order of business.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Sheldon, Gubernatorial Appointment No. 9157, Susan Johnson, as a member of the State Board for Community and Technical Colleges, was confirmed.

#### APPOINTMENT OF SUSAN JOHNSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.  
Voting yeas: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.  
Excused: Senators McCaslin and McDonald - 2.

#### MOTION

On motion of Senator Owen, Gubernatorial Appointment No. 9160, Edward L. Barnes, as a member of the Transportation Commission, was confirmed.

#### APPOINTMENT OF EDWARD L. BARNES

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.  
Voting yeas: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.  
Excused: Senator McCaslin - 1.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 5002, by Senate Committee on Law and Justice (originally sponsored by Senators Smith, Haugen, Winsley, McCaslin, Wojahn, C. Anderson, Rasmussen, Moyer, Prentice, Rinehart, Long, Quigley, McAuliffe and Kohl)

Making the assault of a nurse a felony.

#### MOTIONS

On motion of Senator Smith, Second Substitute Senate Bill No. 5002 was substituted for Substitute Senate Bill No. 5002 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Second Substitute Senate Bill No. 5002 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5002.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5002 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yeas: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator McCaslin - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5002, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5139, by Senate Committee on Law and Justice (originally sponsored by Senators Kohl, Smith, Long, Prentice, Winsley, Heavey, Prince, Franklin, Schow, West, Oke and Rasmussen)

Authorizing law enforcement officers to impound the vehicles of persons who are patronizing prostitutes.

The bill was read the second time.

#### MOTION

Senator Morton moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 7, after "vehicles" insert "and beds"

On page 1, line 14, after "vehicles" insert "and using beds"

On page 2, line 4, after "vehicle" insert "and/or bed"  
On page 2, line 5, after "vehicle" insert "and/or bed"  
On page 2, line 6, after "vehicle" insert "and/or bed"

#### POINT OF INQUIRY

Senator Pelz: "Senator Morton, I know the part of the state you are from. Are you referring to the bed of a truck here?"

Senator Morton: "Well, in all seriousness, Senator, I refer to the beds that may be in the motorized vehicles--the RVs, the campers-- whereby we would be impounding both, but we certainly should impound the vehicle and the bed. I appreciate your humorous comment." Senator Pelz: "I'm still confused. Are we talking about beds that are out in the street, but would these be beds inside someone's home and we would be going, therefore, into the bedroom on this amendment?"

Senator Morton: "We enter into an area here of the payment for these services and if the payment is in the area of an overnight stay in the motel or a very scenic excursion in a motorized vehicle such as an RV or a camper, then yes, these would be in lieu of services rendered and payment thereof. It would fit very clearly in this. I am not aware, in the area in which I serve, of any beds on the street or beds in the park, but I understand that there may be such in the form of air mattresses and foam mattresses in other parts of the state of which I am not very well acquainted with."

Further debate ensued.

#### POINT OF INQUIRY

Senator Kohl: "Senator Morton, I am wondering how this might work. Would this mean that we would be authorizing police to enter individual's homes--into their bedrooms--on some suspicion that they may have a prostitute present?"

Senator Morton: "It is my understanding that in order to complete the arrest, there must be evidence that an act of prostitution has taken place. In order to identify that act, there may well be that the only place of the act taking place is in the bedroom or on the bed and in that case, it would seem it would fit very clearly in line with the remainder of the bill, which involves the vehicle."

Senator Kohl: "But, does that mean then, Senator Morton, that we would be authorizing police to enter anybody's home to find out if there might be an act taking place?"

Senator Morton: "I understand that the law now is such that, in many instances, an RV can also be considered a home and if that is the incidence, I believe that a warrant has to be issued there, and so in that case, if a warrant were issued, 'yes.'"

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Morton to adopt the amendments on page 1, lines 7 and 14, and page 2, lines 4, 5 and 6, to Engrossed Substitute Senate Bill No. 5139.

The motion by Senator Morton failed and the amendments were not adopted.

#### MOTION

On motion of Senator Smith, the rules were suspended, Engrossed Substitute Senate Bill No. 5139 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5139.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5139 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Kohl, Long, Loveland, McAuliffe, McDonald, Moyer, Owen, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, West, Winsley, Wojahn and Wood - 35.

Voting nay: Senators Cantu, Finkbeiner, Heavey, Hochstatter, Johnson, Morton, Newhouse, Oke, Pelz, Schow, Strannigan, Swecker and Zarelli - 13.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5139, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6263, by Senators Morton, Rasmussen, A. Anderson, Hargrove, Swecker, Hochstatter, Prince, Sellar, Schow and Roach

Using equine and oxen.

#### MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 6263 was substituted for Senate Bill No. 6263 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 6263 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Thibaudeau, Senator Heavey was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6263.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6263 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Heavey and McCaslin - 2.

SUBSTITUTE SENATE BILL NO. 6263, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6250, by Senators Owen, Swecker, McAuliffe, Haugen, Sheldon, Winsley, Rinehart, Fairley, Sellar and Cantu

Requiring personal flotation devices for children on certain recreational vessels.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 6250 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6250.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6250 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 42.

Voting nay: Senators Hargrove, Morton, Roach, Strannigan and Zarelli - 5.

Excused: Senators Heavey and McCaslin - 2.

SENATE BILL NO. 6250, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5417, by Senators Fraser, Winsley, Wojahn, Oke and Kohl

Making it a crime to abandon a dependent person.

#### MOTIONS

On motion of Senator Smith, Second Substitute Senate Bill No. 5417 was substituted for Senate Bill No. 5417 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Second Substitute Senate Bill No. 5417 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5417.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5417 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Heavey and McCaslin - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5417, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5473, by Senator Smith

Revising standards for determining child support obligations.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 5473 was substituted for Senate Bill No. 5473 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5473 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5473.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5473 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Heavey and McCaslin - 2.

SUBSTITUTE SENATE BILL NO. 5473, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6225, by Senators Pelz, Deccio and Newhouse (by request of Department of Labor and Industries)

Regulating employer assessments.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Senate Bill No. 6225 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6225.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6225 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator McCaslin - 1.

SENATE BILL NO. 6225, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6222, by Senators Pelz, Deccio and Newhouse (by request of Department of Labor and Industries)

Providing for self-insurance administrative procedures.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Senate Bill No. 6222 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6222.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6222 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator McCaslin - 1.

SENATE BILL NO. 6222, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 5477, by Senate Committee on Law and Justice (originally sponsored by Senators Spanel, Smith, Haugen, Winsley and Franklin)

Providing a family health history for children upon the dissolution of a marriage.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5477 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5477.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5477 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Kohl, Long, Loveland, McAuliffe, McDonald, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn and Wood - 39.

Voting nay: Senators Cantu, Heavey, Hochstatter, Johnson, Morton, Roach, Strannigan, West and Zarelli - 9.

Excused: Senator McCaslin - 1.

SUBSTITUTE SENATE BILL NO. 5477, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5500, by Senators Smith, Long and Gaspard (by request of Attorney General Gregoire)

Clarifying the method of execution to be used in Washington state.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, Senate Bill No. 5500 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5500.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5500 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley and Wood - 45.

Voting nay: Senators West, Wojahn and Zarelli - 3.

Excused: Senator McCaslin - 1.

SENATE BILL NO. 5500, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6093, by Senators Sheldon, Winsley, Drew, Owen, Prentice and Quigley

Providing for sidewalk reconstruction.

#### MOTIONS

On motion of Senator Sheldon, Substitute Senate Bill No. 6093 was substituted for Senate Bill No. 6093 and the substitute bill was placed on second reading and read the second time.

Senator Anderson moved that the following amendment by Senators Anderson and Deccio be adopted:

On page 2, after line 32, strike "For purposes of this subsection, the burden of proof regarding the cause of damage is on the abutting property owner."

Renumber the sections consecutively and correct any internal references accordingly

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Anderson and Deccio on page 2, after line 32, to Substitute Senate Bill No. 6093.

The motion by Senator Anderson carried and the amendment was adopted.

#### MOTION

On motion of Senator Sheldon, the rules were suspended, Engrossed Substitute Senate Bill No. 6093 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6093.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6093 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6093, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Wood, Senator Swecker was excused.

#### SECOND READING

SENATE BILL NO. 6174, by Senators Bauer and Kohl (by request of Higher Education Coordinating Board)

Requiring annual budget review, recommendations, and guidelines for the higher education system.

The bill was read the second time.

#### MOTION

On motion of Senator Bauer, the rules were suspended, Senate Bill No. 6174 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6174.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6174 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators McCaslin and Swecker - 2.

SENATE BILL NO. 6174, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Thibaudeau, Senator Pelz was excused.

#### SECOND READING

SENATE BILL NO. 6175, by Senators Bauer and Kohl (by request of Higher Education Coordinating Board)

Creating the state educational trust fund.

The bill was read the second time.

#### MOTION

On motion of Senator Bauer, the rules were suspended, Senate Bill No. 6175 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6175.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6175 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Excused: Senators McCaslin, Pelz and Swecker - 3.

SENATE BILL NO. 6175, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6126, by Senators McCaslin, Haugen and Winsley

Revising county treasurer receipting practices.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6126 was substituted for Senate Bill No. 6126 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6126 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6126.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6126 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Voting nay: Senator Loveland - 1.

Excused: Senators McCaslin and Swecker - 2.

SUBSTITUTE SENATE BILL NO. 6126, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6417, by Senators Drew and Oke

Defining the number of fish and wildlife commissioners needed to make rules.

The bill was read the second time.

#### MOTION

On motion of Senator Drew, the rules were suspended, Senate Bill No. 6417 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6417.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6417 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senator West - 1.

Excused: Senators McCaslin and Swecker - 2.  
SENATE BILL NO. 6417, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION TO LIMIT DEBATE

Senator Snyder: "Mr. President, I move that the members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment, except that the mover of the motion shall be allowed to open and close debate, and also that members be prohibited from yielding their time. This motion shall be in effect through February 13, 1996."

The President declared the question before the Senate to be the motion by Senator Snyder to limit debate.  
The motion by Senator Snyder carried and debate is limited to three minutes through February 13, 1996.

#### MOTION

At 11:47 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 6:11 p.m. by Senator Sid Snyder.  
There being no objection, the President returned the Senate to the first order of business.

#### REPORTS OF STANDING COMMITTEES

SSB 5175 Prime Sponsor, Senate Committee on Labor, Commerce and Trade: Permitting certain retail liquor licensees to be licensed as manufacturers. Reported by Committee on Labor, Commerce and Trade  
February 1, 1996

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5175 be substituted therefor, and the second substitute bill do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, McDonald, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

SB 5179 Prime Sponsor, Senator Winsley: Altering the definition of a used mobile home. Reported by Committee on Financial Institutions and Housing  
February 1, 1996

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Referred to Committee on Ways and Means.

SB 5297 Prime Sponsor, Senator Quigley: Adopting minimum standards for ambulatory surgical centers. Reported by Committee on Health and Long-Term Care  
February 2, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 5297 be substituted therefor, and the substitute bill do pass. Signed by Senators Quigley, Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Referred to Committee on Ways and Means.

SSB 5359 Prime Sponsor, Senate Committee on Labor, Commerce and Trade: Creating a self-employment income support program. Reported by Committee on Labor, Commerce and Trade  
February 1, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Franklin, Fraser and McDonald.

Passed to Committee on Rules for second reading.

SB 5436 Prime Sponsor, Senator Prentice: Insuring abuse victims. Reported by Committee on Financial Institutions and Housing  
February 1, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 5436 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Smith and Sutherland.

Passed to Committee on Rules for second reading.

SSB 5469 Prime Sponsor, Senate Committee on Government Operations: Authorizing county ombudsmen. Reported by Committee on Government Operations  
February 2, 1996

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5469 be substituted therefor, and the second substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Hale, Heavey and Winsley.

Passed to Committee on Rules for second reading.

February 1, 1996

SSB 5568 Prime Sponsor, Senate Committee on Transportation: Limiting weight of tire studs. Reported by Committee on Transportation

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5568 be substituted therefor, and the second substitute bill do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Haugen, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

January 31, 1996

SSB 5676 Prime Sponsor, Senate Committee on Law and Justice: Restricting residential time for abusive parents. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5676 be substituted therefor, and the second substitute bill do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

February 2, 1996

SB 6122 Prime Sponsor, Senator Quigley: Protecting patient choice in health care insurance and health care providers. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6122 be substituted therefor, and the substitute bill do pass. Signed by Senators Quigley, Chair; Franklin, Thibaudeau, Winsley and Wood.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley and Moyer.

Passed to Committee on Rules for second reading.

January 31, 1996

SB 6129 Prime Sponsor, Senator Fairley: Allowing a mental health practitioner and an enrollee to contract for services under certain circumstances. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

January 31, 1996

SB 6138 Prime Sponsor, Senator Kohl: Deleting mandatory permissive language for reinstatement of revoked massage practitioner licenses. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6146 Prime Sponsor, Senator Loveland: Revising procedures for minimizing property damage by wildlife. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6146 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Hargrove, Kohl, Long, McDonald, Moyer, Quigley, Roach, Sheldon, Snyder, Spanel, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

January 31, 1996

SB 6150 Prime Sponsor, Senator Thibaudeau: Modifying allowed composition of health care professional service corporations and limited liability companies. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6150 be substituted therefor, and the substitute bill do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

February 2, 1996

SB 6162 Prime Sponsor, Senator Franklin: Modifying local public health financing. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6162 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Referred to Committee on Ways and Means.

February 2, 1996

SB 6170 Prime Sponsor, Senator Winsley: Authorizing consideration of health and environmental regulations in the valuation of real property. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6170 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey and Winsley.

Passed to Committee on Rules for second reading.

February 2, 1996

SB 6203 Prime Sponsor, Senator Haugen: Authorizing a tax for the acquisition and maintenance of conservation areas. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6203 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Heavey and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Hale.

Referred to Committee on Ways and Means.

February 1, 1996

SB 6206 Prime Sponsor, Senator Haugen: Regulating cosmetology, barbering, esthetics, and manicuring. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6206 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Hargrove, Kohl, Long, McDonald, Moyer, Quigley, Sheldon, Snyder, Spanel, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6208 Prime Sponsor, Senator Haugen: Revising misdemeanor probation programs. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6208 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Schow, Strannigan, Thibaudeau and Zarelli.

Referred to Committee on Ways and Means.

February 1, 1996

SB 6209 Prime Sponsor, Senator Wojahn: Authorizing special license plates for vehicles registered to the Taipei Economic and Cultural Office. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6209 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Haugen, Morton, Oke, Prince, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

February 2, 1996

SB 6210 Prime Sponsor, Senator Fraser: Allowing advanced compensation for wetlands development. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6210 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 2, 1996

SB 6229 Prime Sponsor, Senator Kohl: Enacting the infant crib safety act. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6229 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6230 Prime Sponsor, Senator Kohl: Requiring reporting of actions taken against out-of-home care providers. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6230 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Prentice, Smith and Thibaudeau.

Referred to Committee on Ways and Means.

February 1, 1996

SB 6231 Prime Sponsor, Senator Kohl: Protecting victims from sexually aggressive youth. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6231 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Prentice, Schow, Smith, Strannigan, Thibaudeau and Zarelli.

Referred to Committee on Ways and Means.

February 1, 1996

SB 6249 Prime Sponsor, Senator Quigley: Reforming campaign financing. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6249 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Quigley and Schow.

Referred to Committee on Ways and Means.

February 2, 1996

SB 6254 Prime Sponsor, Senator Wojahn: Placing property adjacent to Western state hospital in trust. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6254 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

January 31, 1996

SB 6256 Prime Sponsor, Senator Franklin: Providing financial assistance to support the state-wide trauma care system. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6256 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Referred to Committee on Ways and Means.

February 2, 1996

SB 6257 Prime Sponsor, Senator Franklin: Improving guardian and guardian ad litem systems to protect minors and incapacitated persons. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6257 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Moyer, Prentice, Schow, Strannigan and Zarelli.

Referred to Committee on Ways and Means.

February 1, 1996  
SB 6260 Prime Sponsor, Senator Drew: Revising the state ride share tax credit. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6260 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Haugen, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Referred to Committee on Ways and Means.

February 1, 1996  
SB 6271 Prime Sponsor, Senator Long: Expanding automotive title branding. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6271 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Haugen, Oke, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

February 2, 1996  
SB 6272 Prime Sponsor, Senator McAuliffe: Requiring school employees with regularly scheduled unsupervised access to children to undergo record checks. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6272 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Fraser, Hochstatter, Kohl, Long, McDonald, Moyer, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, West and Winsley.

Passed to Committee on Rules for second reading.

February 1, 1996  
SB 6275 Prime Sponsor, Senator Long: Staying execution of a writ of restitution. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6275 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; Goings, Hargrove, Haugen, Johnson, Long, Roach and Schow.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Fairley, Vice Chair.

Passed to Committee on Rules for second reading.

February 1, 1996  
SB 6285 Prime Sponsor, Senator Zarelli: Providing for disclosure of offenders' HIV test results to department of corrections and jail staff. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6285 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Long, Moyer, Prentice, Schow, Strannigan and Zarelli.

Passed to Committee on Rules for second reading.

February 1, 1996  
SB 6288 Prime Sponsor, Senator Rasmussen: Using transportation centers. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6288 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Haugen, Oke, Prince, Rasmussen, Schow and Thibaudeau.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Sellar.

Passed to Committee on Rules for second reading.

January 31, 1996  
SB 6295 Prime Sponsor, Senator Fraser: Establishing long-term care benefits for public employees. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6295 be substituted therefor, and the substitute bill do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Fairley, Franklin, Moyer, Thibaudeau and Wood.

Referred to Committee on Ways and Means.

February 1, 1996  
SB 6306 Prime Sponsor, Senator Rinehart: Issuing school district bonds. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Goings, Vice Chair; Finkbeiner, Johnson, Pelz and Rasmussen.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6330 Prime Sponsor, Senator Strannigan: Extending mailing restrictions on incumbent mailings. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6330 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6334 Prime Sponsor, Senator Rasmussen: Changing water rights administration. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6334 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Fairley, Vice Chair; McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 2, 1996

SB 6336 Prime Sponsor, Senator Rasmussen: Establishing the water resources board. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6336 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Referred to Committee on Ways and Means.

February 1, 1996

SB 6340 Prime Sponsor, Senator Haugen: Protecting single source aquifers that lie above state land. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6340 be substituted therefor, and the substitute bill do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; Hargrove, Haugen, Morton, Oke, Owen, Snyder and Swecker.

Passed to Committee on Rules for second reading.

February 2, 1996

SB 6341 Prime Sponsor, Senator Fairley: Revising provisions for adult family home licensing and operation. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

February 2, 1996

SB 6342 Prime Sponsor, Senator Roach: Regulating permanent color technicians and tattoo artists. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6342 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Referred to Committee on Ways and Means.

February 2, 1996

SB 6347 Prime Sponsor, Senator Kohl: Providing for whistleblower complaints against health carriers. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6347 be substituted therefor, and the substitute bill do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

February 1, 1996  
SB 6351 Prime Sponsor, Senator Thibaudeau: Regulating electric-assisted bicycles. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6351 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Haugen, Morton, Oke, Prince, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

January 31, 1996  
SB 6353 Prime Sponsor, Senator Quigley: Expanding health insurance access. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6353 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Fairley, Franklin and Thibaudeau.

MINORITY Recommendation: Do not pass. Signed by Senators Deccio, Moyer and Wood.

Passed to Committee on Rules for second reading.

February 1, 1996  
SB 6370 Prime Sponsor, Senator Roach: Defining public water system. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 6370 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

February 2, 1996  
SB 6375 Prime Sponsor, Senator Quigley: Repealing the health care policy board. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Fairley, Franklin and Thibaudeau.

MINORITY Recommendation: Do not pass. Signed by Senators Deccio, Moyer and Wood.

Passed to Committee on Rules for second reading.

February 2, 1996  
SB 6382 Prime Sponsor, Senator Hochstatter: Lowering the business and occupation taxation of the handling of hay, alfalfa, or seed.  
Reported by Committee on Rules

MAJORITY Recommendation: That the bill be referred to the Committee on Ways and Means without recommendation. Signed by President Joel Pritchard, Chair; Senators Wojahn, Vice Chair; Bauer, Cantu, Fairley, Franklin, Loveland, Newhouse, Sheldon, Snyder, Spanel and Thibaudeau.

Referred to Committee on Ways and Means.

February 2, 1996  
SB 6387 Prime Sponsor, Senator Spanel: Concerning the holders of Puget Sound Dungeness crab fishing licenses. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6387 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Morton, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

February 1, 1996  
SB 6391 Prime Sponsor, Senator Long: Inspecting rebuilt salvage vehicles. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6391 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Haugen, Oke, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

February 2, 1996  
SB 6392 Prime Sponsor, Senator Wood: Requiring disclosures by managed care entities. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6392 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

SB 6393 Prime Sponsor, Senator Prentice: Authorizing the collection of fees and prepayment penalties for consumer loans. Reported by  
Committee on Financial Institutions and Housing February 1, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6393 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

SB 6418 Prime Sponsor, Senator Spanel: Providing an exemption of property taxes for state and local assisted housing. Reported by  
Committee on Financial Institutions and Housing February 1, 1996

MAJORITY Recommendation: Do pass and be referred Committee on Ways and Means. Signed by Senators Prentice, Chair;  
Fraser, Vice Chair; Hale, Sellar, Smith and Sutherland.

Referred to Committee on Ways and Means.

SB 6427 Prime Sponsor, Senator Snyder: Using an unfinished nuclear energy facility. Reported by Committee on Energy,  
Telecommunications and Utilities February 1, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6427 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

SB 6430 Prime Sponsor, Senator Schow: Changing social card game provisions. Reported by Committee on Labor, Commerce and Trade  
February 1, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6430 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Fraser and Newhouse.

Passed to Committee on Rules for second reading.

SB 6432 Prime Sponsor, Senator Fraser: Requiring individualized education programs for deaf, deaf-blind, and hard of hearing children to  
fully consider the communication needs of individual children. Reported by Committee on Education February 1, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6432 be substituted therefor, and the substitute bill do pass.  
Signed by Senators McAuliffe, Chair; Goings, Vice Chair; Finkbeiner, Hochstatter, Johnson, Pelz and Rasmussen.

Passed to Committee on Rules for second reading.

SB 6433 Prime Sponsor, Senator Fraser: Integrating water resources and growth management. Reported by Committee on Ecology and  
Parks February 2, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6433 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Fraser, Chair; Fairley, Vice Chair; McAuliffe and Spanel.

Referred to Committee on Ways and Means.

SB 6440 Prime Sponsor, Senator Moyer: Requiring acceptance of standardized hospital credentials by health care services providers.  
Reported by Committee on Health and Long-Term Care January 31, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin,  
Moyer, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6446 Prime Sponsor, Senator Fraser: Providing for water rights for instream purposes. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6446 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

SB 6448 Prime Sponsor, Senator Smith: Changing provisions relating to juveniles. Reported by Committee on Law and Justice January 31, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6448 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Referred to Committee on Ways and Means.

SB 6451 Prime Sponsor, Senator Sutherland: Eliminating the state energy office. Reported by Committee on Energy, Telecommunications and Utilities February 1, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6451 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; and Owen.

Referred to Committee on Ways and Means.

SB 6458 Prime Sponsor, Senator Pelz: Increasing the minimum hourly wage for employees over eighteen years of age. Reported by Committee on Labor, Commerce and Trade February 1, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Franklin, Fraser and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators A. Anderson and Deccio.

Passed to Committee on Rules for second reading.

SB 6468 Prime Sponsor, Senator Spanel: Providing insurance coverage for cranial hair. Reported by Committee on Health and Long-Term Care February 2, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6468 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

SB 6470 Prime Sponsor, Senator McAuliffe: Developing strategies to prepare educators and parents to prepare students to meet the student learning goals. Reported by Committee on Education February 1, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6470 be substituted therefor, and the substitute bill do pass.  
Signed by Senators McAuliffe, Chair; Goings, Vice Chair; Hochstatter, Pelz and Rasmussen.

Passed to Committee on Rules for second reading.

SB 6476 Prime Sponsor, Senator Sheldon: Adjusting vehicle and vessel fees. Reported by Committee on Transportation February 1, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Haugen, Morton, Oke, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

SB 6478 Prime Sponsor, Senator Franklin: Increasing the state minimum wage. Reported by Committee on Labor, Commerce and Trade February 1, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Franklin, Fraser and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators A. Anderson and Deccio.

Passed to Committee on Rules for second reading.

SB 6479 Prime Sponsor, Senator Pelz: Requiring that private business entities receiving public assistance create new jobs. Reported by Committee on Labor, Commerce and Trade February 1, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6479 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Franklin, Fraser and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senators A. Anderson, Deccio, McDonald and Newhouse.

Passed to Committee on Rules for second reading.

SB 6480 Prime Sponsor, Senator Pelz: Prohibiting state contracts with employers who have permanently replaced lawfully striking employees. Reported by Committee on Labor, Commerce and Trade February 1, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Franklin, Fraser and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators A. Anderson and Deccio.

Passed to Committee on Rules for second reading.

SB 6482 Prime Sponsor, Senator Winsley: Providing for veterans' preferences. Reported by Committee on Labor, Commerce and Trade February 1, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Deccio, Franklin, McDonald, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

SB 6484 Prime Sponsor, Senator Smith: Regulating real estate appraisers. Reported by Committee on Financial Institutions and Housing February 1, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6484 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

SB 6485 Prime Sponsor, Senator Wojahn: Registering architects. Reported by Committee on Labor, Commerce and Trade February 1, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Deccio, Franklin, Fraser, McDonald, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

SB 6493 Prime Sponsor, Senator Moyer: Providing for consumer health information. Reported by Committee on Health and Long-Term Care February 2, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6493 be substituted therefor, and the substitute bill do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

SB 6496 Prime Sponsor, Senator Heavey: Authorizing open space protection districts for the purpose of acquiring development rights. Reported by Committee on Government Operations February 2, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Heavey and Winsley.

Passed to Committee on Rules for second reading.

SB 6514 Prime Sponsor, Senator Long: Enhancing preservation services for families. Reported by Committee on Human Services and Corrections February 1, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6514 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Prentice, Schow, Smith, Strannigan, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6516 Prime Sponsor, Senator McAuliffe: Changing the timelines for development and implementation of the student assessment system.  
Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6516 be substituted therefor, and the substitute bill do pass.  
Signed by Senators McAuliffe, Chair; Goings, Vice Chair; Hochstatter, Pelz and Rasmussen.

Passed to Committee on Rules for second reading.

February 2, 1996

SB 6522 Prime Sponsor, Senator Spanel: Limiting political activities of citizen members of the legislative ethics board. Reported by  
Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6522 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey and Winsley.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6530 Prime Sponsor, Senator Haugen: Changing provisions related to counties. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6530 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

January 31, 1996

SB 6540 Prime Sponsor, Senator Prentice: Restricting the release of addicted infants from hospitals. Reported by Committee on Health and  
Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6540 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6542 Prime Sponsor, Senator Schow: Deterring the unwarranted or abusive use of the offender grievance process. Reported by  
Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6542 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Prentice, Schow, Smith, Strannigan and Zarelli.

Passed to Committee on Rules for second reading.

February 2, 1996

SB 6543 Prime Sponsor, Senator Fraser: Making adjustments to provisions integrating growth management planning and environmental  
review. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6543 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6544 Prime Sponsor, Senator Smith: Regulating bail bond agency branch offices. Reported by Committee on Labor, Commerce and  
Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser and  
Wojahn.

Passed to Committee on Rules for second reading.

February 2, 1996

SB 6551 Prime Sponsor, Senator Loveland: Making the coordinated resource management of state grazing lands a high priority. Reported by Committee on Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6551 be substituted therefor, and the substitute bill do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Haugen, Morton, Oke, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6554 Prime Sponsor, Senator Sutherland: Providing for attachments to transmission facilities. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 6554 be substituted therefor, and the substitute bill do pass. Signed by Senators Sutherland, Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6555 Prime Sponsor, Senator Sutherland: Distributing state-owned electronic access equipment. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 6555 be substituted therefor, and the substitute bill do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6558 Prime Sponsor, Senator Roach: Requiring the state patrol to maintain the central registry of sex offenders on the internet. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6558 be substituted therefor, and the substitute bill do pass and be referred to Committee on Transportation. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Long, Moyer, Prentice, Schow, Strannigan and Zarelli.

Referred to Committee on Transportation.

February 1, 1996

SB 6573 Prime Sponsor, Senator Owen: Enforcing termination statements. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long and Schow.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6575 Prime Sponsor, Senator Prentice: Regulating public funds. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6578 Prime Sponsor, Senator Smith: Providing unemployment compensation for unemployment resulting from a strike or lockout found to be an unfair labor practice. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Franklin, Fraser and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators A. Anderson and Deccio.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6579 Prime Sponsor, Senator Prentice: Insuring credit unions. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 6579 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

SB 6589 Prime Sponsor, Senator Drew: Informing owners about restrictions on real estate. Reported by Committee on Government Operations February 2, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6589 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey and Winsley.

Passed to Committee on Rules for second reading.

SB 6594 Prime Sponsor, Senator Winsley: Requiring specific information in notification of property assessment changes. Reported by Committee on Government Operations February 2, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6594 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey and Winsley.

Passed to Committee on Rules for second reading.

SB 6595 Prime Sponsor, Senator Winsley: Affecting the correction of erroneous assessments if there is a change in the property's land use designation. Reported by Committee on Government Operations February 2, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey and Winsley.

Passed to Committee on Rules for second reading.

SB 6596 Prime Sponsor, Senator Drew: Using the most probable and most reasonable use as the basis of calculating property value. Reported by Committee on Government Operations February 2, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey and Winsley.

Passed to Committee on Rules for second reading.

SB 6597 Prime Sponsor, Senator Haugen: Adopting development regulations for preapplication and reasonable use exceptions. Reported by Committee on Government Operations February 2, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6597 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey and Winsley.

Passed to Committee on Rules for second reading.

SB 6598 Prime Sponsor, Senator Winsley: Providing for local permit assistance. Reported by Committee on Government Operations February 2, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6598 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey and Winsley.

Passed to Committee on Rules for second reading.

SB 6599 Prime Sponsor, Senator Haugen: Adding a mandatory element of county-wide planning policies for interjurisdictional land-use techniques. Reported by Committee on Government Operations February 2, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6599 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey and Winsley.

Passed to Committee on Rules for second reading.

SB 6600 Prime Sponsor, Senator McCaslin: Requiring disclosures by sellers of residential real estate. Reported by Committee on Government Operations February 2, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6600 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Hale and Heavey.

Passed to Committee on Rules for second reading.

SB 6601 Prime Sponsor, Senator Swecker: Changing provisions relating to sewage disposal. Reported by Committee on Ecology and Parks February 2, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6601 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

SB 6604 Prime Sponsor, Senator Wojahn: Expanding the child profile system for immunization tracking and reminders. Reported by Committee on Health and Long-Term Care February 2, 1996

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Referred to Committee on Ways and Means.

SB 6609 Prime Sponsor, Senator Heavey: Providing penalties for employers who have notice of conditions or practices contributing to occupational disease. Reported by Committee on Labor, Commerce and Trade February 1, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Franklin, Fraser and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators A. Anderson and Deccio.

Passed to Committee on Rules for second reading.

SB 6614 Prime Sponsor, Senator Pelz: Modifying provisions that concern builders and contractors. Reported by Committee on Labor, Commerce and Trade February 1, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6614 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; Franklin, Fraser, McDonald, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

SB 6617 Prime Sponsor, Senator Prentice: Imposing fines or sanctions against mortgage brokers. Reported by Committee on Financial Institutions and Housing February 1, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

SB 6620 Prime Sponsor, Senator Quigley: Requiring released sex offenders to live at least fifty miles away from their minor victims. Reported by Committee on Human Services and Corrections February 1, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6620 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Prentice, Schow, Strannigan, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

SB 6621 Prime Sponsor, Senator Quigley: Expanding the public inspection and copying exemption for health care providers' residential addresses and phone numbers. Reported by Committee on Health and Long-Term Care January 31, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

February 2, 1996  
SB 6626 Prime Sponsor, Senator Hargrove: Raising the amount that must be exceeded by the cost of dock construction for the construction to be considered substantial development under the Shoreline Management Act of 1971. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6626 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 1, 1996  
SB 6627 Prime Sponsor, Senator Hargrove: Reforming the department of social and health services. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6627 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Prentice, Schow, Smith, Thibaudeau and Zarelli.

Referred to Committee on Ways and Means.

February 2, 1996  
SB 6628 Prime Sponsor, Senator Haugen: Providing for property rights dispute resolution. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey and Winsley.

Passed to Committee on Rules for second reading.

February 2, 1996  
SB 6629 Prime Sponsor, Senator Roach: Regulating body piercers. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6629 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Referred to Committee on Ways and Means.

February 1, 1996  
SB 6635 Prime Sponsor, Senator Morton: Concerning application permits for small public works projects mines. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

February 1, 1996  
SB 6636 Prime Sponsor, Senator Bauer: Authorizing designation of rest areas as POW/MIA memorials. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6636 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Haugen, Morton, Oke, Prince, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

February 2, 1996  
SB 6637 Prime Sponsor, Senator Haugen: Limiting growth management hearings board discretion. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6637 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey and Winsley.

Passed to Committee on Rules for second reading.

February 2, 1996

SB 6638 Prime Sponsor, Senator Haugen: Prescribing standards for development regulations. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6638 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey and Winsley.

Passed to Committee on Rules for second reading.

February 2, 1996

SB 6639 Prime Sponsor, Senator Winsley: Requiring notice to assessors of land use change and allowing valuation change after the notice. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6639 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey and Winsley.

Passed to Committee on Rules for second reading.

February 2, 1996

SB 6641 Prime Sponsor, Senator Thibaudeau: Regulating unsupervised practice by dental hygienists. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6641 be substituted therefor, and the substitute bill do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

February 2, 1996

SB 6643 Prime Sponsor, Senator Prentice: Providing for the prevention of workplace violence in health care settings. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Referred to Committee on Ways and Means.

February 1, 1996

SB 6646 Prime Sponsor, Senator Hargrove: Revising provisions for at-risk youth. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6646 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Prentice, Schow, Smith, Strannigan, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6648 Prime Sponsor, Senator Kohl: Establishing the office of the child, youth, and family ombudsman. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6648 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Prentice, Schow, Smith and Thibaudeau.

Referred to Committee on Ways and Means.

February 1, 1996

SB 6649 Prime Sponsor, Senator Loveland: Providing sales and use tax exemptions for farmworker housing. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 6649 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Referred to Committee on Ways and Means.

February 1, 1996

SB 6650 Prime Sponsor, Senator Finkbeiner: Regulating state records. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 6650 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Sutherland, Chair; Finkbeiner and Hochstatter.

Referred to Committee on Ways and Means.

February 1, 1996

SB 6651 Prime Sponsor, Senator Finkbeiner: Allowing public record storage on compact disc. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: Do pass as amended. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner and Hochstatter.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6658 Prime Sponsor, Senator Thibaudeau: Making it an unfair business practice to violate the motion picture fair competition act. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Franklin, Fraser and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators Deccio and McDonald.

Passed to Committee on Rules for second reading.

February 2, 1996

SB 6660 Prime Sponsor, Senator McAuliffe: Lowering the age for mandatory school attendance. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6660 be substituted therefor, and the substitute bill do pass.  
Signed by Senators McAuliffe, Chair; Goings, Vice Chair; Finkbeiner, Johnson, Pelz and Rasmussen.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6663 Prime Sponsor, Senator Sheldon: Authorizing community and technical college districts and the state board for community and technical colleges to participate with the state in investing surplus funds. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Hargrove, Hochstatter, Kohl, Long, McDonald, Moyer, Quigley, Roach, Sheldon, Snyder, Spanel, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 2, 1996

SB 6666 Prime Sponsor, Senator Winsley: Providing for a long-term solution to nuisance aquatic weeds. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 6666 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6669 Prime Sponsor, Senator Thibaudeau: Prohibiting excessive charges for products and services because of the customer's sex. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 6669 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Pelz, Chair; Heavey, Vice Chair; Franklin, Fraser and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Deccio.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6681 Prime Sponsor, Senator Rasmussen: Establishing an office of ombudsman services for developmentally disabled persons. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6681 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Prentice, Schow, Smith and Thibaudeau.

Referred to Committee on Ways and Means.

SB 6683 Prime Sponsor, Senator Finkbeiner: Regulating wireless telephone services. Reported by Committee on Energy, Telecommunications and Utilities February 1, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6683 be substituted therefor, and the substitute bill do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

SB 6684 Prime Sponsor, Senator McAuliffe: Authorizing student transportation funding for students living within one mile of the school. Reported by Committee on Education February 1, 1996

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Goings, Vice Chair; Finkbeiner, Hochstatter, Johnson, Pelz and Rasmussen.

Passed to Committee on Rules for second reading.

SB 6697 Prime Sponsor, Senator McAuliffe: Excluding the income of certain dependent children when granting assistance to families in the aid to families with dependent children program. Reported by Committee on Health and Long-Term Care February 2, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

SB 6698 Prime Sponsor, Senator Swecker: Establishing locally conducted basin assessments and planning for watersheds. Reported by Committee on Ecology and Parks February 2, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6698 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Fairley, Vice Chair; McAuliffe and Spanel.

Referred to Committee on Ways and Means.

SB 6700 Prime Sponsor, Senator Prentice: Restoring physical function. Reported by Committee on Financial Institutions and Housing February 1, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Smith and Sutherland.

Passed to Committee on Rules for second reading.

SB 6705 Prime Sponsor, Senator Bauer: Requiring a higher education technology plan. Reported by Committee on Higher Education February 1, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6705 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, Hale, McAuliffe, Prince, Rasmussen, Sheldon and Wood.

Referred to Committee on Ways and Means.

SB 6707 Prime Sponsor, Senator Rasmussen: Establishing the Washington state vocational agriculture teacher recruitment program. Reported by Committee on Education February 2, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6707 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Goings, Vice Chair; Finkbeiner, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

SB 6719 Prime Sponsor, Senator Prentice: Regulating business opportunities. Reported by Committee on Financial Institutions and Housing February 1, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6719 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6720 Prime Sponsor, Senator Pelz: Prohibiting the gambling commission from negotiating compacts that allow off-reservation class III gaming facilities. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Franklin, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6722 Prime Sponsor, Senator Pelz: Safeguarding summer youth employment and training programs. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Deccio, Franklin, Fraser, McDonald, Newhouse and Wojahn.

Referred to Committee on Ways and Means.

February 1, 1996

SB 6723 Prime Sponsor, Senator Pelz: Establishing responsibilities of the employment security department for youth development and training programs. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Franklin, Fraser, Newhouse and Wojahn.

Referred to Committee on Ways and Means.

February 1, 1996

SB 6726 Prime Sponsor, Senator Prentice: Requiring the utilities and transportation commission to review the impact that utility rate increases, merger decisions, and layoffs have on the economy, society, and the quality of utility service provided. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 6726 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Sutherland, Chair; Loveland, Vice Chair; and Owen.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6735 Prime Sponsor, Senator Pelz: Requiring disclosure of campaign contributions from gambling interests. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 6735 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Pelz, Chair; Heavey, Vice Chair; Franklin, Fraser and Wojahn.

Passed to Committee on Rules for second reading.

February 1, 1996

SB 6736 Prime Sponsor, Senator Goings: Providing for binding arbitration for employees of school districts. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 6736 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Franklin, Fraser and Wojahn.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Deccio.

Referred to Committee on Ways and Means.

February 1, 1996

SB 6746 Prime Sponsor, Senator Prentice: Examining credit unions. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 6746 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

SB 6747 Prime Sponsor, Senator Deccio: Preserving the Yakima Valley School as a nursing facility for persons who are severely developmentally disabled. Reported by Committee on Health and Long-Term Care February 2, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Franklin, Moyer, Thibaudeau, Winsley and Wood.

MINORITY Recommendation: Do not pass. Signed by Senator Fairley.

Referred to Committee on Ways and Means.

SB 6748 Prime Sponsor, Senator Heavey: Regulating the interest in property on which retail liquor is sold. Reported by Committee on Labor, Commerce and Trade February 1, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6748 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Deccio, Franklin, Fraser, McDonald, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

SB 6750 Prime Sponsor, Senator Heavey: Taxing management entities that provide services for casino gambling activity in Washington state. Reported by Committee on Labor, Commerce and Trade February 1, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6750 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Franklin, Fraser, McDonald, Newhouse and Wojahn.

Referred to Committee on Ways and Means.

SB 6754 Prime Sponsor, Senator Quigley: Studying the potential impact on rural hospitals of changing the certificate of need program. Reported by Committee on Health and Long-Term Care February 2, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

SB 6757 Prime Sponsor, Senator Morton: Exempting first class school districts from conflict of interest provisions relating to contracts. Reported by Committee on Education February 1, 1996

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Goings, Vice Chair; Finkbeiner, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

SJM 8027 Prime Sponsor, Senator Wojahn: Objecting to the proliferation of billboard signs on Indian trust lands in the state of Washington. Reported by Committee on Ecology and Parks February 1, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

#### MOTION

At 6:14 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Monday, February 5, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-SIXTH DAY, FEBRUARY 2, 1996

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**TWENTY-NINTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Monday, February 5, 1996  
The Senate was called to order at 9:00 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bauer, Cantu, Drew, Hargrove, Heavey, Kohl, McCaslin, McDonald, Moyer, Owen and Sutherland. On motion of Senator Thibaudeau, Senators Bauer, Drew, Hargrove, Heavey and Kohl were excused. On motion of Senator Anderson, Senators Cantu, McCaslin, McDonald and Moyer were excused.

The Sergeant at Arms Color Guard, consisting of Pages Brita Halverson and Carlyn Hagen, presented the Colors. Reverend Rich Leatherberry, pastor of the North Creek Presbyterian Church in Mill Creek, and a guest of Senator Gary Strannigan, offered the prayer.

MOTION

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

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

January 31, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Fred D. Bertrand, appointed January 31, 1996, for a term ending September 30, 2000, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 31, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Senator Harriet A. Spanel, reappointed January 31, 1996, for a term ending June 12, 1999, as a member of the Pacific Marine Fisheries Commission.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Natural Resources.

January 31, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Senator Dean Sutherland, reappointed January 31, 1996, for a term ending June 12, 1999, as a member of the Pacific Marine Fisheries Commission.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Natural Resources.

INTRODUCTION AND FIRST READING

SB 6766 by Senator Thibaudeau

AN ACT Relating to treatment of persons with mental illness; amending RCW 71.05.010, 71.05.050, 71.05.150, 71.05.200, 71.05.280, 71.05.320, and 71.05.340; and reenacting and amending RCW 71.05.020.

Referred to Committee on Human Services and Corrections.

SB 6767 by Senators Rinehart and West

AN ACT Relating to establishing procedures for compensation modifications for state employees under chapter 41.06 RCW; amending RCW 41.06.150, 41.06.070, and 41.06.500; and adding a new section to chapter 41.06 RCW.

Referred to Committee on Ways and Means.

SB 6768 by Senator Haugen

AN ACT Relating to services by a regional transit authority to adjacent counties; and amending RCW 81.112.080.

Referred to Committee on Transportation.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9181, Aubrey Davis, as a member of the Transportation Commission, was confirmed.

APPOINTMENT OF AUBREY DAVIS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 2; Excused, 9. Voting yea: Senators Anderson, A., Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Hochstatter, Johnson, Long, Loveland, McAuliffe, Morton, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 38. Absent: Senators Owen and Sutherland - 2. Excused: Senators Bauer, Cantu, Drew, Hargrove, Heavey, Kohl, McCaslin, McDonald and Moyer - 9.

MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9208, Art Runestrand, as a member of the Board of Trustees for Bellingham Technical College District No. 25, was confirmed.

MOTION

On motion of Senator Thibaudeau, Senators Owen and Sutherland were excused.

APPOINTMENT OF ART RUNESTRAND

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8. Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Hochstatter, Johnson, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 41. Excused: Senators Cantu, Hargrove, Heavey, Kohl, McCaslin, Moyer, Owen and Sutherland - 8.

MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9203, Karen Keiser, as a member of the Board of Trustees for Highline Community College District No. 9, was confirmed.

APPOINTMENT OF KAREN KEISER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8. Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Hochstatter, Johnson, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 41. Excused: Senators Cantu, Hargrove, Heavey, Kohl, McCaslin, Moyer, Owen and Sutherland - 8.

MOTION

At 9:24 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 10:37 a.m. by President Pro Tempore Wojahn.

SECOND READING

SENATE BILL NO. 6158, by Senators Hargrove, Long and Schow (by request of Department of Corrections)

Authorizing the department of corrections to intercept, record, and divulge electronically monitored inmate conversations.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6158 was substituted for Senate Bill No. 6158 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6158 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6158.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6158 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Voting nay: Senator Fairley - 1.

Absent: Senator Hochstatter - 1.

Excused: Senator Sutherland - 1.

SUBSTITUTE SENATE BILL NO. 6158, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Morton, Senator Hochstatter was excused.

#### SECOND READING

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8404, by Senators Kohl, Gaspard, Pelz, Winsley, Franklin, Snyder, Sutherland, Haugen, Sheldon, Prentice, Deccio, C. Anderson and Bauer

Establishing a joint select committee on fire suppression.

#### MOTIONS

On motion of Senator Kohl, Substitute Senate Concurrent Resolution No. 8404 was substituted for Engrossed Senate Concurrent Resolution No. 8404 and the substitute concurrent resolution was placed on second reading and read the second time.

On motion of Senator Kohl, the rules were suspended, Substitute Senate Concurrent Resolution No. 8404 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Concurrent Resolution No. 8404.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Concurrent Resolution No. 8404 and the concurrent resolution passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 42.

Voting nay: Senators Finkbeiner, Johnson, Morton, Schow and Zarelli - 5.

Excused: Senators Hochstatter and Sutherland - 2.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8404, having received the constitutional majority, was declared passed.

#### SECOND READING

SENATE BILL NO. 6217, by Senators Johnson and McAuliffe (by request of Board of Education)

Changing requirements for admission to teacher preparation programs.

The bill was read the second time.

#### MOTION

On motion of Senator Johnson, the rules were suspended, Senate Bill No. 6217 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6217.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6217 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Hochstatter and Sutherland - 2.

SENATE BILL NO. 6217, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6172, by Senators Haugen, Morton, Drew and Oke

Establishing a ten dollar fee for all duplicate licenses, rebates, permits, tags, and stamps issued at one time.

#### MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 6172 was substituted for Senate Bill No. 6172 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the rules were suspended, Substitute Senate Bill No. 6172 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6172.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6172 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Hochstatter and Sutherland - 2.

SUBSTITUTE SENATE BILL NO. 6172, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6171, by Senators Oke, Haugen, McCaslin and Winsley

Eliminating primary elections for certain special purpose district commissioners.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6171 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6171.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6171 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Hochstatter and Sutherland - 2.

SENATE BILL NO. 6171, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6182, by Senators Owen, Prentice, Smith, Goings, Winsley, Schow and Oke

Increasing penalties for crimes involving methamphetamine.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 6182 was substituted for Senate Bill No. 6182 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 6182 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6182.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6182 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Sutherland - 1.

SUBSTITUTE SENATE BILL NO. 6182, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6154, by Senators Bauer, Long, Fraser, Winsley and Roach (by request of Joint Committee on Pension Policy)

Creating a retirement option for certain fire fighters.

#### MOTIONS

On motion of Senator Bauer, Substitute Senate Bill No. 6154 was substituted for Senate Bill No. 6154 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bauer, the rules were suspended, Substitute Senate Bill No. 6154 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6154.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6154 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Sutherland - 1.

SUBSTITUTE SENATE BILL NO. 6154, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6110, by Senators Haugen, Loveland, Owen, Smith, Thibaudeau and Bauer

Providing moneys for the death investigations account.

The bill was read the second time.

#### MOTION

On motion of Senator Rinehart, the rules were suspended, Senate Bill No. 6110 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6110.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6110 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 42.

Voting nay: Senators Cantu, Newhouse, Pelz, Roach, Schow and Zarelli - 6.

Excused: Senator Sutherland - 1.

SENATE BILL NO. 6110, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6233, by Senators Long and Oke (by request of Department of Retirement Systems)

Determining retirement system service credit for military service.

The bill was read the second time.

#### MOTION

On motion of Senator Loveland, the rules were suspended, Senate Bill No. 6233 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6233.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6233 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senators Finkbeiner and McDonald - 2.

Excused: Senator Sutherland - 1.

SENATE BILL NO. 6233, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6237, by Senators Prince, Owen, Wood and Prentice

Permitting the use of certain wireless communications and computer equipment in vehicles.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 6237 was substituted for Senate Bill No. 6237 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 6237 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Anderson, Senator Moyer was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6237.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6237 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Moyer and Sutherland - 2.

SUBSTITUTE SENATE BILL NO. 6237, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6241, by Senators Sellar and Snyder

Allowing certain towns to maintain hotel/motel taxes for tourism promotion.

#### MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 6241 was substituted for Senate Bill No. 6241 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the following amendment by Senators Haugen, Sellar and Spanel was adopted:

On page 2, after line 9, insert the following:

**"NEW SECTION. Sec. 2.** A new section is added to chapter 67.28 RCW to read as follows:

(1) The legislative body of a city with a population of at least five hundred but less than one thousand in a county with a population of at least eighty thousand but less than one hundred fifteen thousand may levy and collect a special excise tax not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of a similar license to use real property, as distinguished from the renting or leasing of real property. For the purposes of this tax, it is presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the property.

(2) The tax authorized in subsection (1) of this section is in addition to any other tax authorized by law.

(3) A seller, as defined in RCW 82.08.010, who is required to collect a tax under this section, shall pay the tax to the city as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to taxes imposed under this section.

(4) The tax levied and collected under this section shall be credited to a special fund in the treasury of the city. The taxes may be levied only for the purpose of paying all or any part of the cost of acquisition, construction, or operation of a performing and visual arts center or to pay or secure the payment of all or any portion of general obligation bonds or revenue bonds issued for such purpose."

Renumber the sections consecutively and correct any internal references accordingly.

#### MOTION

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute Senate Bill No. 6241 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6241.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6241 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Sutherland - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6241, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6618, by Senators Snyder, McDonald, Rinehart and West

Measuring state fiscal conditions.

#### MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 6618 was substituted for Senate Bill No. 6618 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rinehart, the rules were suspended, Substitute Senate Bill No. 6618 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6618.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6618 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Wojahn, Wood and Zarelli - 47.

Absent: Senator Winsley - 1.

Excused: Senator Sutherland - 1.

SUBSTITUTE SENATE BILL NO. 6618, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6671, by Senators McDonald, Snyder, West, Rinehart, Loveland, Sellar, Oke and Kohl

Changing the name of the economic and revenue forecast council to the economic, revenue, and caseload forecast council, and amending its duties accordingly.

## MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 6671 was substituted for Senate Bill No. 6671 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rinehart, the rules were suspended, Substitute Senate Bill No. 6671 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6671.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6671 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator Hargrove - 1.

Excused: Senator Sutherland - 1.

SUBSTITUTE SENATE BILL NO. 6671, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6680, by Senators Snyder, McDonald, Loveland, Sellar, Rinehart, West, Strannigan, Quigley, Cantu, Oke, Winsley, Kohl, Long and Roach

Strengthening legislative review of agency performance.

## MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 6680 was substituted for Senate Bill No. 6680 and the substitute bill was placed on second reading and read the second time.

Senator Strannigan moved that the following amendment by Senators Strannigan, McDonald, Snyder, Rinehart, West, Loveland, Cantu and Quigley be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** Public officials, public employees, legislators, and citizens recognize the need to review the value and relative priority of many programs throughout state government in the context of constantly changing conditions, limitations, and requirements for state government. They also share the objective of improving the performance of state agencies and programs, thereby increasing effectiveness and efficiency.

The legislature must become more effective in its role of directing public policy and ensuring the public accountability of state programs, managers, and employees. With the support of the legislature, the executive branch must implement practices and processes that will improve performance, accountability, and public confidence in state government. The governor and the legislature shall use results from the performance assessment processes established by this chapter in establishing state budget policy and priorities. The budget process must become an effective means of ensuring compliance with performance improvement requirements.

The purpose of this chapter is to ensure that all state agencies and programs have a valid and necessary mission and that the agencies have clearly defined performance objectives, quality objectives, and cost objectives that are appropriately balanced. Each agency and program should operate within a strategic plan that includes the mission of the agency or program, measurable goals, strategies, and performance measurement systems that are vital tools used for agency management, legislative budget and policy deliberations, and public accountability. State agencies should engage customers, taxpayers, employees, and the legislature in the development and redevelopment of these plans. The strategic plans should be the framework within which agencies continuously assess the value and relative priority of their various functions. In order to streamline state government and redirect resources more effectively, the legislature intends to begin a systematic, fundamental review of the functions of state programs.

In developing future legislation to create new programs and activities in state government, or redirect existing programs and activities, the legislature shall include in such legislation the specific purpose and measurable goals of the program or activity.

**NEW SECTION. Sec. 2.** The legislative committee on performance review is established.

(1) The thirteen-member committee consists of:

- (a) The majority leader of the senate;
- (b) The majority leader of the house of representatives;
- (c) The minority leader of the senate;
- (d) The minority leader of the house of representatives;
- (e) The chair and ranking minority member of the senate ways and means committee;
- (f) The chair and ranking minority member of the house of representatives appropriations committee;
- (g) Four additional members, one each from the majority and minority caucuses of the senate and the house of representatives; and
- (h) The lieutenant governor, who shall serve as a nonvoting member and chair of the committee.

(2) Members of the committee shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending meetings of the committee or any subcommittee or on other business authorized by the committee.

(3) An executive committee is established, consisting of the majority leader and minority leader of the senate and the majority leader and minority leader of the house of representatives. The function of the executive committee is to appoint the director of the legislative office of performance review. Approval by an affirmative vote of at least three members of the committee is required for decisions regarding employment of the director. Employment of the director terminates after each term of three years. At the end of the first year of each three-year term, the committee shall consider extension of the term by one year. However, at any time during the term of office, the employment of the director may be terminated by a unanimous vote of the executive committee. The executive committee shall set the salary of the director.

**NEW SECTION. Sec. 3.** (1) The director shall establish and manage a legislative office of performance review to carry out the functions described in this chapter.

(2) In consultation with the executive committee, the director may select and employ personnel necessary to carry out the purposes of this chapter. Salaries for employees of the legislative office of performance review, other than the director, shall be set with the approval of the executive committee, the secretary of the senate, and the chief clerk of the house of representatives.

(3) The director has primary responsibility for performance reviews of state agencies, programs, and activities. The director shall consult with the state auditor, the legislative auditor of the legislative budget committee, and the director of financial management in the conduct of performance reviews. The director shall also consult with the chairs and staff of the appropriate legislative standing committees.

**NEW SECTION. Sec. 4.** (1) Performance reviews under this chapter shall include a rethinking of the programs and functions of state agencies to assess whether or not they have a vital purpose or valid mission, and to assess the results being attained. The director shall work to involve frontline employees, agency and program managers, customers of the program or service, other taxpayers, legislators, legislative staff, office of financial management staff, and other external public and private sector experts as deemed appropriate in conducting performance reviews. The director shall, as necessary, contract with experts from either the private or public sector to assist in performance reviews.

(2) In preparation for a performance review, a state agency shall identify each of its discrete functions or activities, along with associated costs and full-time equivalent staff, as requested by the director. In reviewing the agency or program, the director shall identify those activities and programs that should be strengthened, those that should be abandoned, and those that need to be redirected or other alternatives explored. The review should consider: (a) Whether or not the purpose for which the agency or program was created is still valid based on the circumstances under which the program was created versus those that exist at the time of the review; (b) the extent to which the particular activity or function is specifically authorized in statute or is consistent with statutory direction and intent; (c) whether or not the agency or program is achieving the results for which it was established; (d) alternatives for delivering the program or service, either in the public or private sector; (e) duplication of services with other government programs or private enterprises or gaps in services; (f) the relative priority of the program among the agency's functions; (g) costs or implications of not performing the function; (h) citizen's individual responsibilities and freedoms; (i) whether or not the mission of the agency or program is attainable considering the effect of factors and circumstances beyond the control of the agency; (j) the frequency with which other states perform similar functions, as well as their relative funding levels and performance; and (k) in the event of inadequate performance by the program, the potential for a workable, affordable plan to improve performance.

(3) Performance reviews must also determine the existence and utility of an agency or program strategic plan that includes a concise statement of the agency's or program's mission, a vision for future direction, measurable goals and objectives, and clear strategies and specific timelines to achieve them. The director shall determine the extent to which the plan: (a) Forms the basis of agency management practices and continuous process reevaluation and improvement; (b) can be used to clearly identify and prioritize agency functions; (c) provides a valuable basis for legislative policy and budget deliberations; (d) is used to ensure accountability of employees, particularly managers, for achieving program goals, and is a primary consideration in retention and promotion of staff; (e) is used to assess the quality and effectiveness of the agency's programs and activities; (f) appropriately balances cost objectives, quality objectives, and performance objectives; and (g) is useful in demonstrating public accountability. The agency strategic plan shall provide for periodic self-assessment by the agency to determine whether the agency is achieving the goals and objectives of its programs. Where self-assessments have been completed by an agency, the assessments must be incorporated into a performance review conducted under this chapter.

(4) In reviewing an agency or program, the director shall also identify, to the extent possible, the causes of any failure to achieve desired results and identify alternatives for reducing costs or improving service delivery, including transferring functions to other public or private sector organizations.

(5) If the state agency or program being reviewed has not identified acceptable organizations or programs in the public or private sector to be used as benchmarks against which to measure its performance, the director shall conduct a review sufficient to recommend such benchmarks to the agency, the governor, and the legislature.

(6) As a part of each performance review and in consultation with the director of the agency being reviewed and the director of financial management, the director of the legislative office of performance review shall develop recommendations regarding statutes that inhibit or do not contribute to the agency's ability to perform its functions effectively and efficiently.

(7) Based on the information and conclusions compiled from the work required in subsections (1) through (6) of this section, the director shall develop an advisory recommendation for the governor and the legislature regarding whether an agency, programs of an agency, or activities within an agency should be continued, abandoned, or restructured.

**NEW SECTION. Sec. 5.** Before the completion of each legislative session and in conjunction with development of the final omnibus appropriations act, the legislative committee on performance review shall approve a performance review plan for the next twelve to fifteen months. The performance review plan must include a schedule of agencies, programs, or activities for which performance reviews will be initiated during that period. The plan must also include anticipated performance review revolving fund charges to each individual agency scheduled for review. Appropriations for scheduled agencies shall be adjusted in the omnibus appropriations act to reflect the anticipated charges. For each performance review included, the plan must identify the role of the legislative office of performance review and the state auditor, as well as the need to contract for additional public or private sector expertise. In preparing a draft plan for consideration by the committee, the director shall consult with the state auditor, the chair and staff of the legislative budget committee, the director of financial management, and the chairs and staff of appropriate legislative standing committees. The committee shall meet quarterly to review progress on the plan and, if necessary, revise the plan.

**NEW SECTION. Sec. 6.** When the director has completed a performance review and before public release of the findings, the affected agency and the office of financial management may respond to the review. The director shall incorporate the agency's and the office of financial management's response into the final report. The legislative committee on performance review may also review and comment on the director's findings. The director shall include the comments of the committee in the final report as a separate addendum. Final reports of findings of the director from agency and program performance reviews must be transmitted to the agency, the director of financial management, and appropriate legislative committees and must be made available for public review.

**NEW SECTION. Sec. 7.** The performance review revolving fund is established in the state treasury. Expenditures from the fund may be spent only by appropriation. The fund is established to assist in recovering the costs of performance reviews from the audited agency or program. Subject to appropriation, the director shall assess agencies all or a portion of the cost of performance reviews.

The cost of performance reviews includes all direct and indirect costs and other expenses incurred by the director in fulfilling his or her statutory responsibilities.

Costs of the reviews may also be paid from other funds appropriated to the legislative office of performance review.

**NEW SECTION. Sec. 8.** To ensure the accuracy and timeliness of information used as the basis for performance reviews and other responsibilities of the legislature, the director shall be provided direct and unrestricted access to information held by any state agency. Agencies shall submit directly to the legislative office of performance review, on a confidential basis, all data and other information requested, including tax records and client data.

**Sec. 9.** RCW 43.88.030 and 1994 c 247 s 7 and 1994 c 219 s 2 are each reenacted and amended to read as follows:

(1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. The director shall provide agencies that are required under RCW 44.40.070 to develop comprehensive six-year program and financial plans with a complete set of instructions for submitting these program and financial plans at the same time that instructions for submitting other budget requests are provided. The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period, as well as an outline of the proposed six-year financial policies where applicable, and shall describe in connection therewith the important features of the budget. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period, or six-year period where applicable, based upon the estimated revenues as approved by the economic and revenue forecast council or upon the estimated revenues of the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast, including those revenues anticipated to support the six-year programs and financial plans under RCW 44.40.070. In estimating revenues to support financial plans under RCW 44.40.070, the office of financial management shall rely on information and advice from the interagency revenue task force. Revenues shall be estimated for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document, including the supplemental budgets submitted in the even-numbered years of a biennium. However, the estimated revenues for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers and revenue estimates dependent upon budgetary assumptions of enrollments, workloads, and caseloads. All adjustments to the approved estimated revenues must be set forth in the budget document. The governor may additionally submit, as an appendix to each supplemental, biennial, or six-year agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

Supplemental and biennial documents shall reflect a six-year expenditure plan consistent with estimated revenues from existing sources and at existing rates for those agencies required to submit six-year program and financial plans under RCW 44.40.070. Any additional revenue resulting from proposed changes to existing statutes shall be separately identified within the document as well as related expenditures for the six-year period.

The budget document or documents shall also contain:

(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, those anticipated for the ensuing biennium, and those anticipated for the ensuing six-year period to support the six-year programs and financial plans required under RCW 44.40.070;

(b) The undesignated fund balance or deficit, by fund;

(c) Such additional information dealing with expenditures, revenues, workload, performance, and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, activity and object;

(f) A delineation of each agency's activities, including those activities funded from nonbudgeted, nonappropriated sources, including funds maintained outside the state treasury;

(g) Identification of all proposed direct expenditures to implement the Puget Sound water quality plan under chapter 90.70 RCW, shown by agency and in total; and

(h) Tabulations showing each postretirement adjustment by retirement system established after fiscal year 1991, to include, but not be limited to, estimated total payments made to the end of the previous biennial period, estimated payments for the present biennium, and estimated payments for the ensuing biennium.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of beginning undesignated fund balance and estimated revenues less working capital and other reserves shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

(a) Interest, amortization and redemption charges on the state debt;

(b) Payments of all reliefs, judgments and claims;

(c) Other statutory expenditures;

(d) Expenditures incident to the operation for each agency;

(e) Revenues derived from agency operations;

(f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium, as well as those required to support the six-year programs and financial plans required under RCW 44.40.070;

(g) A showing and explanation of amounts of general fund and other funds obligations for debt service and any transfers of moneys that otherwise would have been available for appropriation;

(h) Common school expenditures on a fiscal-year basis;

(i) A showing, by agency, of the value and purpose of financing contracts for the lease/purchase or acquisition of personal or real property for the current and ensuing fiscal periods; ~~(and)~~

(j) A showing and explanation of anticipated amounts of general fund and other funds required to amortize the unfunded actuarial accrued liability of the retirement system specified under chapter 41.45 RCW, and the contributions to meet such amortization, stated in total dollars and as a level percentage of total compensation; ~~and~~

(k) For each agency, a description of the findings and recommendations of any applicable review by the legislative office of performance review conducted during the prior fiscal period. The budget document must describe the potential costs and savings associated with implementing the findings and recommendations, including any recommendations for program eliminations and alternative delivery methods.

(3) A separate capital budget document or schedule shall be submitted that will contain the following:

(a) A statement setting forth a long-range facilities plan for the state that identifies and includes the highest priority needs within affordable spending levels;

(b) A capital program consisting of proposed capital projects for the next biennium and the two biennia succeeding the next biennium consistent with the long-range facilities plan. Inasmuch as is practical, and recognizing emergent needs, the capital program shall reflect the priorities, projects, and spending levels proposed in previously submitted capital budget documents in order to provide a reliable long-range planning tool for the legislature and state agencies;

(c) A capital plan consisting of proposed capital spending for at least four biennia succeeding the next biennium;

(d) A statement of the reason or purpose for a project;

(e) Verification that a project is consistent with the provisions set forth in chapter 36.70A RCW;

(f) A statement about the proposed site, size, and estimated life of the project, if applicable;

(g) Estimated total project cost;

(h) For major projects valued over five million dollars, estimated costs for the following project components: Acquisition, consultant services, construction, equipment, project management, and other costs included as part of the project. Project component costs shall be displayed in a standard format defined by the office of financial management to allow comparisons between projects;

(i) Estimated total project cost for each phase of the project as defined by the office of financial management;

(j) Estimated ensuing biennium costs;

(k) Estimated costs beyond the ensuing biennium;

(l) Estimated construction start and completion dates;

(m) Source and type of funds proposed;

(n) Estimated ongoing operating budget costs or savings resulting from the project, including staffing and maintenance costs;

(o) For any capital appropriation requested for a state agency for the acquisition of land or the capital improvement of land in which the primary purpose of the acquisition or improvement is recreation or wildlife habitat conservation, the capital budget document, or an omnibus list of recreation and habitat acquisitions provided with the governor's budget document, shall identify the projected costs of operation and maintenance for at least the two biennia succeeding the next biennium. Omnibus lists of habitat and recreation land acquisitions shall include individual project cost estimates for operation and maintenance as well as a total for all state projects included in the list. The document shall identify the source of funds from which the operation and maintenance costs are proposed to be funded;

(p) Such other information bearing upon capital projects as the governor deems to be useful;

(q) Standard terms, including a standard and uniform definition of maintenance for all capital projects;

(r) Such other information as the legislature may direct by law or concurrent resolution.

For purposes of this subsection (3), the term "capital project" shall be defined subsequent to the analysis, findings, and recommendations of a joint committee comprised of representatives from the house capital appropriations committee, senate ways and means committee, legislative transportation committee, legislative evaluation and accountability program committee, and office of financial management.

(4) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document or report presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative evaluation and accountability program committee if the legislature is not in session.

**Sec. 10.** RCW 43.88.090 and 1994 c 184 s 10 are each amended to read as follows:

(1) For purposes of developing budget proposals to the legislature, the governor shall have the power, and it shall be the governor's duty, to require from proper agency officials such detailed estimates and other information in such form and at such times as the governor shall direct. The estimates for the legislature and the judiciary shall be transmitted to the governor and shall be included in the budget without revision. The estimates for state pension contributions shall be based on the rates provided in chapter 41.45 RCW. Copies of all such estimates shall be transmitted to the standing committees on ways and means of the house and senate at the same time as they are filed with the governor and the office of financial management.

The estimates shall include statements or tables which indicate, by agency, the state funds which are required for the receipt of federal matching revenues. The estimates shall be revised as necessary to reflect legislative enactments and adopted appropriations and shall be included with the initial biennial allotment submitted under RCW 43.88.110.

(2) Each state agency shall define its mission and establish measurable goals for achieving desirable results for those who receive its services and the taxpayers who pay for those services. Each agency shall also develop clear strategies and timelines to achieve its goals. This section does not require an agency to develop a new mission or goals in place of identifiable missions or goals that meet the intent of this section. The mission and goals of each agency must conform to statutory direction and limitations.

(3) For the purpose of assessing program performance, each state agency shall establish program objectives for each major program in its budget. The objectives must be consistent with the missions and goals developed under this section. The objectives must be expressed to the extent practicable in outcome-based, objective, and measurable form unless an exception to adopt a different standard is granted by the office of financial management and approved by the legislative committee on performance review. The office of financial management shall provide necessary professional and technical assistance to assist state agencies in the development of strategic plans that include the mission of the agency and its programs, measurable goals, strategies, and performance measurement systems.

(4) Each state agency shall adopt procedures for continuous self-assessment of each program and activity, using the mission, goals, objectives, and measurements required under subsections (2) and (3) of this section.

(5) It is the policy of the legislature that each agency's budget proposals must be directly linked to the agency's stated mission and program goals and objectives. Consistent with this policy, agency budget proposals must include integration of performance measures that allow objective determination of a program's success in achieving its goals. The office of financial management shall develop a plan to merge the budget development process with agency performance assessment procedures. The plan must include a schedule to integrate agency strategic plans and performance measures into agency budget requests and the governor's budget proposal over three fiscal biennia. The plan must identify those agencies that will implement the revised budget process in the 1997-1999 biennium, the 1999-2001 biennium, and the 2001-2003 biennium. In consultation with the legislative fiscal committees, the office of financial management shall recommend statutory and procedural modifications to the state's budget, accounting, and reporting systems to facilitate the performance assessment procedures and the merger of those procedures with the state budget process. The plan and recommended statutory and procedural modifications must be submitted to the legislative fiscal committees by September 30, 1996.

(6) In the year of the gubernatorial election, the governor shall invite the governor-elect or the governor-elect's designee to attend all hearings provided in RCW 43.88.100; and the governor shall furnish the governor-elect or the governor-elect's designee with such information as will enable the governor-elect or the governor-elect's designee to gain an understanding of the state's budget requirements. The governor-elect or the governor-elect's designee may ask such questions during the hearings and require such information as the governor-elect or the governor-elect's designee deems necessary and may make recommendations in connection with any item of the budget which, with the governor-elect's reasons therefor, shall be presented to the legislature in writing with the budget document. Copies of all such estimates and other required information shall also be submitted to the standing committees on ways and means of the house and senate.

**Sec. 11.** RCW 43.88.160 and 1994 c 184 s 11 are each amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of financial management. The governor, through the director of financial management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources, and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for central accounts in the office of financial management at the level of detail deemed necessary by the director to perform central financial management. The director of financial management shall adopt and periodically update an accounting procedures manual. Any agency maintaining its own accounting and reporting system shall comply with the updated accounting procedures manual and the rules of the director adopted under this chapter. An agency may receive a waiver from complying with this requirement if the waiver is approved by the director. Waivers expire at the end of the fiscal biennium for which they are granted. The director shall forward notice of waivers granted to the appropriate legislative fiscal committees. The director of financial management may require such financial, statistical, and other reports as the director deems necessary from all agencies covering any period.

(2) The director of financial management is responsible for quarterly reporting of primary operating budget drivers such as applicable workloads, caseload estimates, and appropriate unit cost data. These reports shall be transmitted to the legislative fiscal committees or by electronic means to the legislative evaluation and accountability program committee. Quarterly reports shall include actual monthly data and the variance between actual and estimated data to date. The reports shall also include estimates of these items for the remainder of the budget period.

(3) The director of financial management shall report at least annually to the appropriate legislative committees regarding the status of all appropriated capital projects, including transportation projects, showing significant cost overruns or underruns. If funds are shifted from one project to another, the office of financial management shall also reflect this in the annual variance report. Once a project is complete, the report shall provide a final summary showing estimated start and completion dates of each project phase compared to actual dates, estimated costs of each project phase compared to actual costs, and whether or not there are any outstanding liabilities or unsettled claims at the time of completion.

(4) In addition, the director of financial management, as agent of the governor, shall:

(a) Develop and maintain a system of internal controls and internal audits comprising methods and procedures to be adopted by each agency that will safeguard its assets, check the accuracy and reliability of its accounting data, promote operational efficiency, and encourage adherence to prescribed managerial policies for accounting and financial controls. The system developed by the director shall include criteria for determining the scope and comprehensiveness of internal controls required by classes of agencies, depending on the level of resources at risk.

Each agency head or authorized designee shall be assigned the responsibility and authority for establishing and maintaining internal audits following the standards of internal auditing of the institute of internal auditors;

(b) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and the director shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(c) Establish policies for allowing the contracting of child care services;

(d) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(e) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact;

PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. The director shall advise and confer with agencies including appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned:

Agencies headed by elective officials;

(f) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by the director except that the director shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials;

(g) ~~(Provide for transfers and repayments between the budget stabilization account and the general fund as directed by appropriation and RCW 43.88.525 through 43.88.540;~~

~~(h))~~ Adopt rules to effectuate provisions contained in (a) through ~~((g))~~ (f) of this subsection.

(5) The treasurer shall:

(a) Receive, keep, and disburse all public funds of the state not expressly required by law to be received, kept, and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Receive, disburse, or transfer public funds under the treasurer's supervision or custody;

(c) Keep a correct and current account of all moneys received and disbursed by the treasurer, classified by fund or account;

(d) Coordinate agencies' acceptance and use of credit cards and other payment methods, if the agencies have received authorization under RCW 43.41.180;

(e) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to disburse public funds in the treasury except upon forms or by alternative means duly prescribed by the director of financial management. These forms or alternative means shall provide for authentication and certification by the agency head or the agency head's designee that the services have been rendered or the materials have been furnished; or, in the case of loans or grants, that the loans or grants are authorized by law; or, in the case of payments for periodic maintenance services to be performed on state owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office of financial management; and the treasurer shall not be liable under the treasurer's surety bond for erroneous or improper payments so made. When services are lawfully paid for in advance of full performance by any private individual or business entity other than as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services. No payments shall be made in advance for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or the agency head's designee in accordance with regulations issued pursuant to this chapter. Nothing in this section shall be construed to permit a public body to advance funds to a private service provider pursuant to a grant or loan before services have been rendered or material furnished.

(6) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end the auditor may, in the auditor's discretion, examine the books and accounts of any agency, official, or employee charged with the receipt, custody, or safekeeping of public funds. Where feasible in conducting examinations, the auditor shall utilize data and findings from the internal control system prescribed by the office of financial management. The current post audit of each agency may include a section on recommendations to the legislature as provided in (c) of this subsection.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make the auditor's official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include determinations as to whether agencies, in making expenditures, complied with the laws of this state. The state auditor ~~((is authorized to))~~ may perform or participate in performance verifications ~~((only as))~~ and performance reviews under chapter 44. --- RCW (sections 1 through 8 of this act) if expressly authorized by the performance review plan adopted by the legislative committee on performance review or if expressly authorized by the legislature in the omnibus biennial appropriations acts. The state auditor, upon completing an audit for legal and financial compliance under chapter 43.09 RCW or a performance verification or performance review, may report to the legislative budget committee, legislative committee on performance review, or other appropriate committees of the legislature, in a manner prescribed by the legislative budget committee or the director of the legislative office of performance review, on facts relating to the management or performance of governmental programs where such facts are discovered incidental to the legal and financial audit ~~((or))~~, performance verification, or performance review. The auditor may make such a report to a legislative committee only if the auditor has determined that the agency has been given an opportunity and has failed to resolve the management or performance issues raised by the auditor. If the auditor makes a report to a legislative committee, the agency may submit to the committee a response to the report. This subsection (6) shall not be construed to authorize the auditor to allocate other than de minimis resources to performance audits except as expressly authorized in the appropriations acts or the performance review plan.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of financial management. It shall be the duty of the director of financial management to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.

(e) Promptly report any irregularities to the attorney general.

(f) Investigate improper governmental activity under chapter 42.40 RCW.

(7) The legislative budget committee may:

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as provided for in RCW 44.28.085 as well as performance audits and program evaluations. To this end the committee may in its discretion examine the books, accounts, and other records of any agency, official, or employee.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the performance and management of state agencies.

(c) Make a report to the legislature which shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management.

**NEW SECTION. Sec. 12.** The following acts or parts of acts are each repealed:

(1) RCW 43.88B.005 and 1994 c 184 s 1;

(2) RCW 43.88B.007 and 1994 c 184 s 2;

(3) RCW 43.88B.010 and 1994 c 184 s 3;

(4) RCW 43.88B.020 and 1994 c 184 s 4;

(5) RCW 43.88B.030 and 1994 c 184 s 5;

(6) RCW 43.88B.031 and 1994 c 184 s 6;

(7) RCW 43.88B.040 and 1994 c 184 s 7;

(8) RCW 43.88B.050 and 1994 c 184 s 8;

(9) RCW 43.88B.900 and 1994 c 184 s 13; and

(10) RCW 43.88B.901 and 1994 c 184 s 15.

**NEW SECTION. Sec. 13.** Sections 1 through 8 of this act constitute a new chapter in Title 44 RCW."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Strannigan, McDonald, Snyder, Rinehart, West, Loveland, Cantu and Quigley to Substitute Senate Bill No. 6680.

The motion by Senator Strannigan carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Rinehart, the following title amendment was adopted:

On line 1 of the title, after "government;" strike the remainder of the title and insert "amending RCW 43.88.090 and 43.88.160; reenacting and amending RCW 43.88.030; adding a new chapter to Title 44 RCW; and repealing RCW 43.88B.005, 43.88B.007, 43.88B.010, 43.88B.020, 43.88B.030, 43.88B.031, 43.88B.040, 43.88B.050, 43.88B.900, and 43.88B.901."

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute Senate Bill No. 6680 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6680.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6680 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator Deccio - 1.

Excused: Senator Sutherland - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6680, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

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

SENATE RESOLUTION 1996-8684

By Senators Roach, Owen, Anderson, Kohl and Wood

WHEREAS, It is the sense of the Washington State Senate that the disappointment and uncertainty surrounding the future of the Seattle Seahawks is symbolic of the turmoil present throughout the National Football League; and

WHEREAS, The state of Washington and Seahawk fans everywhere would most certainly benefit by the offer of the State Attorney General to involve her office in assisting the effort to resolve the legal differences in this dispute, and give "effective" injunctive relief, perhaps in federal court, ordering the return of vital team records, financial information, and equipment to Washington; and

WHEREAS, Our state congressional delegation should be encouraged to take a leadership role in Congress and introduce legislation which will enhance the stability and predictability of the legal relationship between communities of interest and their professional athletic teams; and

WHEREAS, The Senate further believes that National Football League President, Paul Tagliabue, should be invited to convene a conference in Seattle, involving all necessary players in the "franchise shuffle syndrome" to discuss not only the future of the Seattle Seahawks, but the vision of the National Football League for the future of professional football;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate believes that all the contestants in this struggle owe the taxpayers a return on their investment of loyalty and appreciation and that this debt not be forgotten as this dispute is debated and litigated.

MOTION

At 12:05 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Tuesday, February 6, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-NINTH DAY, FEBRUARY 5, 1996

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**THIRTIETH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Tuesday, February 6, 1996  
The Senate was called to order at 9:00 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Anderson, McAuliffe, McDonald, Quigley and Rasmussen. On motion of Senator Thibaudeau, Senators McAuliffe and Rasmussen were excused. On motion of Senator Wood, Senator Anderson was excused.

The Sergeant at Arms Color Guard, consisting of Pages Amy Morford and Greta Olson, presented the Colors. Elder James Erlandson from the Reorganized Church of Jesus Christ of Latter-Day Saints, offered the prayer.

**MOTION**

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

**MESSAGES FROM THE HOUSE**

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2227, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 2, 1996

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 2151,  
HOUSE BILL NO. 2152,  
HOUSE BILL NO. 2153,  
SUBSTITUTE HOUSE BILL NO. 2195,  
SUBSTITUTE HOUSE BILL NO. 2201,  
HOUSE BILL NO. 2203,  
SUBSTITUTE HOUSE BILL NO. 2218, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 2, 1996

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1626,  
HOUSE BILL NO. 2016,  
SUBSTITUTE HOUSE BILL NO. 2118,  
SUBSTITUTE HOUSE BILL NO. 2140,  
SUBSTITUTE HOUSE BILL NO. 2163,  
SUBSTITUTE HOUSE BILL NO. 2171,  
SUBSTITUTE HOUSE BILL NO. 2188,  
HOUSE BILL NO. 2190,  
SUBSTITUTE HOUSE BILL NO. 2281,  
HOUSE BILL NO. 2285,  
HOUSE BILL NO. 2322,  
HOUSE BILL NO. 2392,  
SUBSTITUTE HOUSE BILL NO. 2394,  
HOUSE BILL NO. 2414,  
HOUSE BILL NO. 2457,  
HOUSE BILL NO. 2474,  
SUBSTITUTE HOUSE BILL NO. 2520,  
SUBSTITUTE HOUSE BILL NO. 2535,  
SUBSTITUTE HOUSE BILL NO. 2565,  
SUBSTITUTE HOUSE BILL NO. 2580,  
HOUSE BILL NO. 2611,  
HOUSE BILL NO. 2621,  
HOUSE BILL NO. 2623,

February 5, 1996

HOUSE BILL NO. 2652,  
HOUSE BILL NO. 2659,  
HOUSE BILL NO. 2660,  
HOUSE BILL NO. 2661, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 6769 by Senators Rinehart, West and Winsley

AN ACT Relating to eligibility for general assistance; reenacting and amending RCW 74.04.005; and creating a new section.

Referred to Committee on Ways and Means.

SB 6770 by Senators Fairley and Kohl

AN ACT Relating to protection and restoration of streamside buffers to provide for water quality and salmonid and shellfish habitat; adding a new chapter to Title 90 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Natural Resources.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1626 by House Committee on Finance (originally sponsored by Representatives Van Luven, Morris, Campbell, Hargrove and Dickerson)

Exempting from sales and use tax medicines prescribed by naturopaths.

Referred to Committee on Ways and Means.

HB 2016 by Representatives Mulliken, Carlson, Jacobsen, Blanton, Silver and Conway

Authorizing the higher education coordinating board to contract for cooperative arrangements with independent colleges and universities.

Referred to Committee on Higher Education.

SHB 2118 by House Committee on Government Operations (originally sponsored by Representatives D. Schmidt, Scott, Blanton, Quall and Thompson)

Harmonizing various election procedures.

Referred to Committee on Government Operations.

SHB 2140 by House Committee on Government Operations (originally sponsored by Representatives L. Thomas, Chopp and Murray)

Revising election laws and procedures for cities and towns.

Referred to Committee on Government Operations.

SHB 2151 by House Committee on Health Care (originally sponsored by Representatives Dyer, Backlund, Cody and Murray) (by request of Department of Health)

Establishing uniform licensing procedures.

Referred to Committee on Health and Long-Term Care.

HB 2152 by Representatives Dyer, Backlund, Cody, Morris, Carlson, Thompson, Costa and Murray (by request of Department of Health)

Revising provisions for adult family home licensing and operation.

Referred to Committee on Health and Long-Term Care.

HB 2153 by Representatives Skinner, McMorris, Grant, Clements and Thompson

Including public hospital districts as authorized self-insurers.

Referred to Committee on Labor, Commerce and Trade.

SHB 2163 by House Committee on Government Operations (originally sponsored by Representatives Benton, D. Schmidt, Smith and Thompson)

Revising nonpartisan election laws.

Referred to Committee on Government Operations.

SHB 2171 by House Committee on Corrections (originally sponsored by Representatives McMahan, Sheahan, Delvin, Costa, Morris, Blanton, Quall, Dickerson, Thompson and Hargrove) (by request of Department of Corrections)

Extending no-contact restrictions on sentences to time in confinement.

Referred to Committee on Law and Justice.

SHB 2188 by House Committee on Health Care (originally sponsored by Representatives Backlund, Hymes, Dyer, Sherstad and Horn)

Requiring a majority vote of the medical quality assurance commission to revoke a physician's license.

Referred to Committee on Health and Long-Term Care.

HB 2190 by Representatives Dyer and B. Thomas

Exempting railroad associations from certain fees.

Referred to Committee on Transportation.

SHB 2195 by House Committee on Corrections (originally sponsored by Representatives Blanton, Quall, Sheldon and Costa) (by request of Department of Corrections)

Authorizing the department of corrections to intercept, record, and divulge electronically monitored inmate conversations.

Referred to Committee on Human Services and Corrections.

SHB 2201 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Mastin, Mulliken, Honeyford, Robertson, Boldt and Goldsmith)

Authorizing a change in the use of water made surplus by certain activities and modifying transfer provisions.

Referred to Committee on Ecology and Parks.

HB 2203 by Representatives Mastin, Chandler, Honeyford and Robertson

Establishing criteria to determine hydraulic continuity.

Referred to Committee on Ecology and Parks.

SHB 2218 by House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Schoesler, Radcliff, Koster, Smith, Horn, Sheahan, Thompson, Blanton, Costa, Backlund and Quall)

Forfeiting an offender's earned early release time for certain acts involving civil actions.

Referred to Committee on Human Services and Corrections.

ESHB 2227 by House Committee on Law and Justice (originally sponsored by Representatives Sterk, Sheahan, L. Thomas, Honeyford, Robertson, Stevens, Koster, Carlson, Thompson and Costa)

Changing provisions relating to felony traffic offenses.

Referred to Committee on Law and Justice.

SHB 2281 by House Committee on Corrections (originally sponsored by Representatives Sehlin, Sheahan, Blanton, Backlund, Goldsmith, L. Thomas, Mulliken, McMahan, Patterson, Conway and Chopp)

Improving address reporting by sex offenders.

Referred to Committee on Human Services and Corrections.

HB 2285 by Representatives Mastin and Carlson (by request of Higher Education Coordinating Board)

Changing provisions for degree granting institutions.

Referred to Committee on Higher Education.

HB 2322 by Representatives McMorris, Mastin, Chandler, Schoesler, McMahan, Skinner, Goldsmith, L. Thomas, Mulliken, Sheldon, Johnson, Thompson and Hargrove

Providing exemptions from industrial insurance for persons under age twenty-one employed on family farms.

Referred to Committee on Labor, Commerce and Trade.

HB 2392 by Representatives Tokuda, Ballasiotes, Chopp, Mason, Wolfe, Radcliff, Poulsen, Schoesler, Veloria, Cooke, Murray, Blanton and Costa

Adopting recommended prosecuting standards for juvenile charging and plea dispositions.

Referred to Committee on Law and Justice.

SHB 2394 by House Committee on Government Operations (originally sponsored by Representatives Reams, Buck, Sheldon, Honeyford, Delvin, Thompson and McMahan)

Revising master planned resorts.

Referred to Committee on Government Operations.

HB 2414 by Representatives D. Schmidt, Chopp and L. Thomas

Standardizing the recording of documents.

Referred to Committee on Government Operations.

HB 2457 by Representatives Hatfield, Van Luven, Regala and Kessler

Changing how valuation is determined for property taxation of senior citizens and persons retired because of physical disability.

Referred to Committee on Government Operations.

HB 2474 by Representatives Mulliken, Mason, Schoesler and Carlson

Eliminating the requirement that degree-granting private vocational schools participate in the tuition recovery trust fund.

Referred to Committee on Higher Education.

SHB 2520 by House Committee on Transportation (originally sponsored by Representatives K. Schmidt and Scott) (by request of Washington State Patrol)

Extending terminal safety audit fees to vehicles operating under the International Registration Plan.

Referred to Committee on Transportation.

SHB 2535 by House Committee on Trade and Economic Development (originally sponsored by Representatives Van Luven, Jacobsen and Carlson)

Adopting ethics standards for academic or scientific public service work.

Referred to Committee on Government Operations.

SHB 2565 by House Committee on Government Operations (originally sponsored by Representatives Hickel, Costa and Chappell)

Filing faxed documents.

Referred to Committee on Government Operations.

SHB 2580 by House Committee on Corrections (originally sponsored by Representatives Costa, Ballasiotes, Sheahan, Murray, Hickel, Cooke, Conway and Boldt)

Extending the period of time that a victim of crime may collect restitution from a juvenile.

Referred to Committee on Human Services and Corrections.

HB 2611 by Representatives Skinner, Romero and Jacobsen

Designating significant historic places.

Referred to Committee on Government Operations.

HB 2621 by Representatives Honeyford, Ogden, Jacobsen, R. Fisher, Radcliff, Brumsickle, Chopp, Hickel and Conway (by request of Washington State Historical Society)

Authorizing the Washington state historical society to work with the Lewis and Clark trail committee in developing activities to commemorate the Lewis and Clark trail bicentennial.

Referred to Committee on Ecology and Parks.

HB 2623 by Representatives Dyer, Hymes, Cody, Murray, Brumsickle, Casada, Conway, Skinner, Crouse, Morris, Sherstad and Scheuerman

Requiring the use of single name identifiers for persons obtaining controlled substances.

Referred to Committee on Health and Long-Term Care.

HB 2652 by Representatives Ballasiotes, Costa and Scott

Clarifying existing law on the costs of hospitalizing criminally insane patients.

Referred to Committee on Human Services and Corrections.

HB 2659 by Representatives Skinner, R. Fisher and Cairnes (by request of Department of Licensing)

Computing special fuel tax on a mileage basis.

Referred to Committee on Transportation.

HB 2660 by Representatives Cairnes and R. Fisher (by request of Department of Licensing)

Revising procedures for refund of certain fees and taxes.

Referred to Committee on Transportation.

HB 2661 by Representatives L. Thomas and Wolfe (by request of State Treasurer Grimm)

Regulating public funds.

Referred to Committee on Financial Institutions and Housing.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Smith, Gubernatorial Appointment No. 9166, Charlie W. Owens, Jr., as a member of the Indeterminate Sentence Review Board, was confirmed.

APPOINTMENT OF CHARLIE W. OWENS, JR.

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.  
Voting yeas: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44.

Absent: Senators McDonald and Quigley - 2.

Excused: Senators Anderson, A., McAuliffe and Rasmussen - 3.

#### MOTION

On motion of Senator West, Gubernatorial Appointment No. 9169, David P. Roberts, as a member of the State Board for Community and Technical Colleges, was confirmed.

#### APPOINTMENT OF DAVID P. ROBERTS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.  
Voting yeas: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator McAuliffe - 1.

#### MOTION

On motion of Senator Morton, Gubernatorial Appointment No. 9185, Judge Thomas A. Metzger, as a member of the Sentencing Guidelines Commission, was confirmed.

#### APPOINTMENT OF JUDGE THOMAS A. METZGER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.  
Voting yeas: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator McAuliffe - 1.

#### SECOND READING

SENATE BILL NO. 6282, by Senators Rasmussen and A. Anderson

Providing for marketing contracts and revising elections of directors and amendments to articles for cooperative associations.

#### MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 6282 was substituted for Senate Bill No. 6282 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 6282 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6282.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6282 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yeas: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli

Excused: Senator McAuliffe - 1.

SUBSTITUTE SENATE BILL NO. 6282, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6305, by Senator Drew

Authorizing approval of off-site mitigation proposals for hydraulic projects.

The bill was read the second time.

#### MOTION

On motion of Senator Drew, the rules were suspended, Senate Bill No. 6305 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6305.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6305 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator Rinehart - 1.

Excused: Senator McAuliffe - 1.

SENATE BILL NO. 6305, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6312, by Senators Bauer, Oke, Kohl, Rasmussen, Sutherland, Snyder, Heavey, Goings and Sheldon

Changing the tuition exemption for veterans of the Persian Gulf combat zone.

The bill was read the second time.

#### MOTION

On motion of Senator Bauer, the rules were suspended, Senate Bill No. 6312 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6312.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6312 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SENATE BILL NO. 6312, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5614, by Senators Pelz, Franklin, Hargrove, Snyder, Fraser, Bauer, McAuliffe, Smith, Prentice, Heavey and Rinehart

Revising provisions relating to compensation during appeal of department of labor and industries industrial insurance orders.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Senate Bill No. 5614 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Anderson: "Senator Pelz, if the claimant does not receive a favorable appeal and the company has paid those benefits, what happens then?"

Senator Pelz: "If the employer wins on appeal?"

Senator Anderson: "Exactly."

Senator Pelz: "The employee is required to pay back to the department the benefits received during the appeal period."

Senator Anderson: "Thank you, Senator Pelz."

Further debate ensued.

#### POINT OF INQUIRY

Senator Schow: "Senator Pelz, if this bill is passed, both the employee and the employer can appeal. Is that correct?"

Senator Pelz: "This bill would not affect the ability of either party to appeal; they would still be allowed to appeal."

Senator Schow: "So, it would then become very advantageous for the employee to immediately appeal, because they would start getting payment immediately until their appeal was heard, so this would probably, then, increase the number of appeals? Is that--"

Senator Pelz: "No sir, this only deals with when the employee won the ruling and the employer chooses to appeal. Currently, the employee wins the ruling and the employer decides to appeal and the employee does not receive benefits. This just says that if you win, you win, and when you win the benefits begin and then if the employer appeals and wins, the benefits cease."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5614.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5614 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, Winsley, Wojahn and Wood - 30.

Voting nay: Senators Anderson, A., Cantu, Deccio, Hochstatter, Johnson, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West and Zarelli - 19.

SENATE BILL NO. 5614, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 5818, by Committee on Ways and Means (originally sponsored by Senators Winsley, A. Anderson, C. Anderson and McAuliffe)

Paying benefits when a member dies before retirement.

The bill was read the second time.

#### MOTION

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 5818 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5818.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5818 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5818, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6078, by Senators Heavey, Prince and Owen

Representing regional transit authority projects.

#### MOTIONS

On motion of Senator Heavey, Substitute Senate Bill No. 6078 was substituted for Senate Bill No. 6078 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Heavey, the rules were suspended, Substitute Senate Bill No. 6078 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6078.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6078 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6078, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6397, by Senators Sheldon, Hale and Oke

Providing business and occupation tax exemptions for auctions and wholesale transactions involving motor vehicles.

#### MOTIONS

On motion of Senator Sheldon, Substitute Senate Bill No. 6397 was substituted for Senate Bill No. 6397 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 6397 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6397.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6397 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6397, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6315, by Senators Hargrove, Long, Kohl and Schow (by request of Department of Corrections)

Revising procedures for recoupment of assessments against offenders.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6315 was substituted for Senate Bill No. 6315 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6315 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6315.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6315 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6315, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 10:12 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:09 a.m. by President Pro Tempore Wojahn.

#### MOTION

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

## SENATE RESOLUTION 1996-8675

By Senators Snyder, Morton, Cantu, McCaslin, Kohl, Spanel and Rasmussen

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and  
WHEREAS, The Washington Interscholastic Activities Association sponsors an awards program that recognizes the academic achievement of high school athletic teams and activity programs; and  
WHEREAS, For the past eight years, the WIAA has awarded academic state championship teams in various sports; and  
WHEREAS, Athletics, the fine arts, and other activities are integral parts of every high school student's educational experience;  
and  
WHEREAS, This year's recipients have made significant efforts of achievement in pursuit of their educational goals through activities; and  
WHEREAS, It has been proven that high school athletes perform well in the classroom as well as on the playing field; and  
WHEREAS, Participants in after-school activities have consistently higher graduation rates than other students; and  
WHEREAS, Students who participate in athletics and other school-related activities maintain better school attendance;  
NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington honor the following teams for their academic achievement, and for the outstanding example of inspiration and dedication they have set for others:  
Girls' Cross Country: Mercer Island, 3.865 GPA; Arlington, 3.850 GPA; Omak, 3.777 GPA; Wilbur-Creston, 3.890, GPA.  
Boys' Cross Country: Kelso, 3.762 GPA; Seattle Prep, 3.602 GPA; Newport, 3.661 GPA; Pomeroy, 3.681 GPA.  
Football: Juanita, 3.351 GPA; O'Dea (Seattle), 3.240 GPA; Omak, 3.554 GPA; Garfield-Palouse, 3.270 GPA.  
Girls' Soccer: Rogers (Puyallup), 3.753 GPA; Capital (Olympia), 3.775 GPA; Northwest (Seattle), 3.620 GPA; Cascade Christian (Tacoma) 3.670 GPA.  
Boys' Soccer: Northwest (Seattle), 3.320 GPA; Northwest Christian (Spokane), 3.452 GPA.  
Girls' Swimming: Mercer Island, 3.812 GPA; Wapato, 3.590 GPA; Northwest Christian, 3.583 GPA.  
Volleyball: University (Spokane Valley), 3.760 GPA; Capital (Olympia), 3.819 GPA, Montesano, 3.883 GPA, Moses Lake Christian, 3.852 GPA; and  
BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to these schools in recognition of this event.

Senators Snyder and Kohl and President Pro Tempore Wojahn spoke to Senate Resolution 1996-8675.

### INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced the Washington Interscholastic Activities Association's academic state championship teams, who were seated in the gallery.

### MOTION

On motion of Senator Spanel, the Senate returned to the sixth order of business.

### SECOND READING

SENATE BILL NO. 6133, by Senator Fairley

Making certain sentencing conditions set by local judges enforceable county-wide.

### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 6133 was substituted for Senate Bill No. 6133 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 6133 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6133.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6133 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6133, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

### SECOND READING

SENATE BILL NO. 6533, by Senators Owen, Oke, Bauer, Sutherland and Hochstatter (by request of Department of Fish and Wildlife)

Authorizing the fish and wildlife commission to conduct or authorize auctions and raffles for hunting of game animals and for wildlife-related recreation.

#### MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 6533 was substituted for Senate Bill No. 6533 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the rules were suspended, Substitute Senate Bill No. 6533 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6533.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6533 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6533, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Thibaudeau, Senator Haugen was excused.

#### SECOND READING

SENATE BILL NO. 6398, by Senators Hargrove, Long and Oke (by request of Department of Social and Health Services)

Providing for background checks of employees at the special commitment center.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6398 was substituted for Senate Bill No. 6398 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the following amendments by Senators Hargrove and Long were considered simultaneously and were adopted:

On page 1, line 17, after "decision" insert ", except as provided in subsection (2) of this section"

On page 2, line 2, after "check." insert "The secretary shall use the information only in determining whether the current employee meets the necessary character, suitability, and competency requirements for employment or engagement."

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 6398 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6398.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6398 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator Pelz - 1.

Excused: Senator Haugen - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6398, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Thibaudeau, Senator Pelz was excused.

#### SECOND READING

SENATE BILL NO. 6188, by Senators Sheldon, Prentice, Wojahn, Thibaudeau, Fairley, Kohl, Rinehart, Spanel, Snyder, Winsley and Rasmussen

Establishing a conditional privilege for communications between victims of sexual assaults and their personal representatives.

#### MOTIONS

On motion of Senator Sheldon, Substitute Senate Bill No. 6188 was substituted for Senate Bill No. 6188 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 6188 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6188.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6188 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senator Long - 1.

Excused: Senators Haugen and Pelz - 2.

SUBSTITUTE SENATE BILL NO. 6188, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6368, by Senators Heavey and Haugen

Authorizing islands within Puget Sound and in larger counties to have community councils.

The bill was read the second time.

#### MOTION

On motion of Senator Heavey, the rules were suspended, Senate Bill No. 6368 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6368.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6368 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Voting nay: Senator McCaslin - 1.

Excused: Senator Haugen - 1.

SENATE BILL NO. 6368, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6163, by Senators Wojahn, West and Winsley

Extending a tax exemption for prepayments for health care services provided under Title XVIII (medicare) of the social security act.

The bill was read the second time.

#### MOTION

On motion of Senator Quigley, the rules were suspended, Senate Bill No. 6163 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6163.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6163 and the bill passed the Senate by the following vote:  
Yeas, 45; Nays, 2; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Thibaudeau, West, Winsley, Wojahn and Wood - 45.

Voting nay: Senators Swecker and Zarelli - 2.

Absent: Senator Newhouse - 1.

Excused: Senator Haugen - 1.

SENATE BILL NO. 6163, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 11:50 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 5:35 p.m. by Senator Rasmussen.

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

#### REPORTS OF STANDING COMMITTEES

SB 5049 Prime Sponsor, Senator Haugen: Authorizing a county research service. Reported by Committee on Ways and Means February 6, 1996

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5049 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Bauer, Cantu, Drew, Fraser, Hargrove, Johnson, Kohl, Long, McDonald, Moyer, Pelz, Quigley, Sheldon, Snyder, Spanel, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

2SSB 5159 Prime Sponsor, Senate Committee on Ways and Means: Creating the warm water game fish enhancement program. Reported by Committee on Ways and Means February 6, 1996

MAJORITY Recommendation: That Fourth Substitute Senate Bill No. 5159 be substituted therefor, and the fourth substitute bill do pass. Signed by Senators Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Johnson, Kohl, Long, McDonald, Moyer, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

SB 5297 Prime Sponsor, Senator Quigley: Adopting minimum standards for ambulatory surgical centers. Reported by Committee on Ways and Means February 6, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 5297 as recommended by Committee on Health and Long-Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Fraser, Hargrove, Kohl, Long, McDonald, Moyer, Pelz, Quigley, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West and Winsley.

Passed to Committee on Rules for second reading.

2ESSB 5375 Prime Sponsor, Senate Committee on Law and Justice: Suspending various licenses for failure to pay child support. Reported by Committee on Ways and Means February 6, 1996

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5375, as recommended by Committee on Law and Justice, be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hargrove, Kohl, McDonald, Moyer, Pelz, Quigley, Sheldon, Snyder, Spanel, Sutherland, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

2SSB 5476 Prime Sponsor, Senate Committee on Labor and Commerce: Sharing leave and personal holiday time. Reported by Committee on Ways and Means February 6, 1996

MAJORITY Recommendation: That Third Substitute Senate Bill No. 5476, as recommended by Committee on Labor, Commerce and Trade, be substituted therefor, and the third substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hargrove, Kohl, Long, Moyer, Pelz, Quigley, Sheldon, Snyder, Spanel, Sutherland, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 5, 1996

SB 5700 Prime Sponsor, Senator Owen: Requiring replacement of old license plates. Reported by Committee on Transportation

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5700 be substituted therefor, and the second substitute bill do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Morton, Prentice, Prince, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

February 6, 1996

ESB 5841 Prime Sponsor, Senator Pelz: Enacting the personnel system reform act of 1995. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5841 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hargrove, Kohl, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators Cantu, Finkbeiner, Hochstatter, Johnson, McDonald and Moyer.

Passed to Committee on Rules for second reading.

February 6, 1996

SB 6113 Prime Sponsor, Senator Wojahn: Authorizing the presumption of paternity to be rebutted in an appropriate administrative hearing. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6113 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1996

SB 6119 Prime Sponsor, Senator Quigley: Regulating insurance coverage for prescription medicine. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6119 as recommended by Committee on Health and Long-Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Fraser, Hargrove, Kohl, Quigley, Roach, Sheldon, Snyder, Spanel, Sutherland, West and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senator Moyer.

Passed to Committee on Rules for second reading.

February 5, 1996

SB 6120 Prime Sponsor, Senator Quigley: Establishing health insurance benefits following the birth of a child. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6120 as recommended by Committee on Health and Long-Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hargrove, Kohl, Pelz, Quigley, Sheldon, Snyder, Spanel, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1996

SB 6121 Prime Sponsor, Senator Quigley: Providing premium offsets for medicare supplemental insurance policies. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6121 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hargrove, Kohl, Pelz, Quigley, Sheldon, Snyder, Spanel, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1996

SB 6124 Prime Sponsor, Senator Quigley: Including physical therapy, occupational therapy, chiropractic, and midwifery as optional basic health plan services. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6124 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hargrove, Kohl, Long, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel and Sutherland.

MINORITY Recommendation: Do not pass. Signed by Senators Cantu, Finkbeiner, Hochstatter, Johnson, McDonald, Moyer, Strannigan and West.

Passed to Committee on Rules for second reading.

February 6, 1996  
SB 6140 Prime Sponsor, Senator Winsley: Establishing a pet population control program. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6140 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

February 6, 1996  
SB 6189 Prime Sponsor, Senator Haugen: Creating the office of public defense. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6189 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1996  
SB 6191 Prime Sponsor, Senator Pelz: Relating to the use of credit cards in state liquor stores. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6191 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Pelz, Quigley, Roach, Sheldon, Snyder, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1996  
SB 6208 Prime Sponsor, Senator Haugen: Revising misdemeanor probation programs. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6208 as recommended by Committee on Human Services and Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1996  
SB 6230 Prime Sponsor, Senator Kohl: Requiring reporting of actions taken against out-of-home care providers. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6230 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Cantu, Drew, Fraser, Kohl, Long, McDonald, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1996  
SB 6231 Prime Sponsor, Senator Kohl: Protecting victims from sexually aggressive youth. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6231 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1996  
SB 6239 Prime Sponsor, Senator Wojahn: Providing for osteoporosis prevention and treatment education. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6239 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Sutherland, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1996

SB 6249 Prime Sponsor, Senator Quigley: Reforming campaign financing. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6249 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hargrove, Kohl, Pelz, Quigley, Sheldon, Snyder, Spanel, Sutherland and Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1996

SB 6253 Prime Sponsor, Senator Smith: Revising the duties of the sentencing guidelines commission. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 5, 1996

SB 6257 Prime Sponsor, Senator Franklin: Improving guardian and guardian ad litem systems to protect minors and incapacitated persons. Reported by Committee on Ways and Means

MAJORITY Recommendation: That it be referred to Committee on Rules without recommendation. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1996

SB 6260 Prime Sponsor, Senator Drew: Revising the state ride share tax credit. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6260 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1996

SB 6274 Prime Sponsor, Senator Long: Providing for increased supervision of sex offenders for up to the entire maximum term of the sentence. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6274 as recommended by Committee on Human Services and Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, Moyer, Pelz, Quigley, Roach, Sheldon, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1996

SB 6295 Prime Sponsor, Senator Fraser: Establishing long-term care benefits for public employees. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6295 as recommended by Committee on Health and Long-Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hargrove, Kohl, Long, Moyer, Pelz, Quigley, Sheldon, Snyder, Spanel, Sutherland and Winsley.

Passed to Committee on Rules for second reading.

February 6, 1996

SB 6336 Prime Sponsor, Senator Rasmussen: Establishing the water resources board. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6336 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Pelz, Quigley, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 5, 1996

SB 6348 Prime Sponsor, Senator Oke: Facilitating smoother flow of traffic. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6348 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Haugen, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

February 6, 1996

SB 6373 Prime Sponsor, Senator Prentice: Providing for a new auditor's fee to help fund low-income housing projects. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6373 as recommended by Committee on Financial Institutions and Housing be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Bauer, Drew, Fraser, Hargrove, Kohl, Moyer, Pelz, Quigley, Sheldon, Snyder, Spanel, Sutherland, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1996

SB 6448 Prime Sponsor, Senator Smith: Changing provisions relating to juveniles. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6448 as recommended by Committee on Law and Justice be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Quigley, Roach, Sheldon, Snyder, Spanel, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1996

SB 6451 Prime Sponsor, Senator Sutherland: Eliminating the state energy office. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6451 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hargrove, Kohl, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Sutherland, West and Winsley.

Passed to Committee on Rules for second reading.

February 5, 1996

SB 6487 Prime Sponsor, Senator Owen: Revising qualifications for commercial driver's licenses. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6487 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Haugen, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

February 6, 1996

SB 6495 Prime Sponsor, Senator Smith: Creating two additional superior court positions for Chelan and Douglas counties jointly. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1996

SB 6504 Prime Sponsor, Senator Fraser: Restructuring laws on the voters' pamphlet. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6504 as recommended by Committee on Government Operations be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, Moyer, Pelz, Quigley, Roach, Sheldon, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1996

SB 6513 Prime Sponsor, Senator Sheldon: Securing a permanent homeport for the U.S.S. Missouri. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6513 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1996

SB 6518 Prime Sponsor, Senator Fraser: Providing for a process to complete a cross-state trail system. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6518 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Oke, Prentice, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

MINORITY Recommendation: Do not pass. Signed by Senators Morton and Prince.

Passed to Committee on Rules for second reading.

February 5, 1996

SB 6524 Prime Sponsor, Senator Deccio: Adjusting tire factors for vehicle maximum gross weights. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Goings, Haugen, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

February 5, 1996

SB 6532 Prime Sponsor, Senator Owen: Extending an exception from vessel registration. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6532 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Haugen, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

February 6, 1996

SB 6556 Prime Sponsor, Senator Sutherland: Enhancing public electronic access to government information. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6556 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1996

SB 6583 Prime Sponsor, Senator Spanel: Clarifying eligibility requirements for state-funded benefits for part-time academic employees of community and technical colleges. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6583 as recommended by Committee on Higher Education be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, Moyer, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland and Winsley.

Passed to Committee on Rules for second reading.

February 6, 1996

SB 6644 Prime Sponsor, Senator Cantu: Expanding release of driving records. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Goings, Oke, Prentice, Prince, Rasmussen, Sellar, Thibaudeau and Wood.

MINORITY Recommendation: Do not pass. Signed by Senator Heavey, Vice Chair.

Passed to Committee on Rules for second reading.

SB 6659 Prime Sponsor, Senator Schow: Regulating use of high-occupancy vehicle lanes. Reported by Committee on Transportation February 5, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6659 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Thibaudeau.

Passed to Committee on Rules for second reading.

SB 6673 Prime Sponsor, Senator Owen: Combatting fuel tax evasion. Reported by Committee on Transportation February 6, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6673 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Oke, Prentice, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

SB 6690 Prime Sponsor, Senator Rasmussen: Changing water permit fees. Reported by Committee on Ways and Means February 6, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Fraser, Hargrove, Kohl, Moyer, Pelz, Quigley, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

SB 6699 Prime Sponsor, Senator Prince: Facilitating transportation of persons with special transportation needs. Reported by Committee on Transportation February 6, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6699 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Owen, Chair; Goings, Oke, Prentice, Prince, Rasmussen, Sellar and Wood.

Passed to Committee on Rules for second reading.

SB 6701 Prime Sponsor, Senator Fraser: Improving public transportation connections. Reported by Committee on Transportation February 6, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6701 be substituted therefor, and the substitute bill do pass.  
Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

SB 6705 Prime Sponsor, Senator Bauer: Requiring a higher education technology plan. Reported by Committee on Ways and Means February 6, 1996

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6705 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Fraser, Hargrove, Kohl, Long, Pelz, Quigley, Sheldon, Snyder, Spanel, Sutherland and Winsley.

Passed to Committee on Rules for second reading.

SB 6708 Prime Sponsor, Senator Goings: Increasing penalties for sex offender registration violations. Reported by Committee on Ways and Means February 6, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, Moyer, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

SB 6718 Prime Sponsor, Senator Sutherland: Funding local government archives and records management. Reported by Committee on Ways and Means February 6, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hargrove, Kohl, Long, McDonald, Moyer, Pelz, Quigley, Sheldon, Snyder, Spanel, Sutherland, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1996

SB 6723 Prime Sponsor, Senator Pelz: Establishing responsibilities of the employment security department for youth development and training programs. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6723 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hargrove, Kohl, Long, McDonald, Moyer, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1996

SB 6736 Prime Sponsor, Senator Goings: Providing for binding arbitration for employees of school districts. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6736 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hargrove, Kohl, Moyer, Pelz, Quigley, Sheldon, Snyder, Spanel, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1996

SB 6753 Prime Sponsor, Senator Oke: Improving the Tacoma Narrows bridge. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6753 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

February 6, 1996

SB 6761 Prime Sponsor, Senator Thibaudeau: Providing for city and town transportation financing. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6761 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chair; Oke, Prentice, Prince, Rasmussen, Sellar, Thibaudeau and Wood.

MINORITY Recommendation: Do not pass. Signed by Senators Goings and Schow.

Passed to Committee on Rules for second reading.

February 6, 1996

SB 6768 Prime Sponsor, Senator Haugen: Allowing a regional transit authority to offer services in adjacent counties. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Heavey, Vice Chair; Goings, Morton, Oke, Prentice, Prince, Rasmussen and Thibaudeau.

MINORITY Recommendation: Do not pass. Signed by Senator Wood.

Passed to Committee on Rules for second reading.

#### MOTION

At 5:36 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Wednesday, February 7, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTIETH DAY, FEBRUARY 6, 1996

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**THIRTY-FIRST DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Wednesday, February 7, 1996  
The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Drew, Pelz, Rasmussen, Rinehart and Sutherland. On motion of Senator Thibaudeau, Senators Drew and Pelz were excused.

The Sergeant at Arms Color Guard, consisting of Pages Justin Purdue and Kerry Stewart, presented the Colors. The Most Reverend William S. Skylstad, Bishop of the Roman Catholic Diocese of Spokane, and a guest of Senator John Moyer, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENT

February 5, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Marilyn Glenn Sayan, appointed February 5, 1996, for a term ending September 8, 2000, as a member of the Public Employment Relations Commission.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Government Operations.

MESSAGES FROM THE HOUSE

February 5, 1996

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1447,  
SUBSTITUTE HOUSE BILL NO. 1484,  
SECOND SUBSTITUTE HOUSE BILL NO. 1514,  
SECOND SUBSTITUTE HOUSE BILL NO. 1645,  
SUBSTITUTE HOUSE BILL NO. 2119,  
HOUSE BILL NO. 2136,  
SUBSTITUTE HOUSE BILL NO. 2167,  
SUBSTITUTE HOUSE BILL NO. 2169,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2176,  
SUBSTITUTE HOUSE BILL NO. 2239,  
SUBSTITUTE HOUSE BILL NO. 2240,  
HOUSE BILL NO. 2250,  
SUBSTITUTE HOUSE BILL NO. 2255,  
HOUSE BILL NO. 2280,  
HOUSE BILL NO. 2340,  
SUBSTITUTE HOUSE BILL NO. 2431,  
ENGROSSED HOUSE BILL NO. 2433,  
HOUSE BILL NO. 2459,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2462,  
SUBSTITUTE HOUSE BILL NO. 2518,  
HOUSE BILL NO. 2551,  
HOUSE BILL NO. 2595,  
HOUSE BILL NO. 2687,  
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4014, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 2720,  
SUBSTITUTE HOUSE BILL NO. 2727,

February 6, 1996

HOUSE BILL NO. 2729,  
SUBSTITUTE HOUSE BILL NO. 2730,  
HOUSE BILL NO. 2761,  
HOUSE BILL NO. 2810,  
HOUSE BILL NO. 2811,  
HOUSE BILL NO. 2861,  
SUBSTITUTE HOUSE BILL NO. 2883,  
HOUSE BILL NO. 2894,  
SUBSTITUTE HOUSE BILL NO. 2903,  
HOUSE BILL NO. 2911,  
HOUSE BILL NO. 2932,  
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4034, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 6, 1996

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 2043,  
SUBSTITUTE HOUSE BILL NO. 2116,  
SUBSTITUTE HOUSE BILL NO. 2135,  
SUBSTITUTE HOUSE BILL NO. 2179,  
HOUSE BILL NO. 2187,  
HOUSE BILL NO. 2290,  
SUBSTITUTE HOUSE BILL NO. 2316,  
HOUSE BILL NO. 2333,  
SUBSTITUTE HOUSE BILL NO. 2358,  
HOUSE BILL NO. 2365,  
SUBSTITUTE HOUSE BILL NO. 2366,  
HOUSE BILL NO. 2367,  
HOUSE BILL NO. 2387,  
HOUSE BILL NO. 2389,  
HOUSE BILL NO. 2466,  
HOUSE BILL NO. 2511,  
HOUSE BILL NO. 2531,  
HOUSE BILL NO. 2538,  
SUBSTITUTE HOUSE BILL NO. 2557,  
HOUSE BILL NO. 2558,  
HOUSE BILL NO. 2559,  
HOUSE BILL NO. 2591,  
HOUSE BILL NO. 2604,  
SUBSTITUTE HOUSE BILL NO. 2658,  
HOUSE BILL NO. 2691,  
SUBSTITUTE HOUSE BILL NO. 2708,  
HOUSE BILL NO. 2710, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 6771 by Senators Fairley and Kohl

AN ACT Relating to marine waters protection; and amending RCW 82.23B.020 and 90.56.510.

Referred to Committee on Ecology and Parks.

SB 6772 by Senators Fairley and Kohl

AN ACT Relating to taxes for marine protection; and amending RCW 82.23B.020 and 82.23B.030.

Referred to Committee on Ecology and Parks.

SB 6773 by Senators Owen, A. Anderson, Hargrove, Swecker, Morton, Schow, McCaslin, Hochstatter, Oke, Sellar, Strannigan, Newhouse, Prince, Roach, West, McDonald and Zarelli

AN ACT Relating to regulation of private property; adding a new chapter to Title 64 RCW; and providing an effective date.

Referred to Committee on Government Operations.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1447 by House Committee on Commerce and Labor (originally sponsored by Representatives Lisk, Romero, Fuhrman and Horn)

Changing certain local government gambling taxes.

Referred to Committee on Labor, Commerce and Trade.

SHB 1484 by House Committee on Finance (originally sponsored by Representative Pennington)

Revising provisions relating to the landowner contingency forest fire suppression account.

Referred to Committee on Ways and Means.

2SHB 1514 by House Committee on Finance (originally sponsored by Representatives Hymes, Dickerson, Costa, D. Schmidt, Hargrove, Romero, Poulsen, B. Thomas, Regala, R. Fisher, Benton, Wolfe, Ogden and Conway)

Directing the department of revenue to prepare legislation to reorganize Titles 82 and 84 RCW.

Referred to Committee on Ways and Means.

2SHB 1645 by House Committee on Transportation (originally sponsored by Representatives K. Schmidt, R. Fisher and Mitchell)

Enhancing transportation planning.

Referred to Committee on Transportation.

SHB 2043 by House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Costa, Ebersole, Appelwick, Romero, Hatfield, Cody, Dickerson, Ogden, Chopp and Conway) (by request of Governor Lowry)

Making domestic violence an aggravating circumstance for purposes of sentencing decisions.

Referred to Committee on Law and Justice.

SHB 2116 by House Committee on Finance (originally sponsored by Representatives Dyer, Ballasiotes, Hankins, Lisk, D. Schmidt, Cooke, Crouse, Hymes, Lambert, Huff, Foreman, Horn, Pennington, Elliot, L. Thomas, Mulliken, Blanton, Cairnes, Johnson, Buck, Skinner, Pelesky, Reams, Clements, Mitchell, McMorris, Robertson, Sherstad, Hargrove, Backlund, D. Sommers, B. Thomas, Schoesler, Honeyford, McMahan, Talcott, Smith, Goldsmith, Dickerson, Romero, Koster, Carrell, Delvin, Basich, Campbell, Sheahan, Quall, Morris, Fuhrman, Carlson, Hickel, Thompson, Stevens, Costa and Benton)

Allowing an exception due to good cause for late payment of property taxes.

Referred to Committee on Government Operations.

SHB 2119 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Honeyford, Lisk, Morris, Chandler, Mastin, Grant, Delvin, Clements, Basich, Mulliken, Skinner, Kremen, Koster, Boldt, Goldsmith, McMorris, Johnson, Hymes, Thompson, Foreman, Hankins, Sheldon, Schoesler, Campbell, L. Thomas, Sheahan and Stevens)

Providing for the excise taxation of preserved fruit and vegetables.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SHB 2135 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Chappell, Horn, Rust, Mastin, Regala and Murray) (by request of Department of Ecology)

Revising provisions for solid waste permits.

Referred to Committee on Ecology and Parks.

HB 2136 by Representatives Chandler, Chappell, Horn, Rust, Mastin, Dickerson, Honeyford, Robertson, Smith and Murray (by request of Department of Ecology)

Authorizing freshwater aquatic weeds account moneys to be used for hydrilla eradication.

Referred to Committee on Natural Resources.

SHB 2167 by House Committee on Natural Resources (originally sponsored by Representatives Buck, Goldsmith, Benton, Huff, Blanton, Thompson, Hymes, Koster, Pennington, Beeksma, Sheldon, Fuhrman and McMahan)

Exempting regular maintenance of marinas from hydraulic project review and approval.

Referred to Committee on Ecology and Parks.

SHB 2169 by House Committee on Natural Resources (originally sponsored by Representatives Buck, Thompson, Pennington, Sheldon and Fuhrman)

Authorizing a credit toward next year's steelhead fishing license for prompt return of a steelhead catch record card.

Referred to Committee on Natural Resources.

ESHB 2176 by House Committee on Law and Justice (originally sponsored by Representatives Campbell, Smith, McMahan, Pennington, Schoesler and Thompson)

Changing criteria for eligibility for firearms range account funding.

Referred to Committee on Natural Resources.

SHB 2179 by House Committee on Transportation (originally sponsored by Representatives Horn, Blanton, Scott, Mitchell, Quall and Thompson)

Regulating motor vehicle transactions involving buyer's agents.

Referred to Committee on Transportation.

HB 2187 by Representatives Casada, Ogden, Dickerson, Mason and Costa (by request of Department of Services for the Blind)

Modifying grants for vocational rehabilitation equipment and materials.

Referred to Committee on Government Operations.

SHB 2239 by House Committee on Children and Family Services (originally sponsored by Representatives Sterk, L. Thomas, Koster, Honeyford, McMahan, Schoesler, Radcliff, Carlson, Thompson, Boldt and Goldsmith)

Requiring background checks of relatives before a court may place a child in the care of the relative.

Referred to Committee on Human Services and Corrections.

SHB 2240 by House Committee on Commerce and Labor (originally sponsored by Representatives Sterk, Robertson, L. Thomas, Delvin and Carlson)

Providing additional exemptions from state law for the handling of hazardous devices.

Referred to Committee on Labor, Commerce and Trade.

HB 2250 by Representatives Carlson, Mastin, Mulliken, Sheahan, Jacobsen, Mason, Blanton, Goldsmith and Scheuerman (by request of Higher Education Coordinating Board)

Requiring annual budget review, recommendations, and guidelines for the higher education system.

Referred to Committee on Higher Education.

SHB 2255 by House Committee on Commerce and Labor (originally sponsored by Representatives Van Luven, Thompson, Cody, Romero and Dickerson)

Establishing inspection requirements for private residence conveyances.

Referred to Committee on Labor, Commerce and Trade.

HB 2280 by Representatives Hargrove, Chappell, Buck, Pelesky, Goldsmith, McMahan, Hymes, Mulliken, Johnson and Thompson

Clarifying the method of execution to be used in Washington state.

Referred to Committee on Law and Justice.

HB 2290 by Representatives Honeyford, Patterson, Lisk, Clements, Hankins, B. Thomas, Mulliken, McMahan, Thompson, Hargrove and Boldt

Exempting construction of wind energy and solar electric generating facilities from sales and use tax.

Referred to Committee on Energy, Telecommunications and Utilities.

SHB 2316 by House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Dyer, Radcliff, Lambert, D. Schmidt, Blanton, Robertson, L. Thomas, Elliot, McMahan and Thompson)

Providing a procedure for siting juvenile correctional facilities.

Referred to Committee on Human Services and Corrections.

HB 2333 by Representatives Delvin, Appelwick and Costa (by request of Administrator for the Courts)

Revising provisions relating to judicial retirement.

Referred to Committee on Ways and Means.

HB 2340 by Representatives Sheahan, Costa, Hickel and Delvin

Allowing the association of superior court judges to establish when the annual meeting will be held.

Referred to Committee on Law and Justice.

SHB 2358 by House Committee on Law and Justice (originally sponsored by Representatives Costa, Ballasiotes, Chopp, Conway, Scott, Linville, Radcliff, Chappell, Dickerson, Hatfield, Quall, Murray, Cooke, Patterson, Cody, Keiser, Veloria and Kessler)

Increasing penalty assessments to support crime victim and witness programs.

Referred to Committee on Law and Justice.

HB 2365 by Representatives Casada and Pelesky

Revising provisions for bridge and service districts.

Referred to Committee on Government Operations.

SHB 2366 by House Committee on Appropriations (originally sponsored by Representatives Casada, Regala, Talcott, Huff, Conway and McMahan)

Modifying local public health financing.

Referred to Committee on Health and Long-Term Care.

HB 2367 by Representatives Crouse, D. Sommers, Sterk, Brown, Fuhrman, Sheahan, McMorris, Mastin, D. Schmidt, Schoesler, Silver, Dellwo, Hargrove, Smith and Benton

Providing the powers of initiative and referendum to certain more populous counties.

Referred to Committee on Government Operations.

HB 2387 by Representatives Cooke, Costa, Tokuda, Brown, Dellwo, Murray, Patterson, Mitchell and Silver (by request of Department of Social and Health Services and Department of Corrections)

Requiring department of corrections personnel to report suspected abuse of children and adult dependent and developmentally disabled persons.

Referred to Committee on Human Services and Corrections.

HB 2389 by Representatives Ballasiotes, Quall, Morris, Dellwo, D. Sommers, Costa and Thompson (by request of Sentencing Guidelines Commission)

Providing a classification for unclassified felonies.

Referred to Committee on Law and Justice.

SHB 2431 by House Committee on Transportation (originally sponsored by Representative K. Schmidt)

Allowing state pilotage exemptions for certain vessels.

Referred to Committee on Transportation.

EHB 2433 by Representatives K. Schmidt, R. Fisher, Dickerson and Huff

Facilitating smoother flow of traffic.

Referred to Committee on Transportation.

HB 2459 by Representatives Clements, Skinner, Schoesler, Silver and Johnson

Adjusting tire factors for vehicle maximum gross weights.

Referred to Committee on Transportation.

ESHB 2462 by Committee on Energy and Utilities (originally sponsored by Representatives Casada, Poulsen, Crouse, Hankins, Grant, Patterson and Kessler)

Regulating cooling services as thermal heating services.

Referred to Committee on Energy, Telecommunications and Utilities.

HB 2466 by Representatives Ballasiotes, Blanton, Quall and D. Sommers (by request of Department of Corrections)

Revising procedures for recoupment of assessments against offenders.

Referred to Committee on Human Services and Corrections.

HB 2511 by Representatives B. Thomas and Thompson

Appointing alternate members to the JARRC.

Referred to Committee on Government Operations.

SHB 2518 by House Committee on Transportation (originally sponsored by Representatives Skinner, Blanton, Radcliff, Hankins, Delvin, Dickerson, Mitchell, Morris, Silver and Chandler)

Doubling the fine for speeding in school or playground zones.

Referred to Committee on Law and Justice.

HB 2531 by Representatives Patterson, Talcott, Tokuda, Cooke, Ogden, Dickerson and Basich

Adding the secretary of health to the council for the prevention of child abuse and neglect.

Referred to Committee on Human Services and Corrections.

HB 2538 by Representatives Clements, Chandler, Mastin, Lisk, Schoesler, Honeyford, Foreman, Grant and Mulliken

Clarifying the authority of irrigation districts.

Referred to Committee on Government Operations.

HB 2551 by Representatives Cairnes, Patterson, Ogden, Romero, Tokuda, Mitchell, Quall and K. Schmidt

Regulating limousines.

Referred to Committee on Transportation.

SHB 2557 by House Committee on Children and Family Services (originally sponsored by Representatives Veloria, Cooke and Ogden)

Revising legal custody of children.

Referred to Committee on Human Services and Corrections.

HB 2558 by Representatives Lambert, Morris, Carrell, Wolfe, Patterson, Smith, Mitchell and Thompson

Revising the allocation of child support health care expenses between parents.

Referred to Committee on Law and Justice.

HB 2559 by Representatives Lambert, Carrell, Patterson, Morris, Wolfe, Smith, Mitchell and Thompson

Revising the allocation of child support day care and other child rearing expenses between parents.

Referred to Committee on Law and Justice.

HB 2591 by Representatives Dickerson, Hymes and B. Thomas (by request of Department of Revenue)

Revising tax provisions that are obsolete or incorrect.

Referred to Committee on Ways and Means.

HB 2595 by Representatives Robertson and Scott

Harmonizing procedures for vehicle impoundment.

Referred to Committee on Transportation.

HB 2604 by Representatives Silver, R. Fisher, Chopp and Tokuda

Providing vehicle owners' names and addresses to commercial parking companies.

Referred to Committee on Transportation.

SHB 2658 by House Committee on Transportation (originally sponsored by Representatives Skinner, R. Fisher and Cairnes) (by request of Department of Licensing)

Facilitating administration of special fuel tax exemptions.

Referred to Committee on Transportation.

HB 2687 by Representatives Robertson, R. Fisher and K. Schmidt (by request of Department of Transportation)

Revising regulation of vehicle size and load.

Referred to Committee on Transportation.

HB 2691 by Representatives Brumsickle, Cole, Carlson, Radcliff, Quall and Hatfield (by request of State Board for Community and Technical Colleges)

Correcting obsolete references in the state even start program.

Referred to Committee on Higher Education.

SHB 2708 by House Committee on Finance (originally sponsored by Representatives Sheldon, Schoesler, Hatfield, Van Luven, B. Thomas, Silver, D. Schmidt, Cairnes, Cooke and Johnson)

Requiring a warehouse tax study.

Referred to Committee on Ways and Means.

HB 2710 by Representatives K. Schmidt and R. Fisher

Crediting the liability account with interest earnings.

Referred to Committee on Ways and Means.

SHB 2720 by House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Schoesler, Sheahan, Fuhrman, Foreman, Mastin, D. Sommers, Sterk, Crouse, Campbell, L. Thomas, Silver, Morris, Cooke, Mulliken, Blanton, McMorris, Thompson and Elliot)

Allowing consortiums of counties to acquire correctional facilities.

Referred to Committee on Human Services and Corrections.

SHB 2727 by House Committee on Transportation (originally sponsored by Representatives K. Schmidt and Blanton)

Establishing a state infrastructure bank.

Referred to Committee on Transportation.

HB 2729 by Representatives Sterk and K. Schmidt (by request of Transportation Improvement Board)

Making housekeeping changes in transportation improvement board statutes.

Referred to Committee on Transportation.

SHB 2730 by House Committee on Transportation (originally sponsored by Representatives McMahan, Sterk and K. Schmidt) (by request of Transportation Improvement Board)

Adjusting deductions to the city hardship assistance account.

Referred to Committee on Transportation.

HB 2761 by Representatives L. Thomas, Wolfe and Pelesky (by request of Department of Financial Institutions)

Imposing fines or sanctions against mortgage brokers.

Referred to Committee on Financial Institutions and Housing.

HB 2810 by Representatives Wolfe, Beeksma and Thompson (by request of Department of Financial Institutions)

Regulating check casher and check seller licenses and small loan endorsements.

Referred to Committee on Financial Institutions and Housing.

HB 2811 by Representatives L. Thomas, Robertson, Hickel, Pelesky, Mitchell, Kessler, Keiser, Blanton, Wolfe, Boldt and Thompson

Authorizing community and technical college districts and the state board for community and technical colleges to participate with the state in investing surplus funds.

Referred to Committee on Ways and Means.

HB 2861 by Representatives Carlson, Mulliken, Jacobsen, Van Luven, Blanton, Benton, Scheuerman, Basich, Goldsmith, Delvin and Quall

Exempting sales of academic transcripts from B&O, sales, and use taxes.

Referred to Committee on Ways and Means.

SHB 2883 by House Committee on Government Operations (originally sponsored by Representatives Cairnes, Campbell, Talcott, D. Schmidt, Carrell, McMahan and Huff)

Restricting use of mail voting in small precincts of large counties.

Referred to Committee on Government Operations.

HB 2894 by Representatives Elliot and Grant

Paying for services provided to general aviation by sales and use tax exemptions and increasing the aircraft fuel tax rate.

Referred to Committee on Transportation.

SHB 2903 by House Committee on Corrections (originally sponsored by Representatives Sherstad, Koster, Ballasiotes, Sterk, Crouse, McMahan, Blanton, D. Sommers, Goldsmith and Sheldon)

Extending authority for release of information regarding sex offenders to the public.

Referred to Committee on Human Services and Corrections.

HB 2911 by Representatives Robertson, K. Schmidt, R. Fisher, Backlund, Blanton and Wolfe

Establishing performance budgeting for transportation agencies.

Referred to Committee on Transportation.

HB 2932 by Representatives Sheahan, Smith and McMahan

Allowing the human rights commission to offer alternative dispute resolution to parties involved in a claim of illegal discrimination.

Referred to Committee on Law and Justice.

SHJM 4014 by House Committee on Trade and Economic Development (originally sponsored by Representatives Valle, Van Luven, Sheldon, D. Schmidt, Mason, Hickel, Veloria, Hatfield, Kessler, Blanton and Radcliff)

Requesting that federal law be amended to allow foreign-flagged cruise ships between U.S. ports.

Referred to Committee on Labor, Commerce and Trade.

SHJM 4034 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Mulliken, Chandler, Koster, Cairnes, Beeksmma, Thompson, Buck, Elliot, Pelesky, McMahan, Schoesler, Honeyford, Goldsmith, Delvin, Hargrove, D. Schmidt, McMorris, D. Sommers, Mastin, Crouse, Skinner, Hankins and Silver)

Requesting a change of boundaries at Hanford.

Referred to Committee on Energy, Telecommunications and Utilities.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Hale, Gubernatorial Appointment No. 9186, Judge Carolyn Brown, as a member of the Sentencing Guidelines Commission, was confirmed.

APPOINTMENT OF JUDGE CAROLYN BROWN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 3; Excused, 2. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44.

Absent: Senators Rasmussen, Rinehart and Sutherland - 3.

Excused: Senators Drew and Pelz - 2.

MOTION

On motion of Senator Smith, Gubernatorial Appointment No. 9188, Judge Thomas Felnagle, as a member of the Sentencing Guidelines Commission, was confirmed.

APPOINTMENT OF JUDGE THOMAS FELNAGLE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator Rinehart - 1.

Excused: Senator Drew - 1.

#### MOTION

On motion of Senator Bauer, gubernatorial appointment No. 9192, Dwight K. Imanaka, as a member of the Board of Trustees for The Evergreen State College, was confirmed.

#### APPOINTMENT OF DWIGHT K. IMANAKA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Drew - 1.

#### SECOND READING

SENATE BILL NO. 6114, by Senators Kohl, Roach, Owen, Long, Smith, Winsley, Quigley, McAuliffe, Prentice, Franklin, Spanel, Haugen, Goings, Heavey and Schow

Increasing the penalty for providing liquor to persons under age twenty-one.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, Senate Bill No. 6114 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

#### MOTION

On motion of Senator Wood, Senator Strannigan was excused. The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6114.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6114 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Voting nay: Senators Hochstatter and Pelz - 2. Excused: Senator Strannigan - 1. SENATE BILL NO. 6114, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5865, by Senators Snyder, Newhouse, Heavey and Winsley

Assigning the rights of lottery prize winners.

#### MOTIONS

On motion of Senator Pelz, Substitute Senate Bill No. 5865 was substituted for Senate Bill No. 5865 and the substitute bill was placed on second reading and read the second time. On motion of Senator Pelz, the rules were suspended, Substitute Senate Bill No. 5865 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5865.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5865 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1. Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen,

Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Voting nay: Senator Quigley - 1.

Absent: Senator Deccio - 1.

Excused: Senator Strannigan - 1.

SUBSTITUTE SENATE BILL NO. 5865, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8029, by Senators Loveland, Hale, Newhouse, Hochstatter, McCaslin, Sellar, Wojahn, Franklin, Haugen, Rinehart, Snyder, Owen, Spanel, Fraser, Sheldon, Fairley, Rasmussen, Heavey, McAuliffe, Prentice, Deccio and Roach

Requesting that the Hanford Fast Flux Facility be preserved.

The joint memorial was read the second time.

#### MOTION

On motion of Senator Sutherland, the rules were suspended, Senate Joint Memorial No. 8029 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8029.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8029 and the joint memorial was adopted by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Strannigan - 1.

SENATE JOINT MEMORIAL NO. 8029, having received the constitutional majority, was declared passed.

#### SECOND READING

SENATE BILL NO. 6467, by Senators Spanel, Swecker, Sutherland, Morton, Bauer, A. Anderson, Fraser, Roach and Haugen

Concerning the collection of pollution program fees.

The bill was read the second time.

#### MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 6467 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6467.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6467 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Strannigan - 1.

SENATE BILL NO. 6467, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6262, by Senators Morton, Rasmussen, Roach, Swecker, Hochstatter, Prince and Schow

Providing for cougar transport tags.

#### MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 6262 was substituted for Senate Bill No. 6262 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the rules were suspended, Substitute Senate Bill No. 6262 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6262.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6262 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Voting nay: Senator Fairley - 1.

SUBSTITUTE SENATE BILL NO. 6262, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6416, by Senators Wood, Long, Winsley, Bauer, Swecker, Deccio, Quigley, Moyer and Thibaudeau

Rescinding a retirement allowance agreement.

The bill was read the second time.

#### MOTION

On motion of Senator Bauer, the rules were suspended, Senate Bill No. 6416 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Johnson, Senators Anderson and Hale were excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6416.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6416 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Anderson, A. and Hale - 2.

SENATE BILL NO. 6416, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6115, by Senators Wojahn, Snyder, Haugen, Goings, Winsley, Bauer and Oke

Revising penalties for persons who damage property with graffiti.

The bill was read the second time.

#### MOTION

Senator Schow moved that the following amendment by Senators Schow, Morton and Zarelli be adopted:

On page 2, line 9, after "destroy" strike "or deface"

Renumber the sections consecutively and correct any internal references accordingly

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Schow, Morton and Zarelli on page 2, line 9, to Senate Bill No. 6115.

The motion by Senator Schow failed and the amendment was not adopted.

#### MOTION

On motion of Senator Smith, the rules were suspended, Senate Bill No. 6115 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6115.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6115 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 48.

Voting nay: Senator Zarelli - 1.

SENATE BILL NO. 6115, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

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

#### SENATE RESOLUTION 1996-8674

By Senators Zarelli and Sutherland

WHEREAS, The Washington State Senate has a noble tradition of honoring excellence in all fields of endeavor; and

WHEREAS, This excellence has been attained by the Ridgefield High School Football Team with their final victory over the Cascade Kodiaks to earn the title 1995 Class A State Football Champions; and

WHEREAS, This win brought with it a sense of pride to the school and community by completing the season with a perfect thirteen win and zero losses record; and

WHEREAS, This championship team brought to Clark County and Ridgefield High School its first state title; and

WHEREAS, The leadership and inspiration of the coaches leading the team members with a positive attitude, all the while focusing their team on accomplishing the goal of winning the State Championship, was instrumental in their win; and

WHEREAS, In victory, the Spudders Football Team set two playoff records, scoring the most points, and rushing for the most yards in a single playoff game, and displayed outstanding individual effort by running back Nate Edgar, setting four new playoff records; and

WHEREAS, The leadership and guidance of this winning football team are the achievement of Coaches Art Osmundson, Matt Brkljajich, David Chicks, and Mark Thompson;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize and honor the Ridgefield High School Spudders Football Team and Coach Art Osmundson for their outstanding achievement and individual accomplishments; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the coaches, to each member of the Ridgefield Spudders Football Team, and to the principal and faculty of Ridgefield High School.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the 1995 Class A Ridgefield High School Championship Football Team and the coaches, who were seated in the gallery.

#### MOTION

On motion of Senator Spanel, the Senate returned to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 6294, by Senators Bauer and Prince

Increasing a distribution of motor vehicle excise taxes to cities.

The bill was read the second time.

#### MOTION

On motion of Senator Bauer, the rules were suspended, Senate Bill No. 6294 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6294.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6294 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen,

Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SENATE BILL NO. 6294, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6279, by Senators Rasmussen, Newhouse, Bauer, Morton, Long, Loveland and A. Anderson

Providing for the taxation of fermented apple cider.

#### MOTIONS

On motion of Senator Spanel, Substitute Senate Bill No. 6279 was substituted for Senate Bill No. 6279 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 6279 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6279.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6279 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6279, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6395, by Senators Snyder, Wood, Kohl, Heavey, Haugen and Fraser (by request of Secretary of State Munro)

Funding maritime historic restoration and preservation.

#### MOTIONS

On motion of Senator Snyder, Substitute Senate Bill No. 6395 was substituted for Senate Bill No. 6395 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Snyder, the rules were suspended, Substitute Senate Bill No. 6395 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6395.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6395 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6395, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6101, by Senators Drew, Strannigan, Spanel, Snyder, Bauer, Rasmussen, Roach and Oke

Establishing a free shellfish digging weekend and including steelhead trout in the free fishing weekend.

#### MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 6101 was substituted for Senate Bill No. 6101 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the rules were suspended, Substitute Senate Bill No. 6101 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### PARLIAMENTARY INQUIRY

Senator West: "Thank you, Mr. President. For the record, I would like the President to state if this requires a two-thirds vote, because of the amendment to Initiative 45."

#### RULING BY THE PRESIDENT

President Pritchard: "Just a minute, I will check with my attorneys. Senator West is correct. It will take a two-thirds vote."

#### POINT OF INQUIRY

Senator West: "Senator Drew, just for clarification, Referendum 45 was on the ballot last fall and the voters approved it. This language does not in any way change the intent or the issues that were involved in that election, does it?"

Senator Drew: "No, it doesn't. It just amends the statute that is now under control of the Commissioner's Resident Director." The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6101.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6101 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6101, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6226, by Senators Bauer, Moyer, Haugen and Winsley

Allowing appointment of a medical examiner in more populous counties.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6226 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6226.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6226 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, Moyer, Newhouse, Oke, Owen, Pelz, Prince, Quigley, Rasmussen, Rinehart, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, Winsley, Wojahn and Wood - 35.

Voting nay: Senators Anderson, A., Deccio, Hochstatter, Johnson, McCaslin, McDonald, Morton, Prentice, Roach, Schow, Strannigan, Swecker, West and Zarelli - 14.

SENATE BILL NO. 6226, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6505, by Senators Hale and Haugen

Clarifying and harmonizing provisions relating to cities and towns.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6505 was substituted for Senate Bill No. 6505 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hale, the following amendments were considered simultaneously and were adopted:

On page 1, line 2, strike "35.21.710"

On page 5, beginning at line 23, strike all of Section 5 and renumber the remaining sections consecutively.

#### MOTION

Senator McDonald moved that the following amendment be adopted:

On page 5, after line 22, insert the following:

**"NEW SECTION. Sec. 5.** A new section is added to chapter 35.13A RCW to read as follows:

Whenever the board of commissioners of a water district or sewer district has determined by resolution that it is in the best interests of the district for a city to assume jurisdiction of the district, whether or not any of the territory or assessed valuation of the district is included within the corporate boundaries of the city, and the city legislative body has determined to assume jurisdiction of the district, the district and the city shall enter into a contract pursuant to RCW 35.13A.070, acceptable to both the district and the city, to carry out such assumption. The contract shall provide for the transfer to the city of all real and personal property, franchises, rights, assets, taxes levied but not collected for the district for other than indebtedness, water and sewer lines, and all other facilities and equipment of the district, which transfers shall be subject to all financial, statutory, or contractual obligations of the district for the security or performance of which such property may have been pledged. Such city in addition to its other powers, shall have the power to manage, control, maintain, and operate such property, facilities, and equipment and to fix and collect service and other charges from owners and occupants of properties so served by the city, subject, however, to any outstanding indebtedness, bonded or otherwise, of the district payable from taxes, assessments, or revenues of any kind or nature and to any other contractual obligations of the district including but not limited to the provisions of the contract entered into by such city and the district pursuant to RCW 35.13A.070.

Pursuant to such contract, the city may assume the obligation of paying such district indebtedness and of levying and of collecting or causing to be collected such district taxes, assessments, and utility rates and charges of any kind or nature to pay and secure the payment of such indebtedness, according to all of the terms, conditions, and covenants incident to such indebtedness, and shall assume and perform all other outstanding contractual obligations of the district in accordance with all of its terms, conditions, and covenants. No such assumption shall be deemed to impair the obligation of any indebtedness or other contractual obligation entered into after the effective date of this act. During the period until the outstanding indebtedness of the district has been discharged, the territory of the district and the owners and occupants of property therein, shall continue to be liable for its and their proportionate share of such indebtedness, including any outstanding assessments levied within any local improvement district or utility local improvement district thereof. The city shall assume the obligation of causing the payment of such indebtedness, collecting such taxes, assessments, and charges, and observing and performing the other district contractual obligations. The legislative body of the city shall act as the officers of the district for the purpose of certifying the amount of any property tax to be levied and collected therein, and causing service and other charges and assessments to be collected from such property or owners or occupants thereof, enforcing such collection, and performing all other acts necessary to ensure performance of the district's contractual obligations.

When a city assumes the obligation of paying the outstanding indebtedness, and if property taxes or assessments have been levied and service and other charges have accrued for such purpose but have not been collected by the district prior to such assumption, the property taxes or assessments when collected shall belong and be paid to the city and be used by such city so far as necessary for payment of the indebtedness of the district existing and unpaid on the date such city elects to assume the indebtedness. Any funds received by the city that have been collected for the purpose of paying any bonded or other indebtedness of the district, shall be used for the purpose for which they were collected and for no other purpose. Any outstanding indebtedness shall be paid as provided in the bond covenants. All funds of the district on deposit with the county treasurer at the time of title transfer shall be used by the city solely for the benefit of the utility and shall not be transferred to or used for the benefit of the city's general fund.

**Sec. 6.** RCW 35.13A.070 and 1971 ex.s. c 95 s 7 are each amended to read as follows:

Notwithstanding any provision of this chapter to the contrary, one or more cities and one or more water districts or sewer districts may, through their legislative authorities, authorize a contract with respect to the rights, powers, duties, and obligation of such cities, or districts with regard to the use and ownership of property, the providing of services, the maintenance and operation of facilities, allocation of cost, financing, and construction of new facilities, application and use of assets, disposition of liabilities and debts, the performance of contractual obligations, and any other matters arising out of the inclusion, in whole or in part, of the district or districts within any city or cities or the assumption by a city of jurisdiction of a district pursuant to section 5 of this act. The contract may provide for the furnishing of services by any party thereto and the use of city or district facilities or real estate for such purpose, and may also provide for the time during which such district or districts may continue to exercise any rights, privileges, powers, and functions provided by law for such district or districts as if the district or districts or portions thereof were not included within a city or subject to an assumption of jurisdiction pursuant to section 5 of this act, including but not by way of limitation, the right to promulgate rules and regulations, to levy and collect special assessments, rates, charges, service charges, and connection fees, ~~((and))~~ to adopt and carry out the provisions of a comprehensive plan, and amendments thereto, for a system of improvements, and to issue general obligation bonds or revenue bonds in the manner provided by law. The contract may provide for the transfer to a city of district facilities, property, rights, and powers as provided in RCW 35.13A.030 ~~((and))~~, 35.13A.050, and section 5 of this act, whether or not sixty percent or any of the area or assessed valuation of real estate lying within the district or districts is included within such city. The contract may provide that any party thereto may authorize, issue, and sell revenue bonds to provide funds for new water or sewer improvements or to refund any water revenue, sewer revenue, or combined water and sewer revenue bonds outstanding of any city~~((s))~~ or district ~~((which))~~ that is a party to such contract if such refunding is deemed necessary, providing such refunding will not increase interest costs. The contract may provide that any party thereto may authorize and issue, in the manner provided by law, general obligation or revenue bonds of like amounts, terms, conditions, and covenants as the outstanding bonds of any other party to the contract, and such new bonds may be substituted or exchanged for such outstanding bonds: PROVIDED, That no such exchange or substitution shall be effected in such a manner as to impair the obligation or security of any such outstanding bonds.

**Sec. 7.** RCW 35.13A.080 and 1971 ex.s. c 95 s 8 are each amended to read as follows:

In any of the cases provided for in RCW 35.13A.020, 35.13A.030, ~~((and))~~ 35.13A.050, and section 5 of this act, and notwithstanding any other method of dissolution provided by law, dissolution proceedings may be initiated by either the city or the district, or both, when the legislative body of the city and the governing body of the district agree to, and petition for, dissolution of the district.

The petition for dissolution shall be signed by the chief administrative officer of the city and the district, upon authorization of the legislative body of the city and the governing body of the district~~((s))~~ respectively, and such petition shall be presented to the superior court of the county in which the city is situated.

If the petition is thus authorized by both the city and district, and title to the property, facilities, and equipment of the district has passed to the city pursuant to action taken under this chapter, all indebtedness and local improvement district or utility local improvement district assessments of the district have been discharged or assumed by and transferred to the city, and the petition contains a statement of the distribution of assets and liabilities mutually agreed upon by the city and the district and a copy of the agreement between such city and the district is attached thereto, a hearing shall not be required and the court shall, if the interests of all interested parties have been protected, enter an order dissolving the district.

In any of the cases provided for in RCW 35.13A.020 ~~((and))~~, 35.13A.030, and section 5 of this act, if the petition for an order of dissolution is signed on behalf of the city alone or the district alone, or there is no mutual agreement on the distribution of assets and liabilities, the superior court shall enter an order fixing a hearing date not less than sixty days from the day the petition is filed, and the clerk of the court of the county shall give notice of such hearing by publication in a newspaper of general circulation in the district once a week for three successive weeks and by posting in three public places in the district at least twenty-one days before the hearing. The notice shall set forth the filing of the petition, its purposes, and the date and place of hearing thereon.

After the hearing the court shall enter its order with respect to the dissolution of the district. If the court finds that such district should be dissolved and the functions performed by the city, the court shall provide for the transfer of assets and liabilities to the city. The court may provide for the dissolution of the district upon such conditions as the court may deem appropriate. A certified copy of the court

order dissolving the district shall be filed with the county auditor. If the court does not dissolve the district, it shall state the reasons for declining to do so."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator McDonald on page 5, after line 22, to Substitute Senate Bill No. 6505.

The motion by Senator McDonald carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Hale, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "35.07.040," insert "35.13A.070, 35.13A.080,"

On page 1, line 3 of the title, after "35.23 RCW;" insert "adding a new section to chapter 35.13A RCW;"

On motion of Senator Hale, the rules were suspended, Engrossed Substitute Senate Bill No. 6505 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6505.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6505 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6505, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6462, by Senators Wojahn, Rasmussen, Smith, Haugen, Kohl, Long, Deccio, Winsley, Fairley, Prentice, Wood, Fraser, Hale, Moyer, McCaslin, Johnson, Oke, Goings, Bauer and Spanel (by request of Governor Lowry and Attorney General Gregoire)

Increasing penalties for domestic violence crimes.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, Senate Bill No. 6462 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6462.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6462 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Absent: Senator Prince - 1.

SENATE BILL NO. 6462, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 10:56 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 1:39 p.m. by President Pritchard.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Smith, Gubernatorial Appointment No. 9198, D'Alene K. White, as a member of the Sentencing Guidelines Commission, was confirmed.

APPOINTMENT OF D'ALENE K. WHITE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 5; Excused, 0.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44.  
Absent: Senators Drew, Heavey, Newhouse, Pelz and Sheldon - 5.

SECOND READING

SENATE BILL NO. 6314, by Senators Rinehart, Bauer, Wood, Kohl, Drew and Sheldon

Requiring higher education tuition rates to increase annually based on the average per capita income in the state.

The bill was read the second time.

MOTION

On motion of Senator Bauer, the rules were suspended, Senate Bill No. 6314 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

MOTION

On motion of Senator Thibaudeau, Senator Pelz was excused.  
The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6314.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6314 and the bill passed the Senate by the following vote:  
Yeas, 31; Nays, 17; Absent, 0; Excused, 1.  
Voting yea: Senators Bauer, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, Moyer, Owen, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, Winsley, Wojahn and Wood - 31.  
Voting nay: Senators Anderson, A., Cantu, Deccio, Hochstatter, Johnson, McCaslin, McDonald, Morton, Newhouse, Oke, Roach, Schow, Sellar, Strannigan, Swecker, West and Zarelli - 17.  
Excused: Senator Pelz - 1.  
SENATE BILL NO. 6314, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6277, by Senator Drew

Providing vouchers for game fish licenses.

The bill was read the second time.

MOTIONS

On motion of Senator Drew, the following amendment by Senators Drew and Oke was adopted:  
On page 2, beginning on line 11, after "(a)" strike all material through "license" on line 17, and insert "Until December 1997, persons who purchased a steelhead fishing license that expired on December 31, 1995, are entitled to a six-dollar voucher toward a 1997 steelhead fishing license. The voucher is available upon submitting a 1995 steelhead license or 1995 steelhead catch card to the department. A person who no longer has their 1995 steelhead license or 1995 steelhead catch card may apply for the voucher by completing a written affidavit available from the department."  
(b) Until December 1997, persons who purchased a juvenile steelhead fishing license that expired on December 31, 1995, are entitled to a two-dollar voucher toward a 1997 juvenile steelhead fishing license. The voucher is available upon submitting a 1995 juvenile steelhead license or 1995 juvenile steelhead catch card to the department. A person who no longer has their 1995 juvenile steelhead license or 1995 juvenile steelhead catch card may apply for the voucher by completing a written affidavit available from the department. A person who obtained more than one 1995 juvenile catch card is only entitled to one two-dollar voucher.

On motion of Senator Drew, the rules were suspended, Engrossed Senate Bill No. 6277 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6277.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6277 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

ENGROSSED SENATE BILL NO. 6277, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6130, by Senator Fairley

Providing standards of conduct for adult cabarets and adult theaters.

#### MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 6130 was substituted for Senate Bill No. 6130 and the substitute bill was placed on second reading and read the second time.

Senator Haugen moved that the following amendment by Senators Haugen and McCaslin be adopted:

On page 2, delete lines 8-9.

Renumber the sections consecutively and correct any internal references accordingly

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and McCaslin on page 2, delete lines 8 and 9, to Substitute Senate Bill No. 6130.

The motion by Senator Haugen failed and the amendment was not adopted.

#### MOTIONS

On motion of Senator Fairley, the following amendment by Senator Smith was adopted:

On page 4, after line 10, insert the following:

"**NEW SECTION. Sec. 3.** If any portion of this chapter, as now written or hereafter amended or as applied to any person or circumstance, is held invalid or unconstitutional, such adjudication shall not affect the validity of the chapter as a whole, or any provision, section or part thereof not adjudged to be invalid or unconstitutional, and its application to other persons or circumstances shall not be affected."

Renumber the sections consecutively and correct any internal references accordingly

On motion of Senator Fairley, the rules were suspended, Engrossed Substitute Senate Bill No. 6130 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Wood, Senator Sellar was excused.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6130.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6130 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45.

Voting nay: Senators Cantu and Kohl - 2.

Absent: Senator Smith - 1.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6130, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Thibaudeau, Senator McAuliffe was excused.

#### SECOND READING

SENATE BILL NO. 6245, by Senators Thibaudeau, Prentice, Goings, Wood, Sheldon, Winsley, Quigley, Wojahn, Smith, Fraser, Moyer, Franklin, McAuliffe, Deccio and Rasmussen

Requiring child death investigations and reports.

#### MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 6245 was substituted for Senate Bill No. 6245 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 6245 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6245.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6245 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senator Finkbeiner - 1.

Excused: Senators McAuliffe and Sellar - 2.

SUBSTITUTE SENATE BILL NO. 6245, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6104, by Senators Haugen, Winsley, Sheldon, McCaslin, Prentice, Kohl, Franklin and Spanel

Requiring fiscal notes for initiatives.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6104 was substituted for Senate Bill No. 6104 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6104 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### PARLIAMENTARY INQUIRY

Senator McCaslin: "A point of parliamentary inquiry. When a Senator closes debate, can another Senator, if he thinks there is something else to say, get up and say it?"

#### REPLY BY THE PRESIDENT

President Pritchard: "Yes, they don't close off the debate, although you can't have a second time. If you have not talked on the measure, then you will be recognized."

Senator McCaslin: "This doesn't count as talking on the measure?"

President Pritchard: "You mean--"

Senator McCaslin: "My inquiry to you about closing debate."

President Pritchard: "Do you want to discuss the measure?"

Senator McCaslin: "No, I agree with you, I think debate should be closed."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6104.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6104 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, McCaslin, Oke, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, Winsley and Wojahn - 26.

Voting nay: Senators Anderson, A., Bauer, Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McDonald, Morton, Moyer, Newhouse, Owen, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Wood and Zarelli - 23.

SUBSTITUTE SENATE BILL NO. 6104, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 2:37 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 4:03 p.m. by President Pritchard.

#### SECOND READING

SENATE BILL NO. 6167, by Senators Smith, Johnson, Newhouse and Winsley

Revising requirements for filing petitions for dissolution of marriage.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, Senate Bill No. 6167 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6167.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6167 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SENATE BILL NO. 6167, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6224, by Senators Pelz, Deccio, Wojahn and Newhouse (by request of Department of Labor and Industries)

Exempting long-time disability pilot project participants from an expenditure limitation.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Senate Bill No. 6224 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6224.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6224 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SENATE BILL NO. 6224, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6157, by Senators Long, Fraser, Bauer and Winsley (by request of Joint Committee on Pension Policy)

Providing portable benefits for dual members.

The bill was read the second time.

#### MOTION

On motion of Senator Drew, the rules were suspended, Senate Bill No. 6157 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6157.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6157 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen,

Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SENATE BILL NO. 6157, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6576, by Senators Schow, Prentice, Hale, McCaslin, Finkbeiner, Sellar, Moyer and Long

Protecting the privacy of adult adoptees.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6576 was substituted for Senate Bill No. 6576 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6576 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6576.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6576 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Absent: Senator Smith - 1.

SUBSTITUTE SENATE BILL NO. 6576, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6186, by Senators Sheldon, Prentice, Wojahn, Thibaudeau, Fairley, Kohl, Bauer, Snyder, Heavey and Winsley

Establishing the Washington state organ donor medal.

#### MOTIONS

On motion of Senator Sheldon, Substitute Senate Bill No. 6186 was substituted for Senate Bill No. 6186 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 6186 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Thibaudeau, Senator Smith was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6186.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6186 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Kohl, Long, Loveland, McAuliffe, Newhouse, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sheldon, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley and Wojahn - 30.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Heavey, Hochstatter, Johnson, McCaslin, McDonald, Morton, Moyer, Oke, Schow, Sellar, Strannigan, Wood and Zarelli - 18.

Excused: Senator Smith - 1.

SUBSTITUTE SENATE BILL NO. 6186, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6392, by Senators Wood, Quigley, Roach, Cantu, Deccio, Prince and Moyer

Requiring disclosures by managed care entities.

## MOTIONS

On motion of Senator Wood, Substitute Senate Bill No. 6392 was substituted for Senate Bill No. 6392 and the substitute bill was placed on second reading and read the second time.

Senator Wood moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 9, after "be" strike "in a form prescribed by" and insert "filed with"

On page 3, line 17, after "is" strike "submitted to" and insert "filed with"

On page 3, line 19, after "required to" strike "submit to the insurance commissioner" and insert "file"

On page 4, line 1, after "be" strike "in a form prescribed by" and insert "filed with"

On page 5, line 27, after "is" strike "submitted to" and insert "filed with"

On page 5, line 29, after "required to" strike "submit to the insurance commissioner" and insert "file"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Wood on page 1, line, 9; page 3, lines 17 and 19; page 4, line 1; and page 5, lines 27 and 29; to Substitute Senate Bill No. 6392.

## ROLL CALL

The Secretary called the roll and the amendments were adopted by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0. Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Haugen, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25. Voting nay: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau and Wojahn - 24.

## MOTION

On motion of Senator Wood, the rules were suspended, Engrossed Substitute Senate Bill No. 6392 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6392.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6392 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 47.

Voting nay: Senators Franklin and Wojahn - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6392, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6387, by Senators Spanel, A. Anderson, Snyder, Haugen, Roach and Kohl

Concerning the holders of Puget Sound Dungeness crab fishing licenses.

## MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 6387 was substituted for Senate Bill No. 6387 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the following amendment by Senators Drew, Spanel and Oke was adopted:

On page 4, line 16, after "(d)" insert "The fish and wildlife commission shall not require recreational Puget Sound crab pot escape rings larger than four and one-eighth inches in diameter.

(e)"

## MOTION

On motion of Senator Drew, the rules were suspended, Engrossed Substitute Senate Bill No. 6387 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6387.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6387 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen,

Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Voting nay: Senator Sutherland - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6387, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6112, by Senator Wojahn

Increasing allowable costs for vocational rehabilitation.

## MOTIONS

On motion of Senator Pelz, Substitute Senate Bill No. 6112 was substituted for Senate Bill No. 6112 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the following amendment by Senators Wojahn and Pelz was adopted:

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 51.32.095 and 1988 c 161 s 9 are each amended to read as follows:

(1) One of the primary purposes of this title is to enable the injured worker to become employable at gainful employment. To this end, the department or self-insurers shall utilize the services of individuals and organizations, public or private, whose experience, training, and interests in vocational rehabilitation and retraining qualify them to lend expert assistance to the supervisor of industrial insurance in such programs of vocational rehabilitation as may be reasonable to make the worker employable consistent with his or her physical and mental status. Where, after evaluation and recommendation by such individuals or organizations and prior to final evaluation of the worker's permanent disability and in the sole opinion of the supervisor or supervisor's designee, whether or not medical treatment has been concluded, vocational rehabilitation is both necessary and likely to enable the injured worker to become employable at gainful employment, the supervisor or supervisor's designee may, in his or her sole discretion, pay or, if the employer is a self-insurer, direct the self-insurer to pay the cost as provided in subsection (3) of this section.

(2) When in the sole discretion of the supervisor or the supervisor's designee vocational rehabilitation is both necessary and likely to make the worker employable at gainful employment, then the following order of priorities shall be used:

- (a) Return to the previous job with the same employer;
- (b) Modification of the previous job with the same employer including transitional return to work;
- (c) A new job with the same employer in keeping with any limitations or restrictions;
- (d) Modification of a new job with the same employer including transitional return to work;
- (e) Modification of the previous job with a new employer;
- (f) A new job with a new employer or self-employment based upon transferable skills;
- (g) Modification of a new job with a new employer;
- (h) A new job with a new employer or self-employment involving on-the-job training;
- (i) Short-term retraining and job placement.

(3) Costs for vocational rehabilitation benefits allowed by the supervisor or supervisor's designee under subsection (1) of this section may include the cost of books, tuition, fees, supplies, equipment, transportation, child or dependent care, and other necessary expenses for any such worker in an amount not to exceed three thousand dollars in any fifty-two week period, except as authorized by section 2 of this act, and the cost of continuing the temporary total disability compensation under RCW 51.32.090 while the worker is actively and successfully undergoing a formal program of vocational rehabilitation. Such expenses may include training fees for on-the-job training and the cost of furnishing tools and other equipment necessary for self-employment or reemployment: PROVIDED, That such compensation or payment of retraining with job placement expenses may not be authorized for a period of more than fifty-two weeks: PROVIDED FURTHER, That such period may, in the sole discretion of the supervisor after his or her review, be extended for an additional fifty-two weeks or portion thereof by written order of the supervisor.

In cases where the worker is required to reside away from his or her customary residence, the reasonable cost of board and lodging shall also be paid. Said costs shall be chargeable to the employer's cost experience or shall be paid by the self-insurer as the case may be.

(4) The department shall establish criteria to monitor the quality and effectiveness of rehabilitation services provided by the individuals and organizations used under subsection (1) of this section. The state fund shall make referrals for vocational rehabilitation services based on these performance criteria.

(5) The department shall engage in, where feasible and cost-effective, a cooperative program with the state employment security department to provide job placement services under this section.

(6) The benefits in this section shall be provided for the injured workers of self-insured employers. Self-insurers shall report both benefits provided and benefits denied under this section in the manner prescribed by the department by rule adopted under chapter 34.05 RCW. The director may, in his or her sole discretion and upon his or her own initiative or at any time that a dispute arises under this section, promptly make such inquiries as circumstances require and take such other action as he or she considers will properly determine the matter and protect the rights of the parties.

(7) The benefits provided for in this section are available to any otherwise eligible worker regardless of the date of industrial injury. However, claims shall not be reopened solely for vocational rehabilitation purposes.

**NEW SECTION. Sec. 2.** A new section is added to chapter 51.32 RCW to read as follows:

For claims filed after July 1, 1996, costs for vocational rehabilitation benefits allowed by the supervisor or supervisor's designee under subsection (1) of this section may include the cost of books, tuition, fees, supplies, equipment, transportation, child or dependent care, and other necessary expenses for any such worker in an amount not to exceed five thousand dollars in any fifty-two week period, and the cost of continuing the temporary total disability compensation under RCW 51.32.090 while the worker is actively and successfully undergoing a formal program of vocational rehabilitation. Such expenses may include training fees for on-the-job training and the cost of furnishing tools and other equipment necessary for self-employment or reemployment: PROVIDED, That such compensation or payment of retraining with job placement expenses may not be authorized for a period of more than fifty-two weeks: PROVIDED FURTHER, That such period may, in the sole discretion of the supervisor after his or her review, be extended for an additional fifty-two weeks or portion thereof by written order of the supervisor.

In cases where the worker is required to reside away from his or her customary residence, the reasonable cost of board and lodging shall also be paid. Said costs shall be chargeable to the employer's cost experience or shall be paid by the self-insurer as the case may be."

## MOTIONS

On motion Senator Pelz, the following title amendments were considered simultaneously and were adopted:  
On page 1, line 2 of the title, after "benefits;" strike "and"  
On page 1, line 2 of the title, after "RCW 51.32.095" insert "; and adding a section to chapter 51.32 RCW"  
On motion of Senator Pelz, the rules were suspended, Engrossed Substitute Senate Bill No. 6112 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.  
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6112.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6112 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.  
Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, Winsley and Wojahn - 26.  
Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Wood and Zarelli - 23.  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6112, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6441, by Senators Moyer, Franklin, Schow, Wojahn, Zarelli, Quigley, Wood, Winsley, Fairley, Deccio, Oke and Kohl

Requiring expiration dates on prescriptions dispensed by nonresident pharmacies.

The bill was read the second time.

#### MOTION

On motion of Senator Moyer, the rules were suspended, Senate Bill No. 6441 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.  
The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6441.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6441 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.  
SENATE BILL NO. 6441, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 5568, by Senate Committee on Transportation (originally sponsored by Senator Heavey)

Limiting weight of tire studs.

#### MOTIONS

On motion of Senator Heavey, Second Substitute Senate Bill No. 5568 was substituted for Substitute Senate Bill No. 5568 and the second substitute bill was placed on second reading and read the second time.  
On motion of Senator Heavey, the rules were suspended, Second Substitute Senate Bill No. 5568 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.  
The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5568.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5568 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.  
Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 44.

Voting nay: Senators Anderson, A., Loveland, Morton, Sellar and West - 5.  
SECOND SUBSTITUTE SENATE BILL NO. 5568, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6254, by Senators Wojahn, Winsley, Franklin, Rasmussen, Oke and Goings

Placing property adjacent to Western state hospital in trust.

#### MOTIONS

On motion of Senator Quigley, Substitute Senate Bill No. 6254 was substituted for Senate Bill No. 6254 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Quigley, the rules were suspended, Substitute Senate Bill No. 6254 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6254.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6254 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6254, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6155, by Senators Bauer, Long, Fraser, Winsley and Roach (by request of Joint Committee on Pension Policy)

Correcting the teachers' retirement system plan III.

#### MOTIONS

On motion of Senator Bauer, Substitute Senate Bill No. 6155 was substituted for Senate Bill No. 6155 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bauer, the following amendment by Senators Rinehart and West was adopted:

On page 25, beginning on line 7, after "employment" strike all material down to and including "41.32.875" on line 12

#### MOTION

On motion of Senator Bauer, the rules were suspended, Engrossed Substitute Senate Bill No. 6155 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6155.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6155 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Voting nay: Senator Cantu - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6155, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6468, by Senators Spanel, Quigley, Wojahn, Moyer, Franklin and Deccio

Providing insurance coverage for cranial hair.

#### MOTIONS

On motion of Senator Spanel, Substitute Senate Bill No. 6468 was substituted for Senate Bill No. 6468 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, Substitute Senate Bill No. 6468 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Roach: "Senator Moyer, is this bill going to just require that hair pieces be given to individuals or are we dealing with some sort of transplanting hair--what are we dealing with here?"

Senator Moyer: "This is a desert upon which no grass will grow. Once in a while, they get a little fuzz back, but that is about it, so you are really just talking about a cranial hair piece. You are not talking about replacing any other area on the body in which hair is absent."

Senator Roach: "How common is this?"

Senator Moyer: "Very uncommon."

Senator Roach: "So, we are just dealing with a few people?"

Senator Moyer: "That's correct."

Senator Roach: "Thank you."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6468.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6468 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, Moyer, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn and Wood - 34.

Voting nay: Senators Cantu, Finkbeiner, Hale, Hochstatter, Johnson, McCaslin, McDonald, Morton, Newhouse, Oke, Schow, Sellar, Strannigan, West and Zarelli - 15.

SUBSTITUTE SENATE BILL NO. 6468, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6605, by Senators Loveland, West, Rinehart and Haugen

Changing provisions relating to bond debt service payments from the community and technical college capital projects account.

#### MOTIONS

On motion of Senator Loveland, Substitute Senate Bill No. 6605 was substituted for Senate Bill No. 6605 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Loveland, the rules were suspended, Substitute Senate Bill No. 6605 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6605.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6605 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Absent: Senator Pelz - 1.

SUBSTITUTE SENATE BILL NO. 6605, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6220, by Senators Owen, Moyer, Swecker, Sutherland, Drew, Rinehart, Goings, Snyder, Quigley, Haugen, Winsley, Oke, Roach, Bauer, Prentice, Hargrove, Sheldon, Wojahn, Finkbeiner and Rasmussen

Increasing disability and death benefits for volunteer fire fighters.

The bill was read the second time.

#### MOTION

On motion of Senator Drew, the rules were suspended, Senate Bill No. 6220 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6220.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6220 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SENATE BILL NO. 6220, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6198, by Senators Long and Fraser (by request of Department of Retirement Systems)

Collecting state retirement system overpayments.

#### MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 6198 was substituted for Senate Bill No. 6198 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the rules were suspended, Substitute Senate Bill No. 6198 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6198.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6198 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6198, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6651, by Senators Finkbeiner, Drew, Haugen, Swecker, Winsley, Johnson and Strannigan

Allowing public record storage on compact disc.

The bill was read the second time.

#### MOTIONS

On motion of Senator Sutherland, the following Committee on Energy, Telecommunications and Utilities amendment was adopted:

On page 1, line 9, after "compact disc meeting" strike "the ISO 9660 standard" and insert "current industry ISO specifications"

On motion of Senator Sutherland, the rules were suspended, Engrossed Senate Bill No. 6651 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6651.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6651 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

ENGROSSED SENATE BILL NO. 6651, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6428, by Senators Newhouse and Haugen

Revising irrigation district mergers.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 6428 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6428.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6428 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SENATE BILL NO. 6428, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6476, by Senators Sheldon and Schow

Adjusting vehicle and vessel fees.

The bill was read the second time.

MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 6476 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6476.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6476 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Voting nay: Senator Cantu - 1.

SENATE BILL NO. 6476, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8428, by Senators Bauer, Wood, Kohl, Hale, Sheldon, Prince, Drew, McAuliffe and Rasmussen

Approving recommendations of the 1996 higher education master plan.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Bauer, the rules were suspended, Senate Concurrent Resolution No. 8428 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Concurrent Resolution No. 8428.

ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 8428 and the concurrent resolution was adopted by the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SENATE CONCURRENT RESOLUTION NO. 8428, having received the constitutional majority, was declared passed.

#### SECOND READING

SENATE BILL NO. 6138, by Senator Kohl

Deleting mandatory permissive language for reinstatement of revoked massage practitioner licenses.

The bill was read the second time.

#### MOTION

On motion of Senator Kohl, the rules were suspended, Senate Bill No. 6138 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6138.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6138 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Absent: Senator Pelz - 1.

SENATE BILL NO. 6138, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6131, by Senators Fairley, Fraser, Kohl, Quigley and Rasmussen

Providing a cause of action for persons who are coerced into sexually explicit conduct.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 6131 was substituted for Senate Bill No. 6131 and the substitute bill was placed on second reading and read the second time.

Senator Johnson moved that the following amendment by Senators Johnson and McCaslin be adopted:

On page 2, line 8, after "actual damages," strike "punitive damages of up to fifty thousand dollars,"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Johnson and McCaslin on page 2, line 8, to Substitute Senate Bill No. 6131.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 17; Nays, 32; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Finkbeiner, Franklin, Haugen, Hochstatter, Johnson, McCaslin, McDonald, Morton, Newhouse, Prince, Roach, Schow, Sellar, Strannigan, West and Wood - 17.

Voting nay: Senators Bauer, Cantu, Deccio, Drew, Fairley, Fraser, Goings, Hale, Hargrove, Heavey, Kohl, Long, Loveland, McAuliffe, Moyer, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 32.

#### MOTION

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 6131 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6131.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6131 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Absent: Senator Newhouse - 1.

SUBSTITUTE SENATE BILL NO. 6131, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6631, by Senators Sutherland, West, Finkbeiner, Loveland, Heavey, Rasmussen, Hochstatter, Strannigan and Morton

Exempting thermal energy companies from utilities and transportation commission authority.

The bill was read the second time.

#### MOTIONS

On motion of Senator Sutherland, the following amendments by Senators Sutherland and Finkbeiner were considered simultaneously and were adopted:

On page 2, line 15, after "association," insert "partnership, joint venture,"

On page 2, line 28, after "repairs" insert "related to thermal energy"

On motion of Senator Sutherland, the rules were suspended, Engrossed Senate Bill No. 6631 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6631.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6631 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

ENGROSSED SENATE BILL NO. 6631, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8023, by Senators Deccio, Owen, Newhouse, Sellar, Snyder, Bauer, McCaslin, A. Anderson, Prince, Rasmussen, Roach, C. Anderson, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Oke, Palmer, Pelz, Prentice, Quigley, Rinehart, Schow, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli

Requesting the department of transportation to name an overpass after Senator Matson.

The joint memorial was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, Senate Joint Memorial No. 8023 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Senators Owen, Deccio, McCaslin, Anderson, Snyder and Pelz spoke to Senate Joint Memorial No. 8023, honoring former Senator Jim Matson.

#### MOTION

On motion of Senator Snyder, all Senators will be included as sponsors of Senate Joint Memorial No. 8023.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8023.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8023 and the joint memorial was adopted by the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SENATE JOINT MEMORIAL NO. 8023, having received the constitutional majority, was declared passed.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Mrs. Jim Matson, who was seated on the Rostrum.

#### PERSONAL PRIVILEGE

Senator Deccio: "Mr. President, a point of personal privilege. Senator Fred Redmon was Jim's predecessor. Jim succeeded him and I succeeded Jim. Fred Redmon has a Redmon Bridge, Jim Matson has a Jim Matson Overpass. Do you suppose we could have a memorial to name a little culvert after Alex Deccio?"

#### REPLY BY THE PRESIDENT

President Pritchard: "We have a drainage ditch waiting to be named after you."

#### MOTION

At 6:30 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Thursday, February 8, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-FIRST DAY, FEBRUARY 7, 1996

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**THIRTY-SECOND DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Thursday, February 8, 1996  
The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Drew, Moyer and Quigley. On motion of Senator Thibaudeau, Senators Drew and Quigley were excused. On motion of Senator Anderson, Senator Moyer was excused.

The Sergeant at Arms Color Guard, consisting of Pages Ricky Ford and Steven Hickman, presented the Colors. Reverend Phil Norris, pastor of the Lacey Community Church, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 7, 1996  
GA 9161 FRANK E. FENNERTY, JR., reappointed June 18, 1995, for a term ending June 17, 2001, as a member of the Board of Industrial Insurance Appeals.  
Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Pelz, Chair; Deccio, Franklin, McDonald and Newhouse.

Passed to Committee on Rules.

February 7, 1996  
GA 9173 JAMES P. SEABECK, reappointed June 29, 1995, for a term ending January 17, 2001, as a member of the Horse Racing Commission.  
Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Pelz, Chair; Deccio, Franklin, McDonald and Newhouse.

Passed to Committee on Rules.

February 7, 1996  
GA 9249 CURTIS LUDWIG, appointed January 9, 1996, for a term ending June 30, 2000, as a member of the Gambling Commission.  
Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Pelz, Chair; Deccio, Franklin, McDonald and Newhouse.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

MR. PRESIDENT:

The House has passed:  
HOUSE BILL NO. 2137,  
SUBSTITUTE HOUSE BILL NO. 2253,  
SUBSTITUTE HOUSE BILL NO. 2256,  
SUBSTITUTE HOUSE BILL NO. 2326,  
HOUSE BILL NO. 2327,  
HOUSE BILL NO. 2336,  
SUBSTITUTE HOUSE BILL NO. 2338,  
HOUSE BILL NO. 2356,

February 6, 1996

HOUSE BILL NO. 2375,  
SUBSTITUTE HOUSE BILL NO. 2386,  
SUBSTITUTE HOUSE BILL NO. 2388,  
HOUSE BILL NO. 2393,  
SUBSTITUTE HOUSE BILL NO. 2395,  
HOUSE BILL NO. 2402,  
SUBSTITUTE HOUSE BILL NO. 2403,  
HOUSE BILL NO. 2432,  
HOUSE BILL NO. 2440,  
HOUSE BILL NO. 2494,  
SUBSTITUTE HOUSE BILL NO. 2656,  
HOUSE BILL NO. 2862, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk  
February 6, 1996

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1052,  
SECOND SUBSTITUTE HOUSE BILL NO. 2031,  
HOUSE BILL NO. 2145,  
SUBSTITUTE HOUSE BILL NO. 2155,  
SUBSTITUTE HOUSE BILL NO. 2248,  
SUBSTITUTE HOUSE BILL NO. 2342,  
HOUSE BILL NO. 2350,  
HOUSE BILL NO. 2368,  
SUBSTITUTE HOUSE BILL NO. 2444,  
SUBSTITUTE HOUSE BILL NO. 2448,  
SUBSTITUTE HOUSE BILL NO. 2463,  
HOUSE BILL NO. 2467,  
HOUSE BILL NO. 2490,  
HOUSE BILL NO. 2501,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2509,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2529,  
HOUSE BILL NO. 2566,  
HOUSE BILL NO. 2585,  
SUBSTITUTE HOUSE BILL NO. 2605,  
HOUSE BILL NO. 2628,  
HOUSE BILL NO. 2635,  
HOUSE BILL NO. 2646,  
SUBSTITUTE HOUSE BILL NO. 2693,  
HOUSE BILL NO. 2736,  
HOUSE BILL NO. 2834,  
HOUSE BILL NO. 2836, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 6, 1996

MR. PRESIDENT:

The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2436,  
ENGROSSED HOUSE BILL NO. 2472,  
ENGROSSED HOUSE BILL NO. 2507,  
HOUSE BILL NO. 2636,  
HOUSE BILL NO. 2638,  
SUBSTITUTE HOUSE BILL NO. 2664,  
HOUSE BILL NO. 2692,  
SUBSTITUTE HOUSE BILL NO. 2701,  
HOUSE BILL NO. 2716,  
SUBSTITUTE HOUSE BILL NO. 2724,  
SUBSTITUTE HOUSE BILL NO. 2733,  
SUBSTITUTE HOUSE BILL NO. 2746,  
SUBSTITUTE HOUSE BILL NO. 2758,  
HOUSE BILL NO. 2760,  
ENGROSSED HOUSE BILL NO. 2867, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 7, 1996

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 2762,  
HOUSE BILL NO. 2786,  
HOUSE BILL NO. 2791,  
HOUSE BILL NO. 2814,  
HOUSE BILL NO. 2817,  
SUBSTITUTE HOUSE BILL NO. 2860,  
HOUSE BILL NO. 2913,  
HOUSE BILL NO. 2917, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

INTRODUCTION AND FIRST READING

SHB 1052 by House Committee on Appropriations (originally sponsored by Representatives Horn and Silver)

Reviewing nonappropriated funds.

Referred to Committee on Ways and Means.

2SHB 2031 by House Committee on Transportation (originally sponsored by Representative K. Schmidt)

Eliminating the authority to impose storm water facility charges for state highway rights of way.

Referred to Committee on Transportation.

HB 2137 by Representatives Chandler, Chappell, Horn, Rust, Regala, Thompson and Murray (by request of Department of Ecology)

Requiring biennial progress reports from the department of ecology.

Referred to Committee on Ways and Means.

HB 2145 by Representatives Boldt, Mulliken, Benton, Stevens, Pennington, D. Sommers, Campbell, Smith, Goldsmith and Hargrove

Providing for initiative and referendum within all counties.

Referred to Committee on Government Operations.

SHB 2155 by House Committee on Transportation (originally sponsored by Representatives Benton, Hargrove, Pennington and McMahan)

Clarifying criteria for refund of overpayments of vehicle and vessel license fees.

Referred to Committee on Transportation.

SHB 2248 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Hymes, Sehlin, Koster, Johnson, Hargrove, Beeksma, Chandler and Thompson)

Changing provisions relating to sewage disposal.

Referred to Committee on Ecology and Parks.

SHB 2253 by House Committee on Finance (originally sponsored by Representatives Schoesler, Sheldon, Dickerson, Pennington, Boldt, Carrell, Mulliken, Foreman, Reams, Hatfield, Chandler, Quall, Carlson, Thompson, McMorris and Cooke)

Modifying tax exemptions for nonprofit organizations.

Referred to Committee on Ways and Means.

SHB 2256 by House Committee on Capital Budget (originally sponsored by Representatives Honeyford, Chopp, Keiser, Regala, Dickerson, Mason and Patterson) (by request of Public Works Board and Department of Community, Trade, and Economic Development)

Authorizing certain public works projects.

Referred to Committee on Ways and Means.

SHB 2326 by House Committee on Education (originally sponsored by Representatives Radcliff, Brumsickle and Carlson) (by request of Board of Education)

Changing requirements for admission to teacher preparation programs.

Referred to Committee on Education.

HB 2327 by Representatives Brumsickle and Cole (by request of Board of Education and Superintendent of Public Instruction)

Changing state board of education staff provisions.

Referred to Committee on Education.

HB 2336 by Representatives Stevens, Fuhrman, Schoesler, Basich, Elliot, Johnson, Hargrove, Boldt, Sheldon, Campbell, Smith, Hymes, Thompson, Carlson, Mulliken, McMahan and Benton

Requiring approval of a majority of members of the fish and wildlife commission to adopt rules.

Referred to Committee on Natural Resources.

SHB 2338 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Schoesler, Grant, Sheahan, McMorris, Mastin, Fuhrman, Chandler, Honeyford and Thompson)

Prohibiting the department of ecology from regulating ammonia emissions for nonproduction activity related to making or using ammonia as agricultural or silvicultural fertilizer.

Referred to Committee on Ecology and Parks.

SHB 2342 by House Committee on Law and Justice (originally sponsored by Representatives Hickel, Sheahan, Appelwick, Delvin and Costa) (by request of Administrator for the Courts)

Creating the office of public defense.

Referred to Committee on Government Operations.

HB 2350 by Representatives Radcliff, McMorris, Campbell, Koster, Thompson, D. Schmidt, Blanton, Schoesler, Honeyford, Johnson, D. Sommers, Hargrove, Sheldon, Smith, Pennington, Mulliken and McMahan

Eliminating the authority of the department of licensing to keep records of pistol purchases or transfers.

Referred to Committee on Law and Justice.

HB 2356 by Representatives Hymes, Koster, Thompson, Sterk, Radcliff, Cairnes, Pelesky, Blanton, Quall, Goldsmith, Hargrove and Mulliken

Limiting review of shoreline development permits.

Referred to Committee on Ecology and Parks.

HB 2368 by Representatives Elliot, Regala and R. Fisher

Expanding the granting of class H liquor licenses at civic or convention centers.

Referred to Committee on Labor, Commerce and Trade.

HB 2375 by Representatives Chandler, Koster, Mastin, Honeyford, McMorris and Mulliken

Prohibiting a moratorium on new appropriations of Columbia or Snake river waters based on certain contingencies.

Referred to Committee on Ecology and Parks.

SHB 2386 by House Committee on Government Operations (originally sponsored by Representatives D. Schmidt, Dyer, Thompson, Radcliff, Hargrove, Sheahan, Chappell, Cairnes, Cooke, Crouse, Scheuerman, Campbell, Honeyford, Buck, Huff, Elliot, Clements, Foreman, Quall, Backlund, Hymes, Costa, Mulliken and McMahan)

Requiring the text of applicable state or federal law or rule be provided as part of agency technical assistance.

Referred to Committee on Government Operations.

SHB 2388 by Committee on Energy and Utilities (originally sponsored by Representatives Crouse, Casada, Kessler, Mastin, Hankins, Poulsen, Patterson, Mitchell and Chandler)

Providing for satisfaction of unrecorded utility liens at the time of sale of real property.

Referred to Committee on Energy, Telecommunications and Utilities.

HB 2393 by Representatives Goldsmith, McMorris, Hargrove, Dyer and McMahan

Increasing penalties for disclosure of confidential information.

Referred to Committee on Labor, Commerce and Trade.

SHB 2395 by House Committee on Natural Resources (originally sponsored by Representatives Stevens, Basich, Fuhrman, Hatfield and Mastin) (by request of Department of Fish and Wildlife)

Authorizing the fish and wildlife commission to conduct or authorize auctions and raffles for hunting of game animals and for wildlife-related recreation.

Referred to Committee on Natural Resources.

HB 2402 by Representatives Carlson, Jacobsen, D. Schmidt, Mastin, Mulliken, Benton and Silver

Adding a representative of private career schools to the work force training and education coordinating board.

Referred to Committee on Higher Education.

SHB 2403 by House Committee on Government Operations (originally sponsored by Representatives Reams, Cairnes, Elliot, Thompson, Mulliken and McMahan)

Analyzing the economic impact of government actions.

Referred to Committee on Government Operations.

HB 2432 by Representatives Dyer, B. Thomas and K. Schmidt

Requiring disclosure of branded titles to vehicle buyers.

Referred to Committee on Labor, Commerce and Trade.

ESHB 2436 by House Committee on Capital Budget (originally sponsored by Representatives Sehlin and Ogden) (by request of State Treasurer Grimm)

Using financing contracts for real property.

Referred to Committee on Ways and Means.

HB 2440 by Representatives Schoesler, Sheldon, Johnson, Brown, Honeyford, Grant, Sheahan, McMorris, Boldt, Quall, Morris, Chappell, Campbell, Hymes, Brumsickle, Mastin, Benton, Foreman, Lisk, Crouse, Smith, Thompson, Mulliken and Kessler

Increasing tax deductions available to low-density light and power businesses.

Referred to Committee on Energy, Telecommunications and Utilities.

SHB 2444 by House Committee on Natural Resources (originally sponsored by Representatives Brumsickle, Chappell, Buck, Cairnes, Sheldon, Honeyford, McMorris, Morris, Kessler, Delvin, Basich, Fuhrman, Regala, Schoesler, Mastin, Elliot, Johnson, D. Sommers, Boldt, Thompson and McMahan)

Amending the forest practice act of 1974 regarding federally approved habitat conservation plans.

Referred to Committee on Natural Resources.

SHB 2448 by House Committee on Government Operations (originally sponsored by Representatives D. Sommers, Hargrove, Sheahan, McMahan, Sterk, Silver, Crouse and Mulliken)

Allowing independent candidates to withdraw from the general election.

Referred to Committee on Government Operations.

SHB 2463 by House Committee on Natural Resources (originally sponsored by Representatives Buck, Hatfield, Honeyford, Hymes, Boldt, Kessler and Benton)

Requiring implementation of salmon restoration action plans.

Referred to Committee on Natural Resources.

HB 2467 by Representatives Pennington, Morris, Carlson, Boldt and Benton

Revising the definition of "major industrial development" for the purpose of growth management planning.

Referred to Committee on Government Operations.

EHB 2472 by Representatives Lambert, Costa, Conway and Veloria

Clarifying domestic violence provisions.

Referred to Committee on Law and Justice.

HB 2490 by Representatives L. Thomas, Dyer, Grant and Kessler

Providing for credit for reinsurance of trust fund maintained that meets national association of insurance commissioners standards.

Referred to Committee on Financial Institutions and Housing.

HB 2494 by Representatives Poulsen, Brumsickle and Carlson (by request of Board of Education)

Amending the duty of the state board of education to approve private schools to include kindergarten.

Referred to Committee on Education.

HB 2501 by Representative Pennington

Concerning the indebtedness of a port district.

Referred to Committee on Government Operations.

EHB 2507 by Representatives D. Sommers, Koster, Robertson, Sterk, Honeyford, Hargrove, McMahan, Goldsmith, Stevens, Mulliken and Johnson

Requiring a person convicted of sexual misconduct with a minor in the second degree to register as a sex offender.

Referred to Committee on Human Services and Corrections.

ESHB 2509 by House Committee on Government Operations (originally sponsored by Representatives Reams, Jacobsen, Radcliff, Basich, Kessler, Chopp, Dickerson, Hatfield, Poulsen and Murray) (by request of Secretary of State Munro)

Funding maritime historic restoration and preservation.

Referred to Committee on Ecology and Parks.

ESHB 2529 by House Committee on Government Operations (originally sponsored by Representatives Elliot, Grant, Mastin, Sheldon, Reams, D. Schmidt, Scott, Hymes and Thompson)

Providing for designation of mineral resource lands.

Referred to Committee on Government Operations.

HB 2566 by Representatives Hickel, Costa and Chappell (by request of Secretary of State Munro)

Defining "sale" and related terms with regard to gambling act.

Referred to Committee on Labor, Commerce and Trade.

HB 2585 by Representatives McMorris and Romero (by request of Employment Security Department)

Providing for federal income tax withholding from unemployment compensation benefits.

Referred to Committee on Labor, Commerce and Trade.

SHB 2605 by House Committee on Natural Resources (originally sponsored by Representatives Linville, Fuhrman, L. Thomas, Thompson, Regala, Basich, Quall, Hatfield, B. Thomas, Stevens, Sheldon and Buck)

Allowing importation of Macrocyctis seaweed for the use in the herring spawn-on-kelp fishery.

Referred to Committee on Natural Resources.

HB 2628 by Representatives Veloria, Conway and Cody

Revising provision on payment of industrial insurance benefits to beneficiaries.

Referred to Committee on Labor, Commerce and Trade.

HB 2635 by Representatives Horn, Romero, McMorris, Chappell and Conway (by request of Secretary of State Munro)

Creating the Washington digital signature act.

Referred to Committee on Energy, Telecommunications and Utilities.

HB 2636 by Representatives Scott and Cairnes

Revising regulation of funeral directors and embalmers.

Referred to Committee on Government Operations.

HB 2638 by Representatives Reams, H. Sommers and Dellwo (by request of Office of Financial Management and Department of Information Services)

Repealing the sunset of the department of information services.

Referred to Committee on Government Operations.

HB 2646 by Representatives Cairnes, Hargrove, Van Luven, Crouse, Morris, Hymes, Mulliken, Elliot, Honeyford, K. Schmidt, Goldsmith, Thompson, Benton and Johnson

Requiring sufficient buildable lands within urban growth areas.

Referred to Committee on Government Operations.

SHB 2656 by House Committee on Commerce and Labor (originally sponsored by Representatives Cairnes, Romero and Thompson)

Creating a new class of liquor license for sports entertainment facilities.

Referred to Committee on Labor, Commerce and Trade.

SHB 2664 by House Committee on Government Operations (originally sponsored by Representatives Hargrove, Sheahan, Reams, Cairnes, Hymes and Thompson)

Authorizing municipalities to utilize competitive negotiations in the acquisition of electronic data processing or telecommunication systems.

Referred to Committee on Energy, Telecommunications and Utilities.

HB 2692 by Representatives Sheahan, Dellwo, Appelwick and Hickel (by request of Statute Law Committee)

Correcting RCW internal references.

Referred to Committee on Law and Justice.

SHB 2693 by House Committee on Commerce and Labor (originally sponsored by Representatives McMorris, Romero, Mastin, Sheahan, Chappell and Thompson)

Providing for industrial insurance self-insurers to determine benefits for permanent disability.

Referred to Committee on Labor, Commerce and Trade.

SHB 2701 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Mastin, Chandler, Honeyford and Johnson)

Adjudicating water rights.

Referred to Committee on Ecology and Parks.

HB 2716 by Representatives Chandler and Chappell

Concerning waste discharge permits.

Referred to Committee on Ecology and Parks.

SHB 2724 by House Committee on Commerce and Labor (originally sponsored by Representatives McMorris, Cole and Costa)

Providing for payment of job modification or accommodation costs for injured workers.

Referred to Committee on Labor, Commerce and Trade.

SHB 2733 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Johnson, Sheldon, Koster, Honeyford, Linville, Boldt, McMahan, Hymes, Stevens, Cooke, Mulliken, McMorris, Hargrove and Elliot)

Extending for four years the authority to delegate portions of well drilling administration and enforcement to local governments.

Referred to Committee on Ecology and Parks.

HB 2736 by Representatives Radcliff, B. Thomas, Cole, Elliot, Linville, Hatfield, Poulsen, Voloria, Blanton, Conway, Regala, Scheuerman and Costa

Adopting recommendations of the joint select committee on education restructuring.

Referred to Committee on Education.

SHB 2746 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives L. Thomas, Sheldon, Wolfe and Benton)

Changing the rates or terms of an insurance policy.

Referred to Committee on Financial Institutions and Housing.

SHB 2758 by House Committee on Appropriations (originally sponsored by Representatives Huff, Cooke and Silver)

Measuring state fiscal conditions.

Referred to Committee on Ways and Means.

HB 2760 by Representatives Koster, Stevens, D. Sommers, L. Thomas, Goldsmith and Silver

Authorizing the director of general administration to enter into leases of up to ten years without a review by the office of financial management.

Referred to Committee on Ways and Means.

SHB 2762 by House Committee on Natural Resources (originally sponsored by Representatives Sehlin, Ogden, Cooke and Silver)

Ensuring that the community and technical college forest reserve is managed like other state forests for sustainable commercial forestry and potential multiple use.

Referred to Committee on Natural Resources.

HB 2786 by Representative Dyer

Modifying charitable donations for children.

Referred to Committee on Law and Justice.

HB 2791 by Representatives Lambert, Costa, Sterk, Campbell and Smith

Clarifying assault in the third degree to include county fire marshal's office.

Referred to Committee on Law and Justice.

HB 2814 by Representatives McMorris, D. Sommers, Schoesler, Thompson, Romero, Brown and Hargrove

Regulating the disposal of property by self-storage facilities.

Referred to Committee on Labor, Commerce and Trade.

HB 2817 by Representatives Cairnes, Mastin, Goldsmith, Honeyford, Sherstad, Mulliken, D. Schmidt, Morris and Elliot

Eliminating provisions dealing with fees and costs regarding land use decisions.

Referred to Committee on Government Operations.

HB 2834 by Representatives Carrell, Chandler, Hatfield, Talcott, Smith, Campbell, Beeksma and Johnson

Proposing a Washington state lake health plan.

Referred to Committee on Ecology and Parks.

HB 2836 by Representatives K. Schmidt, R. Fisher and Blanton

Authorizing speed limits set according to engineering and traffic studies.

Referred to Committee on Transportation.

SHB 2860 by House Committee on Government Operations (originally sponsored by Representatives D. Schmidt, Reams and Blanton)

Limiting development regulations for utilities.

Referred to Committee on Government Operations.

HB 2862 by Representatives Hargrove and McMorris

Regulating department of social and health services liens and notices to withhold and deliver.

Referred to Committee on Labor, Commerce & Trade.

EHB 2867 by Representative Van Luven

Modifying certain functions and duties of the joint legislative committee on economic development.

Referred to Committee on Labor, Commerce and Trade.

HB 2913 by Representative Fuhrman

Changing the future teachers conditional scholarship program.

Referred to Committee on Higher Education.

HB 2917 by Representatives Robertson, Romero and Cairnes

Eliminating a limitation on sites on which amusement games may be conducted.

Referred to Committee on Labor, Commerce and Trade.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Franklin, Gubernatorial Appointment No. 9199, Theresa Ceccarelli, as a member of the Board of Trustees for Bates Technical College District No. 28, was confirmed.

#### APPOINTMENT OF THERESA CECCARELLI

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.  
Excused: Senators Drew, Moyer and Quigley - 3.

#### MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9200, Karen Gates-Hildt, as a member of the Board of Trustees for Peninsula Community College District No. 1, was confirmed.

#### APPOINTMENT OF KAREN GATES-HILDT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.  
Absent: Senator Finkbeiner - 1.  
Excused: Senator Drew - 1.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8022, by Senators Fraser, Hale, Fairley, Winsley, Haugen, Sheldon, McCaslin, Rasmussen, Spanel and McAuliffe

Opposing national park closures.

#### MOTIONS

On motion of Senator Fraser, Substitute Senate Joint Memorial No. 8022 was substituted for Senate Joint Memorial No. 8022 and the substitute joint memorial was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Joint Memorial No. 8022 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Anderson, Senator Hochstatter was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Joint Memorial No. 8022.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8022 and the joint memorial was adopted by the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Hochstatter - 1.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8022, having received the constitutional majority, was declared passed.

#### SECOND READING

SENATE BILL NO. 6116, by Senators Thibaudeau, Haugen and Winsley

Providing for a certain disclosure of health care information without patient's authorization.

The bill was read the second time.

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, Senate Bill No. 6116 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6116.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6116 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn and Wood - 45.

Voting nay: Senators McCaslin, West and Zarelli - 3.

Excused: Senator Hochstatter - 1.

SENATE BILL NO. 6116, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Thibaudeau: "A point of personal privilege, Mr. President. I have been trying to do this since last fall and I tried to do it a couple days ago, but you are too quick for me, Mr. President. I would hope that the Pages are distributing something to you. It is kind of strange, but I need to explain my reasoning about this. This is my so-called maiden floor speech--if you will--and my memento to you. Last fall, I thought of saying to you all when I voted for the baseball bill, Mariner Stadium, that I hoped, come January, that you all cared as much about kids as we all cared about baseball. I feel strongly about that.

"The second message, and I will be brief, I assure you, is that I hope that we restore some sense of enjoyment to this place. It used to be a whole lot more fun than it is right now, but I think a sense of humor is important and to paraphrase the Senator from the First District, it is important to play; it is important to enjoy each other; and enjoy the process. So, I thank you very much for the opportunity. Thanks, Mr. President."

#### SECOND READING

SENATE BILL NO. 6636, by Senators Bauer, Oke, Owen and Kohl

Authorizing designation of rest areas as POW/MIA memorials.

#### MOTIONS

On motion of Senator Bauer, Substitute Senate Bill No. 6636 was substituted for Senate Bill No. 6636 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bauer, the rules were suspended, Substitute Senate Bill No. 6636 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6636.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6636 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6636, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6542, by Senators Schow, Hargrove, Long and Oke

Deterring the unwarranted or abusive use of the offender grievance process.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6542 was substituted for Senate Bill No. 6542 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6542 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6542.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6542 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6542, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6663, by Senators Sheldon, Winsley and Drew (by request of State Board for Community and Technical Colleges)

Authorizing community and technical college districts and the state board for community and technical colleges to participate with the state in investing surplus funds.

The bill was read the second time.

#### MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 6663 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6663.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6663 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SENATE BILL NO. 6663, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6252, by Senators Smith, Kohl and Long (by request of Sentencing Guidelines Commission)

Providing a classification for unclassified felonies.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, Senate Bill No. 6252 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6252.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6252 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SENATE BILL NO. 6252, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6129, by Senators Fairley and Franklin

Allowing a mental health practitioner and an enrollee to contract for services under certain circumstances.

The bill was read the second time.

#### MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 6129 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6129.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6129 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SENATE BILL NO. 6129, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6146, by Senators Loveland, Swecker, Drew and Oke (by request of Department of Fish and Wildlife)

Revising procedures for minimizing property damage by wildlife.

#### MOTIONS

On motion of Senator Drew, Second Substitute Senate Bill No. 6146 was substituted for Senate Bill No. 6146 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the following amendments by Senators Drew, Sellar, Hochstatter, Oke and Loveland were considered simultaneously and were adopted:

On page 2, line 17, after "livestock." insert "For the purposes of this chapter all parts of horticultural trees shall be considered a crop and shall be eligible for claims."

On page 4, line 24, after "persons" insert "knowledgeable in horticultural or agricultural practices"

On page 5, line 15, after "have" strike "in any way"

#### MOTION

On motion of Senator Drew, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6146 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6146.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6146 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45.

Voting nay: Senators Fairley, Hochstatter and Schow - 3.

Absent: Senator Roach - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6146, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 10:05 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:39 a.m. by President Pritchard.

#### SECOND READING

SENATE BILL NO. 6646, by Senators Hargrove, Long and Franklin (by request of Department of Social and Health Services)

Revising provisions for at-risk youth.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6646 was substituted for Senate Bill No. 6646 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the following amendments by Senators Strannigan, Long and Hargrove were considered simultaneously and were adopted:

On page 16, line 2, after "preceding" strike "Friday" and insert "judicial day"

On page 21, line 8, after "preceding" strike "Friday" and insert "judicial day"

#### MOTIONS

Senator Fairley moved that the following amendment by Senators Fairley, Long and Hargrove be adopted:

On page 19, line 7, after "unless" insert "the order was entered under subsection (2)(d) of this section or"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fairley, Long and Hargrove on page 19, line 7, to Substitute Senate Bill No. 6646.

The motion by Senator Fairley carried and the amendment was adopted.

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 6646 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6646.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6646 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senators Rinehart and West - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6646, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6330, by Senators Strannigan, Haugen, Schow, Zarelli, McCaslin, Swecker, McDonald, Finkbeiner, Hargrove, Long, Roach, Heavey, Smith, Johnson, West, A. Anderson, Wood and Oke

Extending mailing restrictions on incumbent mailings.

#### MOTIONS

On motion of Senator Strannigan, Substitute Senate Bill No. 6330 was substituted for Senate Bill No. 6330 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Strannigan, the following amendment was adopted:

On page 2, line 15, after "during the" strike "legislator's" and insert "~~(legislator's)~~ elected official's or director's"

#### MOTION

On motion of Senator Strannigan, the rules were suspended, Engrossed Substitute Senate Bill No. 6330 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTIONS

On motion of Senator Thibaudeau, Senator Rinehart was excused.

On motion of Senator Anderson, Senator West was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6330.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6330 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 45.

Voting nay: Senators Drew and Sheldon - 2.

Excused: Senators Rinehart and West - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6330, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6485, by Senators Wojahn and Hale

Registering architects.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Senate Bill No. 6485 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Wood, Senator Johnson was excused.  
The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6485.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6485 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 45.

Voting nay: Senator Long - 1.

Excused: Senators Johnson, Rinehart and West - 3.

SENATE BILL NO. 6485, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6748, by Senators Heavey and Deccio

Regulating the interest in property on which retail liquor is sold.

#### MOTIONS

On motion of Senator Pelz, Substitute Senate Bill No. 6748 was substituted for Senate Bill No. 6748 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pelz, the rules were suspended, Substitute Senate Bill No. 6748 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6748.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6748 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Rinehart and West - 2.

SUBSTITUTE SENATE BILL NO. 6748, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 12:02 p.m., on motion of Senator Spanel, the Senate recessed until 2:00 p.m.

The Senate was called to order at 2:23 p.m. by President Pritchard.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator McAuliffe, gubernatorial appointment No. 9214, Gloria Mitchell, as a member of the Board of Trustees for Cascadia Community College District No. 30, was confirmed.

MOTION

On motion of Senator Anderson, Senator Strannigan was excused.

APPOINTMENT OF GLORIA MITCHELL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senator Pelz - 1.

Excused: Senators Strannigan and West - 2.

MOTION

On motion of Senator Thibaudeau, Senators Franklin and Pelz were excused.

SECOND READING

SENATE BILL NO. 6620, by Senators Quigley and Oke

Requiring released sex offenders to live at least fifty miles away from their minor victims.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6620 was substituted for Senate Bill No. 6620 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6620 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6620.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6620 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Franklin and Pelz - 2.

SUBSTITUTE SENATE BILL NO. 6620, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6341, by Senators Fairley, Deccio and Wojahn (by request of Department of Health)

Revising provisions for adult family home licensing and operation.

The bill was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 6341 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6341.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6341 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen,

Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Pelz - 1.

SENATE BILL NO. 6341, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Anderson, Senator Hochstatter was excused.

#### SECOND READING

SENATE BILL NO. 6150, by Senators Thibaudeau, Deccio, Kohl, Franklin and Wood

Modifying allowed composition of health care professional service corporations and limited liability companies.

#### MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 6150 was substituted for Senate Bill No. 6150 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 6150 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6150.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6150 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Hochstatter - 1.

SUBSTITUTE SENATE BILL NO. 6150, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### STATEMENT FOR THE JOURNAL

This is to state I was off the floor when Substitute Senate Bill No. 6313 was amended and I voted 'aye' on final passage. I would have voted 'nay' had I heard the amendment.

SENATOR BETTI L. SHELDON, 23rd District

#### SECOND READING

SENATE BILL NO. 6313, by Senators Rinehart, Bauer, Kohl, Drew and Sheldon

Waiving tuition and fees for certain state employees.

#### MOTIONS

On motion of Senator Bauer, Substitute Senate Bill No. 6313 was substituted for Senate Bill No. 6313 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bauer, the following amendment was adopted:

On page 2, line 7 after "RCW" strike all material through "colleges" and insert the following:

"41.56.201 and full-time non-academic employees of all public higher education institutions."

Renumber the sections consecutively and correct any internal references accordingly.

#### MOTION

On motion of Senator Bauer, the rules were suspended, Engrossed Substitute Senate Bill No. 6313 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Sheldon, Senator Quigley was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6313.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6313 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, McCaslin, Moyer, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 38.

Voting nay: Senators Cantu, Finkbeiner, Hochstatter, Johnson, McDonald, Morton, Newhouse, Schow, Strannigan and Zarelli - 10.

Excused: Senator Quigley - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6313, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6271, by Senators Long and Owen

Expanding automotive title branding.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 6271 was substituted for Senate Bill No. 6271 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 6271 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6271.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6271 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Quigley - 1.

SUBSTITUTE SENATE BILL NO. 6271, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6566, by Senators Fraser, Loveland, Hochstatter and Newhouse

Increasing the annual snowmobile registration fee.

The bill was read the second time.

#### MOTIONS

On motion of Senator Fraser, the following Committee on Ecology and Parks amendments were considered simultaneously and were adopted:

On page 1, line 18, after "September" strike "31" and insert "30"

On page 1, line 19, after "September" strike "31" and insert "30"

On motion of Senator Fraser, the rules were suspended, Engrossed Senate Bill No. 6566 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Anderson, Senator Johnson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6566.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6566 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Johnson - 1.

ENGROSSED SENATE BILL NO. 6566, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act. the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6111, by Senators Sutherland, Hochstatter, Hargrove, Morton, Finkbeiner, Prince, Fraser, Swecker and Oke

Providing for 911 emergency communications funding.

## MOTIONS

On motion of Senator Sutherland, Substitute Senate Bill No. 6111 was substituted for Substitute Senate Bill No. 6111 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sutherland, the rules were suspended, Substitute Senate Bill No. 6111 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6111.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6111 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6111, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Anderson, Senator Finkbeiner was excused.

## SECOND READING

SUBSTITUTE SENATE BILL NO. 5516, by Senate Committee on Labor, Commerce and Trade (originally sponsored by Senators Owen, Prentice, Deccio, Palmer, Sutherland, McDonald, Rinehart, Haugen, Sheldon, Heavey, Fraser, Franklin, Bauer, Roach and Rasmussen)

Providing for drug-free workplaces.

## MOTIONS

On motion of Senator Owen, Second Substitute Senate Bill No. 5516 was substituted for Senate Bill No. 5516 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Second Substitute Senate Bill No. 5516 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5516.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5516 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 2; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45.

Voting nay: Senator Heavey - 1.

Absent: Senators Newhouse and Sutherland - 2.

Excused: Senator Finkbeiner - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5516, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Thibaudeau, Senator Sutherland was excused.

## SECOND READING

SENATE BILL NO. 6572, by Senators McDonald, Haugen, Heavey and West

Revising the competitive bid system.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6572 was substituted for Senate Bill No. 6572 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6572 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6572.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6572 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Finkbeiner and Sutherland - 2.

SUBSTITUTE SENATE BILL NO. 6572, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6351, by Senators Thibaudeau, Prentice, Owen and Wood

Regulating electric-assisted bicycles.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 6351 was substituted for Senate Bill No. 6351 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 6351 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6351.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6351 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Finkbeiner and Sutherland - 2.

SUBSTITUTE SENATE BILL NO. 6351, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6666, by Senators Winsley, Haugen, Fairley, Swecker, McDonald, Fraser, McAuliffe and Rasmussen

Providing for a long-term solution to nuisance aquatic weeds.

#### MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6666 was substituted for Senate Bill No. 6666 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the following amendments by Senators Winsley and Fraser were considered simultaneously and were adopted:

On page 3, line 9, strike "the permit" and insert "approval"

On page 3, beginning on line 10, after "be" strike "a biennial sampling, beginning January 1998," and insert "sampling"

#### MOTION

On motion of Senator Winsley, the rules were suspended, Engrossed Substitute Senate Bill No. 6666 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6666.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6666 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senator McDonald - 1.

Excused: Senators Finkbeiner and Sutherland - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6666, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6561, by Senators Haugen, Snyder, Winsley and Hale

Canceling presidential primary if parties do not agree to have delegates' votes on first ballot reflect primary results.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6561 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6561.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6561 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Loveland, McAuliffe, McCaslin, Newhouse, Oke, Owen, Pelz, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wojahn - 35.

Voting nay: Senators Anderson, A., Fraser, Johnson, Long, McDonald, Morton, Moyer, Prentice, Schow, Strannigan, Wood and Zarelli - 12.

Excused: Senators Finkbeiner and Sutherland - 2.

SENATE BILL NO. 6561, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6108, by Senators Sheldon, Loveland, Winsley, Haugen, Bauer, Quigley, Rasmussen and Oke

Changing how valuation is determined for property taxation of senior citizens and persons retired because of physical disability.

The bill was read the second time.

#### MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 6108 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6108.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6108 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44.

Voting nay: Senators Cantu, Hochstatter, Morton and Newhouse - 4.

Excused: Senator Sutherland - 1.

SENATE BILL NO. 6108, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

#### MOTION

On motion of Senator Wood, Senators Anderson, Johnson and West were excused.

## SECOND READING

SENATE BILL NO. 6347, by Senators Kohl, Quigley, Winsley, Wojahn, Wood, Franklin and Thibaudeau

Providing for whistleblower complaints against health carriers.

### MOTIONS

On motion of Senator Snyder, Substitute Senate Bill No. 6347 was substituted for Senate Bill No. 6347 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kohl, the rules were suspended, Substitute Senate Bill No. 6347 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6347.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6347 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 46.

Excused: Senators Anderson, A., Johnson and West - 3.

SUBSTITUTE SENATE BILL NO. 6347, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6236, by Senator Swecker

Establishing shoreline management project completion timelines.

### MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6236 was substituted for Senate Bill No. 6236 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6236 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6236.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6236 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 46.

Excused: Senators Anderson, A., Johnson and West - 3.

SUBSTITUTE SENATE BILL NO. 6236, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6529, by Senators Drew, Owen, Oke, Sutherland and Winsley

Requiring the fish and wildlife commission to simplify licensing requirements for recreational hunting and fishing.

### MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 6529 was substituted for Senate Bill No. 6529 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the rules were suspended, Substitute Senate Bill No. 6529 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6529.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6529 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senator Owen - 1.

Excused: Senators Anderson, A. and West - 2.

SUBSTITUTE SENATE BILL NO. 6529, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Thibaudeau, Senator Owen was excused.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 5947, by Senate Committee on Ways and Means (originally sponsored by Senators Bauer, Kohl, Moyer, Palmer, Prince, Sheldon, Gaspard, Snyder, Drew, Sutherland and Winsley) (by request of State Board for Community and Technical Colleges)

Providing a specific funding mechanism for making additional community and technical college faculty salary increment awards.

The bill was read the second time.

#### MOTION

On motion of Senator Bauer, the rules were suspended, Substitute Senate Bill No. 5947 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5947.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5947 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 44.

Voting nay: Senators Cantu and Swecker - 2.

Excused: Senators Anderson, A., Owen and West - 3.

SUBSTITUTE SENATE BILL NO. 5947, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

Vice President Pro Tempore Franklin assumed the Chair.

#### SECOND READING

SENATE JOINT RESOLUTION NO. 8201, by Senators Haugen and Winsley

Amending the Constitution to revise the method of altering county boundaries.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Joint Resolution No. 8201 was substituted for Senate Joint Resolution No. 8201 and the substitute joint resolution was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Joint Resolution No. 8201 was advanced to third reading, the second reading considered the third and the joint resolution was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Joint Resolution No. 8201.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Resolution No. 8201 and the joint resolution failed to receive the constitutional two-thirds majority by the following vote: Yeas, 31; Nays, 15; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Drew, Fairley, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, McAuliffe, McCaslin, Moyer, Pelz, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, Winsley and Wojahn - 31.

Voting nay: Senators Cantu, Deccio, Fraser, Hochstatter, Long, Loveland, McDonald, Morton, Newhouse, Oke, Prentice, Sellar, Strannigan, Wood and Zarelli - 15.

Excused: Senators Anderson, A., Owen and West - 3.

SUBSTITUTE SENATE JOINT RESOLUTION NO. 8201, having failed to receive a constitutional two-thirds majority, was declared lost.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Loveland served notice to reconsider the vote by which Substitute Senate Joint Resolution No. 8201 failed to pass the Senate.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8027, by Senators Wojahn, Winsley, Rasmussen, Heavey, Fraser, Owen and Goings

Objecting to the proliferation of billboard signs on Indian trust lands in the state of Washington.

The joint memorial was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Senate Joint Memorial No. 8027 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Sheldon, Senator Prentice was excused.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8027.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8027 and the joint memorial passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 45.

Excused: Senators Anderson, A., Owen, Prentice and West - 4.

SENATE JOINT MEMORIAL NO. 8027, having received a constitutional majority, was declared passed.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8017, by Senators Rasmussen, Roach, Hochstatter, Long, Hargrove, Johnson and Sheldon

Encouraging schools to provide an elementary gun safety program.

The joint memorial was read the second time.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Joint Memorial No. 8017 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8017.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8017 and the joint memorial passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 44.

Voting nay: Senator Fairley - 1.

Absent: Senator Snyder - 1.  
Excused: Senators Anderson, A., Owen and West - 3.  
SENATE JOINT MEMORIAL NO. 8017, having received a constitutional majority, was declared passed.

#### SECOND READING

SENATE BILL NO. 6247, by Senators Sheldon, Roach, Long, Quigley, Owen, Hale, Fairley, Swecker and Drew

Revising economic development activities.

The bill was read the second time.

#### MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 6247 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6247.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6247 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 46.

Excused: Senators Anderson, A., Owen and West - 3.

SENATE BILL NO. 6247, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6757, by Senator Morton

Exempting first class school districts from conflict of interest provisions relating to contracts.

The bill was read the second time.

#### MOTION

On motion of Senator Morton, the rules were suspended, Senate Bill No. 6757 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6757.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6757 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 46.

Excused: Senators Anderson, A., Owen and West - 3.

SENATE BILL NO. 6757, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pritchard assumed the Chair.

#### SECOND READING

SENATE BILL NO. 6095, by Senator Rasmussen

Establishing parameters for solid waste facility locational standards.

#### MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 6095 was substituted for Senate Bill No. 6095 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 6095 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6095.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6095 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 12; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau and Wojahn - 34.

Voting nay: Senators Cantu, Hochstatter, Johnson, McCaslin, McDonald, Morton, Moyer, Newhouse, Sellar, Winsley, Wood and Zarelli - 12.

Excused: Senators Anderson, A., Owen and West - 3.

SUBSTITUTE SENATE BILL NO. 6095, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 4:45 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 5:28 p.m. by President Pritchard.

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

#### MOTION

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

#### SENATE RESOLUTION 1996-8685

By Senators Thibaudeau, Heavey, McAuliffe, Kohl and Wood

WHEREAS, It is the policy of the Legislature to recognize excellence in all fields of endeavor; and  
WHEREAS, The O'Dea High School Irish Football Team from Seattle won the 1995 Class AA State Football Championship; and  
WHEREAS, The O'Dea High School Irish Football Team from Seattle won the State Academic Championship with a combined 3.24 grade point average; and

WHEREAS, The O'Dea Football coaches showed leadership and skill in focusing their team on accomplishing their goal of winning the State AA Football Championships; and

WHEREAS, Captains Ayo Harrison, Mike Grady, Mark Green, Tim Moriarty, Pat Lamb, and Devon Johnson contributed greatly to winning the Class AA Championship and finishing the season with a record of 13-0; and

WHEREAS, The Fighting Irish Team wishes to acknowledge the dedication of the seniors for their loyalty and contribution to the O'Dea football program;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize and honor the O'Dea High School Irish Football Team and Coach Monte Kohler and his assistant coaches for their accomplishments; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of Senate to Coach Monte Kohler, the members of the O'Dea Irish Football Team, the principal, and the faculty of O'Dea High School.

Senators Thibaudeau and Heavey spoke to Senate Resolution 1996-8685.

#### MOTION

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

#### SENATE RESOLUTION 1996-8686

By Senators Haugen, Franklin, Rinehart, Moyer, Rasmussen, Pelz, Winsley, Long, Sheldon, McCaslin, Snyder, Smith, Oke, Wood, Prentice, Spanel, Newhouse, Schow, Owen, Kohl, Deccio, Quigley, Morton, Prince, Sellar, Hale, Heavey, Drew, McAuliffe and Johnson

WHEREAS, The state of Washington applauds the efforts and enthusiasm of those groups that promote and encourage cultural diversity for communities and youth; and

WHEREAS, The Filipino-American Association of Oak Harbor will celebrate its twenty-fifth anniversary on Easter Sunday, 1996; and

WHEREAS, Fil-Am of Oak Harbor helps preserve and promote the Philippines' rich cultural heritage through traditional folk dances, Christmas carols in their native dialect, and exhibits of Philippine artifacts in local multi-cultural events; and

WHEREAS, The leadership of Fil-Am works diligently to encourage and foster closer social relationships and friendship among Filipino-Americans; and

WHEREAS, Fil-Am has enhanced the educational growth of young people for the past twenty years through its scholarship fund, allowing youth to continue with their education beyond high school; and

WHEREAS, The members of Fil-Am have taken an active role in community events, including the Community Litter Pick-up, holiday baskets for the less fortunate, the Christmas in July canned-food drive, Asian-Pacific Islander Heritage Month Celebration, and All People's Celebration;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognizes, honors, and congratulates the Filipino-American Association of Oak Harbor for its continued effort over the past twenty-five years, which has greatly enhanced the understanding of the cultural diversity among the ethnic groups in their community; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Filipino-American Association of Oak Harbor.

Senators Haugen and Sheldon spoke to Senate Resolution 1996-8686.

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

#### SECOND READING

SENATE BILL NO. 6425, by Senators Swecker, Fraser and Zarelli

Concerning the indebtedness of a port district.

The bill was read the second time.

#### MOTION

On motion of Senator Swecker, the rules were suspended, Senate Bill No. 6425 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6425.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6425 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 4; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45.

Absent: Senators Loveland, Pelz, Rinehart and Snyder - 4.

SENATE BILL NO. 6425, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6692, by Senators Rasmussen, Morton and Hargrove

Providing for state and federal cooperation for weed control on federal land.

#### MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 6692 was substituted for Senate Bill No. 6692 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 6692 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6692.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6692 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6692, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6168, by Senators Smith, Johnson, Newhouse and Winsley

Amending the limited liability companies act.

## MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 6168 was substituted for Senate Bill No. 6168 and the substitute bill was placed on second reading and read the second time.

Senator Heavey moved that the following amendment by Senators Heavey, Johnson and Smith be adopted:

On page 11, line 18, after "agreement))" insert ". If a date is not specified in the agreement or the agreement does not specify perpetual existence, then the dissolution date is thirty years after the date of formation. If a dissolution date is specified in the agreement, it is renewable by consent of all the members"

## POINT OF ORDER

Senator Newhouse: "I would like to raise the point of order that this amendment seems to be beyond the scope of the bill."  
Debate ensued.

## MOTION TO WITHDRAW POINT OF ORDER

There being no objection, Senator Newhouse withdrew the point of order on the amendment by Senators Heavey, Johnson and Smith to Substitute Senate Bill No. 6168.

The President declared the question before the Senate to be the adoption of the amendment by Senators Heavey, Johnson and Smith on page 11, line 18, to Substitute Senate Bill No. 6168.

The motion by Senator Heavey carried and the amendment was adopted.

## MOTION

On motion of Senator Smith, the rules were suspended, Engrossed Substitute Senate Bill No. 6168 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6168.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6168 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6168, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6420, by Senators Heavey, Roach, Oke, Finkbeiner and Hochstatter

Prohibiting first and business class travel at public expense.

## MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6420 was substituted for Senate Bill No. 6420 and the substitute bill was placed on second reading and read the second time.

Senator Heavey moved that the following amendment by Senators Heavey, McCaslin and Anderson be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 42.04 RCW to read as follows:

First class and business class commercial air carrier accommodations may not be used by any state or local government officer, whether elected or appointed, and any state or local government employee who travels by commercial airlines in the discharge of the duties of his or her position or employment at public expense unless otherwise required as a reasonable accommodation for persons with disabilities or where an emergency would warrant such travel. An officer or employee of a local government may be authorized to travel by business or equivalent class in cases of international travel if (1) any single leg of the trip involves a commercial airline flight of at least ten hours duration, (2) the traveler engages in official business within twelve hours of arrival at the destination, and (3) business or equivalent class travel on the particular trip is expressly authorized at a public meeting by the governing body of the local government for which the traveler is an officer or employee."

## POINT OF INQUIRY

Senator Morton: "Senator Heavey, I apologize. I just got this on the desk and I am concerned about the phraseology in the middle of point No. 1 and I see it on line eighteen of your amendment here. It says, 'any single leg of the trip involves a commercial airline flight of at least ten hours duration.' Although, it says, 'any single leg,' I was on a flight one time that took me two days and I only went from here to Eastern Washington. I ended up in Montana and everywhere else and the flight number remained the same throughout the flight, however. That could be construed to be one leg, even though I ended up in Montana over night, then back in Idaho and finally back in our wonderful Evergreen State. How is that addressed here?"

Senator Heavey: "Well, I would agree with you, that would be one single leg and you could have traveled first class, if you had approval from your appropriate legislative authority."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Heavey, McCaslin and Anderson to Substitute Senate Bill No. 6420.

The motion by Senator Heavey carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Heavey, the following title amendment was adopted:

On page 1, line 1 of the title, after "employees;" strike the remainder of the title and insert "and adding a new section to chapter 42.04 RCW."

On motion of Senator Heavey, the rules were suspended, Engrossed Substitute Senate Bill No. 6420 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6420.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6420 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 41.

Voting nay: Senators Drew, Fraser, Haugen, Pelz, Prentice, Sellar, Sheldon and Wojahn - 8.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6420, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6427, by Senators Snyder, Hargrove, Sutherland, Owen, Loveland and Newhouse

Using an unfinished nuclear energy facility.

#### MOTIONS

On motion of Senator Sutherland, Substitute Senate Bill No. 6427 was substituted for Senate Bill No. 6427 and the substitute bill was placed on second reading and read the second time.

Senator Sutherland moved that the following amendment by Senators Sutherland, Snyder and Newhouse be adopted:

On page 3, line 5, after "officials" insert "and located in the same county as the site, the council shall amend the site certification agreement to release those portions of the site that are transferred pursuant to this section. Immediately upon release of all or a portion of the site pursuant to this section"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Sutherland, Snyder and Newhouse on page 3, line 5, to Substitute Senate Bill No. 6427.

The motion by Senator Sutherland carried and the amendment was adopted.

#### MOTION

On motion of Senator Sutherland, the rules were suspended, Engrossed Substitute Senate Bill No. 6427 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Snyder: "Senator Sutherland, will the trust water right contemplated in Section 2 of Substitute Senate Bill No. 6427 provide a timely and uninterrupted supply of water for commercial and industrial purposes?"

Senator Sutherland: "Yes, it is intended that this trust water right will provide an uninterrupted supply to the site, so that the commercial tenants will know they have a firm supply of water."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6427.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6427 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6427, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6653, by Senators Bauer, Deccio, Pelz, Hale and Kohl

Regulating real estate brokerage relationships.

MOTIONS

On motion of Senator Pelz, Substitute Senate Bill No. 6653 was substituted for Senate Bill No. 6653 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pelz, the rules were suspended, Substitute Senate Bill No. 6653 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6653.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6653 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6653, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6169, by Senators Smith, Johnson, Newhouse and Winsley

Amending the business corporation act.

MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 6169 was substituted for Senate Bill No. 6169 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 6169 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6169.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6169 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 4; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45.

Absent: Senators Loveland, Pelz, Rinehart and Snyder - 4.

SUBSTITUTE SENATE BILL NO. 6169, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6284, by Senators Drew, Haugen, Winsley, McCaslin and Roach

Providing sales and use tax exemptions for public records.

MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 6284 was substituted for Senate Bill No. 6284 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the following amendments by Senators Drew, Haugen, Loveland, Winsley and McCaslin were considered simultaneously and were adopted:

On page 1, line 11, after "other than" insert "a statutorily set fee or"

On page 2, line 4, after "other than" insert "a statutorily set fee or"

MOTION

On motion of Senator Drew, the rules were suspended, Engrossed Substitute Senate Bill No. 6284 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6284.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6284 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Absent: Senator McDonald - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6284, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Spanel, the Senate reverted to the third order of business.

#### MESSAGE FROM THE SECRETARY OF STATE

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

Mr. President:

As required by Article II, Section 1, of the State Constitution and RCW 29.79.200, we herewith respectfully certify that we have completed the verification of the signatures on Initiative to the Legislature 173, a copy of which was preliminarily certified to you on January 8, 1996, and we have determined that the Initiative contains the signatures of at least 194,840 legal voters in the state of Washington. As the number exceeds that required by the State Constitution (181,667), we hereby certify that Initiative to the Legislature 173 is qualified to appear on the state general election ballot unless approved by the Legislature during this session.

IN TESTIMONY WHEREOF, I have hereunto set my hand,  
and affixed the Seal of the state of Washington, this  
5th day of February, 1996.

(Seal) RALPH MUNRO

Secretary of State

#### MOTION

On motion of Senator Spanel, Initiative to the Legislature 173 was referred to the Committee on Education.

#### MOTION

At 6:22 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Friday, February 9, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-SECOND DAY, FEBRUARY 8, 1996

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**THIRTY-THIRD DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Friday, February 9, 1996  
The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators McDonald and Smith. On motion of Senator Thibaudeau, Senator Smith was excused. On motion of Senator Anderson, Senator McDonald was excused.

The Sergeant at Arms Color Guard, consisting of Pages Trey Shafor and Matt Turner, presented the Colors. Reverend Phil Norris, pastor of the Lacey Community Church, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

February 7, 1996

MR. PRESIDENT:

The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2289,  
SUBSTITUTE HOUSE BILL NO. 2310,  
SUBSTITUTE HOUSE BILL NO. 2311,  
SUBSTITUTE HOUSE BILL NO. 2318,  
SUBSTITUTE HOUSE BILL NO. 2320,  
HOUSE BILL NO. 2337,  
SUBSTITUTE HOUSE BILL NO. 2372,  
ENGROSSED HOUSE BILL NO. 2396,  
HOUSE BILL NO. 2398,  
SUBSTITUTE HOUSE BILL NO. 2416,  
SUBSTITUTE HOUSE BILL NO. 2420,  
SUBSTITUTE HOUSE BILL NO. 2543,  
SUBSTITUTE HOUSE BILL NO. 2634,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2637, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MR. PRESIDENT:

The House has passed:  
HOUSE BILL NO. 1339,  
SECOND SUBSTITUTE HOUSE BILL NO. 2181,  
SUBSTITUTE HOUSE BILL NO. 2199,  
SECOND SUBSTITUTE HOUSE BILL NO. 2200,  
HOUSE BILL NO. 2206,  
SUBSTITUTE HOUSE BILL NO. 2236,  
HOUSE BILL NO. 2259,  
SUBSTITUTE HOUSE BILL NO. 2266, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1339 by Representatives Ballasiotes, Morris, Costa, Carlson and Conway

Revising provisions relating to juvenile probation and detention services.

Referred to Committee on Law and Justice.

2SHB 2181 by House Committee on Appropriations (originally sponsored by Representatives Dyer, Horn, L. Thomas, Carlson and Benton)

Enhancing long-term care services.

Referred to Committee on Health and Long-Term Care.

SHB 2199 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Mastin, Schoesler, Sheldon, Hymes, Honeyford, Delvin, Robertson, Campbell, Johnson, Boldt, Linville, Goldsmith and McMahan)

Granting water rights to certain persons who were water users before January 1, 1993.

Referred to Committee on Ecology and Parks.

2SHB 2200 by House Committee on Appropriations (originally sponsored by Representatives Chandler, Mastin, Lisk, Mulliken, Honeyford, Robertson, Basich, Horn and Goldsmith)

Authorizing local watershed planning and modifying water resource management.

Referred to Committee on Ecology and Parks.

HB 2206 by Representatives L. Thomas, Chopp, Dickerson, D. Schmidt and Johnson

Recording instruments via electronic transmission.

Referred to Committee on Government Operations.

SHB 2236 by House Committee on Appropriations (originally sponsored by Representatives Johnson, Wolfe and Romero) (by request of Administrator for the Courts)

Providing two superior court positions for Thurston county.

Referred to Committee on Law and Justice.

HB 2259 by Representatives McMahan, Sheahan, Dellwo and Costa (by request of Administrator for the Courts)

Revising the procedure for impanelling juries.

Referred to Committee on Law and Justice.

SHB 2266 by House Committee on Law and Justice (originally sponsored by Representatives McMahan, Sheahan, Carrell, Hargrove, Stevens, Sterk, Goldsmith, McMorris, Thompson, Buck, Robertson, Backlund, Honeyford, Mastin, D. Sommers, Romero, Wolfe, Mulliken and Johnson)

Protecting persons with a history of timely child support payments from mandatory wage assignment orders.

Referred to Committee on Law and Justice.

ESHB 2289 by House Committee on Government Operations (originally sponsored by Representatives Foreman, Crouse, Backlund, Goldsmith, L. Thomas, Elliot, Mulliken, McMahan, Johnson, Thompson, Hargrove, Carrell, Lisk and Boldt)

Prohibiting lobbying activities by representatives of taxpayer-supported agencies or units of government.

Referred to Committee on Government Operations.

SHB 2310 by House Committee on Education (originally sponsored by Representatives Brumsickle, Radcliff and Mitchell)

Changing the date for notification of nonrenewal of a contract for a certificated employee.

Referred to Committee on Education.

SHB 2311 by House Committee on Education (originally sponsored by Representatives Brumsickle and Regala)

Providing for the elimination of six-year terms of office for school board directors.

Referred to Committee on Education.

SHB 2318 by House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Hatfield, Conway, Hymes, McMahan, Dickerson, Murray, Thompson, Quall, Costa and Chopp)

Extending the period of community placement after confinement for sex offenders.

Referred to Committee on Human Services and Corrections.

SHB 2320 by House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Blanton, Radcliff, Backlund, Robertson, Hatfield, Mulliken, Sheldon, Hymes, Kessler, Carlson, Johnson, Thompson, Costa and Boldt)

Making certain sex offenders subject to life imprisonment without parole after two offenses.

Referred to Committee on Law and Justice.

HB 2337 by Representatives Schoesler, Sheldon, Foreman, Grant, Sheahan, Mastin, Honeyford, Basich, Johnson and Mulliken

Defining distressed county designation.

Referred to Committee on Labor, Commerce and Trade.

SHB 2372 by House Committee on Government Operations (originally sponsored by Representatives Morris, Pennington, Chappell, Reams, Grant, Mastin, Smith, Campbell and Mulliken)

Permitting development of inherited property.

Referred to Committee on Government Operations.

EHB 2396 by Representatives Fuhrman, Basich and Mastin (by request of Department of Fish and Wildlife)

Clarifying wildlife violations relating to game birds, game animals, and game fish.

Referred to Committee on Natural Resources.

HB 2398 by Representatives Sterk, Ogden, Boldt, Brown and Dellwo

Allowing appointment of a medical examiner in more populous counties.

Referred to Committee on Government Operations.

SHB 2416 by House Committee on Government Operations (originally sponsored by Representatives Horn and Boldt)

Revising procedures for growth management hearings boards.

Referred to Committee on Government Operations.

SHB 2420 by House Committee on Law and Justice (originally sponsored by Representatives McMorris, Sheahan, Thompson, Koster, Buck, Mastin, McMahan, Grant, Schoesler, Crouse, Chandler, Dyer, Smith, Campbell, Goldsmith, Radcliff, Boldt, Mulliken, Beekma, Robertson, Morris, Fuhrman, L. Thomas, Sterk, D. Schmidt, Johnson, Chappell, Carrell, Hatfield, Sheldon, Sherstad, Stevens, Honeyford, Elliot, Huff, Van Luven, B. Thomas, Pennington, Kessler and Benton)

Revising standards for qualification to possess firearms.

Referred to Committee on Law and Justice.

SHB 2543 by House Committee on Commerce and Labor (originally sponsored by Representatives Cairnes, Sheldon, Cody, Thompson, Romero, Conway, Fuhrman, Radcliff, Chappell, Crouse, Mastin, Schoesler, Huff, Hymes, Wolfe, D. Schmidt, Morris, Grant, Kessler, Brown, Quall, Benton, Costa and Patterson)

Changing taxation of punch boards and pull-tabs.

Referred to Committee on Labor, Commerce and Trade.

SHB 2634 by House Committee on Commerce and Labor (originally sponsored by Representatives Scott, Mason, Linville, Schoesler, Sheldon, Jacobsen and Veloria)

Authorizing the sale of malt liquor in untapped kegs by class H licensees.

Referred to Committee on Labor, Commerce and Trade.

ESHB 2637 by House Committee on Higher Education (originally sponsored by Representatives D. Sommers, Sheahan, Jacobsen, Dellwo, Schoesler, Carlson and Grant) (by request of Joint Center for Higher Education)

Changing provisions relating to the joint center for higher education.

Referred to Committee on Higher Education.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Rinehart, Gubernatorial Appointment No. 9249, Curtis Ludwig, as a member of the Gambling Commission, was confirmed.

Senators Rinehart, Hale, Loveland and McCaslin spoke to the confirmation of Curtis Ludwig as a member of the Gambling Commission.

APPOINTMENT OF CURTIS LUDWIG

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.  
Excused: Senators McDonald and Smith - 2.

MOTION

On motion of Senator Sheldon, Gubernatorial Appointment No. 9226, Vicki McNeill, as a member of the Higher Education Coordinating Board was confirmed.

Senators Sheldon and Moyer spoke to the confirmation of Vicki McNeill as a member of the Higher Education Coordinating Board.

APPOINTMENT OF VICKI McNEILL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.  
Excused: Senators McDonald and Smith - 2.

MOTION

At 9:25 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:41 a.m. by President Pritchard.

SECOND READING

SENATE BILL NO. 6513, by Senators Sheldon, Oke, Owen, Loveland, Heavey, Drew, Fairley, Prentice, Thibaudeau, Sutherland, Snyder, Bauer, Wojahn, Rinehart, Goings, McAuliffe, Cantu, Roach, Rasmussen and Kohl

Securing a permanent homeport for the U.S.S. Missouri.

MOTIONS

On motion of Senator Sheldon, Substitute Senate Bill No. 6513 was substituted for Senate Bill No. 6513 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 6513 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6513.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6513 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Absent: Senator Rinehart - 1.

SUBSTITUTE SENATE BILL NO. 6513, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### INTRODUCTION OF SPECIAL GUESTS

The President introduced the 1996 Hubert H. Humphrey Scholars attending the University of Washington, representing twelve nations, who were seated in the gallery.

#### SECOND READING

SENATE BILL NO. 6621, by Senator Quigley

Expanding the public inspection and copying exemption for health care providers' residential addresses and phone numbers.

The bill was read the second time.

#### MOTIONS

On motion of Senator Quigley, the following amendment was adopted:

On page 4, line 21, after "released" insert ", and except as provided for under RCW 42.17.260(7)"

On motion of Senator Quigley, the rules were suspended, Engrossed Senate Bill No. 6621 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Thibaudeau, Senator Rinehart was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6621.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6621 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Rinehart - 1.

ENGROSSED SENATE BILL NO. 6621, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6283, by Senators Rasmussen, Owen, Hochstatter, Loveland, Snyder, Morton, Newhouse, Finkbeiner, Prince, Spanel, Sellar, McDonald, A. Anderson, Moyer, Swecker, Winsley and Roach

Increasing tax deductions available to low-density light and power businesses.

The bill was read the second time.

#### MOTION

On motion of Senator Sutherland, the rules were suspended, Senate Bill No. 6283 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6283.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6283 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz,

Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator Hargrove - 1.

Excused: Senator Rinehart - 1.

SENATE BILL NO. 6283, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6583, by Senators Spanel, Bauer, Kohl, McAuliffe, Winsley, Rinehart and Smith

Clarifying eligibility requirements for state-funded benefits for part-time academic employees of community and technical colleges.

#### MOTIONS

On motion of Senator Bauer, Substitute Senate Bill No. 6583 was substituted for Senate Bill No. 6583 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bauer, the rules were suspended, Substitute Senate Bill No. 6583 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Anderson: "Senator Spanel, there was some confusion on the discussion of bringing part-time people in under benefits. Would the benefits be prorated to the portion of work or, as you have now, any part-time person would have full-time benefits?"

Senator Spanel: "It is my understanding that if you are half-time or more, you get the full benefits. I think that is the way it is in law right now. This does not change that at all."

Senator Anderson: "So, people that are less than half-time would have the same full benefits that people are more than half-time now?"

Senator Spanel: "If you are less than half-time, you do not get the benefits unless you are working at two different places. Existing law says that if you are working at two community colleges and you go over that half-time, then you do get the benefits."

Senator Anderson: "Okay, so this deals with the combination. This does not deal with a person that is less than half-time now--?"

Senator Spanel: "The discrepancy has been in defining half-time or defining part-time. By law, some community colleges have been defining it a certain way. There has been a tendency to define it a different way in order to save some money."

Senator Anderson: "And this standardizes that?"

Senator Spanel: "This standardizes it and makes sure that everybody gets treated the same way."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6583.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6583 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Voting nay: Senators Cantu, McDonald and Oke - 3.

SUBSTITUTE SENATE BILL NO. 6583, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

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

#### SENATE RESOLUTION 1996-8672

By Senators Snyder, Johnson, Hale, Wojahn and McCaslin

WHEREAS, The Benevolent and Protective Order of the Elks is a nationwide organization that embodies the spirit of community service and compassion to people in all walks of life; and

WHEREAS, The Benevolent and Protective Order of the Elks has established lodges in fifty-two different communities in the state of Washington, representing over 60,000 members; and

WHEREAS, These local lodges and members dedicate countless hours and resources to improving the lives of citizens throughout the state of Washington through many important and charitable projects; and

WHEREAS, The Benevolent and Protective Order of the Elks wishes to pay its respects to the officials of the state of Washington, including all members of the Fifty-fourth Washington State Legislature; and

WHEREAS, The Washington State Elks Association is holding their annual Elks Government Relations Day on this day, February 9, 1996; and

WHEREAS, It is the custom of the Washington State Senate to acknowledge the unselfish service and dedication of the community organizations in this state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby recognize and honor the Benevolent and Protective Order of Elks for its outstanding service and programs for youth, disabled children, educational scholarships, drug prevention, and a variety of community-oriented charities and service programs; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to Roger True, President of the Washington State Elks Association.

#### INTRODUCTION AND FIRST READING

The President welcomed and introduced the members of the Washington State Elks organization, who were seated in the gallery.

#### MOTION

At 12:09 p.m., on motion of Senator Spanel, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:09 p.m. by President Pritchard.  
There being no objection, the President returned the Senate to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 6720, by Senators Pelz, Deccio, Heavey, Hochstatter, Wojahn, Newhouse, West, Oke and Winsley

Prohibiting the gambling commission from negotiating compacts that allow off-reservation class III gaming facilities.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Senate Bill No. 6720 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

#### MOTIONS

On motion of Senator Wood, Senators McDonald and Prince were excused.  
On motion of Senator Thibaudeau, Senator Hargrove, Owen, Prentice and Rinehart were excused.  
The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6720.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6720 and the bill passed the Senate by the following vote:  
Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Pelz, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43.

Excused: Senators Hargrove, McDonald, Owen, Prentice, Prince and Rinehart - 6.

SENATE BILL NO. 6720, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6430, by Senators Schow and Spanel

Changing social card game provisions.

#### MOTIONS

On motion of Senator Pelz, Substitute Senate Bill No. 6430 was substituted for Senate Bill No. 6430 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pelz, the rules were suspended, Substitute Senate Bill No. 6430 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### PARLIAMENTARY INQUIRY

Senator Wojahn: "Mr. President, a question. This bill would take a sixty percent vote?"

#### RULING BY THE PRESIDENT

President Pritchard: "That is correct. This would take a sixty percent vote."  
Further debate ensued.

#### MOTION

On motion of Senator Anderson, Senator Cantu was excused.  
The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6430.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6430 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 14; Absent, 0; Excused, 5.  
Voting yea: Senators Anderson, A., Bauer, Deccio, Finkbeiner, Fraser, Goings, Hale, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Moyer, Newhouse, Pelz, Prentice, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, West, Winsley, Wood and Zarelli - 30.  
Voting nay: Senators Drew, Fairley, Franklin, Hargrove, Haugen, Heavey, Hochstatter, Morton, Oke, Quigley, Strannigan, Swecker, Thibaudeau and Wojahn - 14.  
Excused: Senators Cantu, McDonald, Owen, Prince and Rinehart - 5.  
SUBSTITUTE SENATE BILL NO. 6430, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6667, by Senators Quigley, Smith and Goings

Increasing penalties for public disclosure violations.

#### MOTIONS

On motion of Senator Quigley, Substitute Senate Bill No. 6667 was substituted for Senate Bill No. 6667 and the substitute bill was placed on second reading and read the second time.  
Senator Anderson moved that the following amendment by Senators Anderson and Strannigan be adopted:  
On page 2, after line 39, insert the following:  
"(10) The remedies available under subsections (6), (7), (8), and (9) of this section for failure to comply with a court order under this section or a court's order of enforcement entered under RCW 42.17.397 may not be enforced until the expiration of all applicable time periods for appeal."  
Renumber the sections consecutively and correct any internal references accordingly.  
Debate ensued.  
The President declared the question before the Senate to be the adoption of the amendment by Senators Anderson and Strannigan on page 2, after line 39, to Substitute Senate Bill No. 6667.  
The motion by Senator Anderson carried and the amendment was adopted.

#### MOTION

On motion of Senator Quigley, the rules were suspended, Engrossed Substitute Senate Bill No. 6667 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6667.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6667 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.  
Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.  
Excused: Senator Cantu - 1.  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6667, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5476, by Senate Committee on Ways and Means (originally sponsored by Senators Loveland, Winsley, Fraser, Haugen, Kohl, Wood, Drew, Bauer, Pelz, Prentice, Quigley, McAuliffe, Roach, Fairley, Franklin, Prince and Long)

Sharing leave and personal holiday time.

#### MOTIONS

On motion of Senator Pelz, Third Substitute Senate Bill No. 5476 was substituted for Second Substitute Senate Bill No. 5476 and the third substitute bill was placed on second reading and read the second time.

On motion of Senator Pelz, the rules were suspended, Third Substitute Senate Bill No. 5476 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Third Substitute Senate Bill No. 5476.

#### ROLL CALL

The Secretary called the roll on the final passage of Third Substitute Senate Bill No. 5476 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

THIRD SUBSTITUTE SENATE BILL NO. 5476, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6109, by Senators Loveland and Winsley

Modifying county treasury management.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6109 was substituted for Senate Bill No. 6109 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6109 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6109.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6109 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6109, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6579, by Senators Prentice, Hale, Fraser, Sellar, Roach, Snyder, Sutherland and Winsley

Insuring credit unions.

#### MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6579 was substituted for Senate Bill No. 6579 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6579 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6579.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6579 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6579, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6705, by Senators Bauer, Wood, Kohl, Zarelli, Sutherland, Cantu, Prince, Sheldon, Loveland, Winsley, Hale and Rasmussen

Requiring a higher education technology plan.

#### MOTIONS

On motion of Senator Bauer, Second Substitute Senate Bill No. 6705 was substituted for Senate Bill No. 6705 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Bauer, the following amendments by Senators Bauer, Sutherland and Haugen were considered simultaneously and were adopted:

On page 2, line 14, after "~~((nine))~~" strike "eleven" and insert "twelve"

On page 2, beginning on line 22, after "court." strike all material through "representatives." on line 24, and insert "~~((One member shall represent the legislative branch and shall be selected by the president of the senate and the speaker of the house of representatives.)) One member shall represent the house of representatives and shall be selected by the speaker of the house of representatives; one member shall represent the senate and shall be appointed by the president of the senate. The representatives of the house of representatives and senate shall not be from the same political party."~~

#### MOTIONS

On motion of Senator Sutherland, the following amendment by Senators Sutherland and Bauer was adopted:

On page 11, line 24, following "minimizing duplicative programs or degrees." insert "The board shall incorporate into the plan desirable objectives and goals and methods for meeting the goals and measuring the outcomes."

Renumber the sections consecutively and correct any internal references accordingly

On motion of Senator Bauer, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6705 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Thibaudeau, Senator Snyder was excused.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6705.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6705 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 43.

Voting nay: Senators Cantu, Heavey, Hochstatter, McCaslin, Schow and Zarelli - 6.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6705, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5375, by Senate Committee on Law and Justice (originally sponsored by Senators Wojahn, McCaslin, Haugen, Deccio, Franklin, Spanel, Kohl, Snyder, Quigley, Prentice, Oke and Moyer)

Suspending various licenses for failure to pay child support.

#### MOTIONS

On motion of Senator Smith, Second Substitute Senate Bill No. 5375 was substituted for Second Engrossed Substitute Senate Bill No. 5375 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the following amendment by Senators Wojahn and Smith was adopted:

On page 28, at the beginning of line 2, insert "electrician certificate of competency, electrical training certificate,"

#### MOTION

Senator Schow moved that the following amendment by Senators Schow, Zarelli, Morton and Johnson be adopted:

On page 2, beginning on line 1, strike all of sections 1 through 43 on page 30, and insert the following:

"**Sec. 1.** RCW 7.21.030 and 1989 c 373 s 3 are each amended to read as follows:

(1) The court may initiate a proceeding to impose a remedial sanction on its own motion or on the motion of a person aggrieved by a contempt of court in the proceeding to which the contempt is related. Except as provided in RCW 7.21.050, the court, after notice and hearing, may impose a remedial sanction authorized by this chapter.

(2) If the court finds that the person has failed or refused to perform an act that is yet within the person's power to perform, the court may find the person in contempt of court and impose one or more of the following remedial sanctions:

(a) Imprisonment if the contempt of court is of a type defined in RCW 7.21.010(1) (b) through (d). The imprisonment may extend only so long as it serves a coercive purpose.

(b) A forfeiture not to exceed two thousand dollars for each day the contempt of court continues.

(c) An order designed to ensure compliance with a prior order of the court.

(d) Any other remedial sanction other than the sanctions specified in (a) through (c) of this subsection if the court expressly finds that those sanctions would be ineffectual to terminate a continuing contempt of court.

(e) An order suspending a driver's license for willful noncompliance with a child support order.

(3) The court may, in addition to the remedial sanctions set forth in subsection (2) of this section, order a person found in contempt of court to pay a party for any losses suffered by the party as a result of the contempt and any costs incurred in connection with the contempt proceeding, including reasonable attorney's fees."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Schow, Zarelli, Morton and Johnson on page 2, beginning on line 1, to Second Substitute Senate Bill No. 5375.

#### ROLL CALL

The Secretary called the roll and the amendment on page 2, beginning on line 1, was adopted by the following vote: Yeas, 25; Nays, 23; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hargrove, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prince, Roach, Schow, Sellar, Smith, Strannigan, Swecker, West, Wood and Zarelli - 25.

Voting nay: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Spanel, Sutherland, Thibaudeau, Winsley and Wojahn - 23.

Absent: Senator Snyder - 1.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Smith served notice that he would move to reconsider the vote by which the amendment on page 2, beginning on line 1, was adopted to Second Substitute Senate Bill No 5375.

#### MOTION

On motion of Senator Smith, and there being no objection, further consideration of Second Substitute Senate Bill No. 5375 was deferred.

#### SECOND READING

SENATE BILL NO. 6556, by Senator Sutherland

Enhancing public electronic access to government information.

#### MOTIONS

On motion of Senator Sutherland, Second Substitute Senate Bill No. 6556 was substituted for Senate Bill No. 6556 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Sutherland, the following amendments by Senators Sutherland, Finkbeiner and Cantu were considered simultaneously and were adopted:

On page 2, line 14 after "state," strike "the supreme court, court of appeals, house of representatives, and senate,"

On page 2, after line 16 insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 2.68 RCW to read as follows:

The supreme court, the court of appeals and all superior and district courts, through the judicial information system committee, shall:

- (1) Continue to plan for and implement processes for making judicial information available electronically;
- (2) Promote and facilitate electronic access to the public of judicial information and services;
- (3) Establish technical standards for such services;
- (4) Consider electronic public access needs when planning new information systems or major upgrades of information systems;
- (5) Develop processes to determine which judicial information the public most wants and needs;
- (6) Increase capabilities to receive information electronically from the public and transmit forms, applications and other communications and transactions electronically;
- (7) Use technologies that allow continuous access twenty-four hours a day, seven days per week, involve little or no cost to access, and are capable of being used by persons without extensive technology ability; and
- (8) Consider and incorporate wherever possible ease of access to electronic technologies by persons with disabilities.

NEW SECTION. Sec. 2. A new section is added to chapter 44.68 RCW to read as follows:

The legislature and legislative agencies through the joint legislative systems committee, shall:

- (1) Continue to plan for and implement processes for making legislative information available electronically;
  - (2) Promote and facilitate electronic access to the public of legislative information and services;
  - (3) Establish technical standards for such services;
  - (4) Consider electronic public access needs when planning new information systems or major upgrades of information systems;
  - (5) Develop processes to determine which legislative information the public most wants and needs;
  - (6) Increase capabilities to receive information electronically from the public and transmit forms, applications and other communications and transactions electronically;
  - (7) Use technologies that allow continuous access twenty-four hours a day, seven days per week, involve little or no cost to access, and are capable of being used by persons without extensive technology ability; and
  - (8) Consider and incorporate wherever possible ease of access to electronic technologies by persons with disabilities."
- Renumber remaining sections consecutively

#### MOTION

On motion of Senator Sutherland, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6556 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Thibaudeau, Senator Snyder was excused.  
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6556.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6556 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Snyder - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6556, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6097, by Senator Rasmussen

Promoting beekeeping operations.

#### MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 6097 was substituted for Senate Bill No. 6097 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 6097 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6097.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6097 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Snyder - 1.

SUBSTITUTE SENATE BILL NO. 6097, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6522, by Senators Spanel, Long and Kohl

Limiting political activities of citizen members of the legislative ethics board.

#### MOTIONS

On motion of Senator Sheldon, Substitute Senate Bill No. 6522 was substituted for Senate Bill No. 6522 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 6522 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Spanel: "Senator McCaslin, are you opposing the bill, would you say?"

Senator McCaslin: "How did you guess?"

Further debate ensued.

#### POINT OF INQUIRY

Senator Cantu: "Senator Spanel, the question I have, and I don't serve on the committee--I was just going over to see Senator McCaslin--but it states under the revised bill that a member can serve as a precinct committee officer and they can hold a part-time position, but it is non-partisan. It seems to me that we allow them to participate in a political party as an elected member of the party and yet, if they hold a position of part-time, it has to be non-partisan."

Senator Spanel: "Well, that is actually--"

Senator Cantu: "I was wondering the rationale for that. I am not trying--"

Senator Spanel: "Existing law allows them to be a precinct committee person. That is the only elected position they can hold right now. That's the way it was written in the ethics bill when we passed it last year or the year before. So, it doesn't change that. So, that is a partisan position, I agree."

Senator Cantu: "But, if they hold a part-time position, it has to be non partisan and I was just wondering the rationale. If you can be an elected party officer, if you will, because you have to run for that office of precinct committee person and the part-time job has to be non-partisan. I was just wondering of the rationale; it seems inconsistent, but--"

Senator Spanel: "I think I didn't participate in that rationale."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6522.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6522 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Voting nay: Senator McCaslin - 1.

Excused: Senator Snyder - 1.

SUBSTITUTE SENATE BILL NO. 6522, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 2:52 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 4:20 p.m. by President Pritchard.

#### SECOND READING

SENATE BILL NO. 6422, by Senators Haugen, Morton, Hale, Swecker, Prentice and Sutherland

Requiring additional planning for general aviation facilities.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6422 was substituted for Senate Bill No. 6422 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6422 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Thibaudeau, Senator Fairley was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6422.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6422 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45.

Absent: Senators Loveland, McDonald and Sutherland - 3.

Excused: Senator Fairley - 1.

SUBSTITUTE SENATE BILL NO. 6422, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6514, by Senators Long, Hargrove, Schow, Kohl and Winsley

Enhancing preservation services for families.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6514 was substituted for Senate Bill No. 6514 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6514 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6514.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6514 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6514, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6642, by Senators Heavey and Schow

Limiting voters of a port commissioner district to elect commissioners in districts with populations of five hundred thousand or more.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6642 was substituted for Senate Bill No. 6642 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6642 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6642.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6642 and the bill failed to pass the Senate by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Deccio, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Johnson, Loveland, McAuliffe, McCaslin, Morton, Oke, Owen, Prince, Rasmussen, Roach, Schow, Smith, Snyder, Spanel, Sutherland and Wojahn - 24.

Voting nay: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Hale, Hochstatter, Kohl, Long, McDonald, Moyer, Newhouse, Pelz, Prentice, Quigley, Rinehart, Sellar, Sheldon, Strannigan, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 25.

SUBSTITUTE SENATE BILL NO. 6642, having failed to receive the constitutional majority, was declared lost.

#### SECOND READING

SENATE BILL NO. 6177, by Senators Bauer and Kohl (by request of Higher Education Coordinating Board)

Changing provisions for degree granting institutions.

The bill was read the second time.

#### MOTION

On motion of Senator Bauer, the rules were suspended, Senate Bill No. 6177 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6177.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6177 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SENATE BILL NO. 6177, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Winsley moved to reconsider the vote by which Substitute Senate Bill No. 6642 failed to pass the Senate earlier today.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Winsley to reconsider the vote by which Substitute Senate Bill No. 6642 failed to pass the Senate.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Winsley for reconsideration failed by the following vote: Yeas, 23; Nays, 25; Absent, 1; Excused, 0.

Voting yea: Senators Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Johnson, Loveland, McAuliffe, McCaslin, Morton, Oke, Owen, Prince, Roach, Schow, Smith, Snyder, Spanel, Sutherland, Winsley and Wojahn - 23.

Voting nay: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Hale, Hochstatter, Kohl, Long, McDonald, Moyer, Newhouse, Pelz, Prentice, Quigley, Rinehart, Sellar, Sheldon, Strannigan, Swecker, Thibaudeau, West, Wood and Zarelli - 25.

Absent: Senator Rasmussen - 1.

#### SECOND READING

SENATE BILL NO. 6694, by Senators Morton, A. Anderson and Rasmussen

Microchipping equine.

#### MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 6694 was substituted for Senate Bill No. 6694 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 6694 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6694.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6694 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 48.

Voting nay: Senator Wojahn - 1.

SUBSTITUTE SENATE BILL NO. 6694, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION FOR RECONSIDERATION

Having served prior notice, Senator Smith moved that the Senate now reconsider the amendment by Senators Schow, Zarelli, Morton and Johnson on page 2, beginning on line 1, to Second Substitute Senate Bill No. 5375.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Smith to reconsider the vote by which the amendment by Senators Schow, Zarelli, Morton and Johnson on page 2, beginning on line 1, to Second Substitute Senate Bill No. 5375 was adopted earlier today.

#### ROLL CALL

The Secretary called the roll and the motion for reconsideration of the amendment carried by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, Winsley and Wojahn - 25.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hargrove, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Wood and Zarelli - 24.

The President declared the question before the Senate to be the reconsideration of the amendment by Senators Schow, Zarelli, Morton and Johnson on page 2, beginning on line 1, to Second Substitute Senate Bill No. 5375.

Debate ensued.

#### POINT OF INQUIRY

Senator Wood: "Senator Smith, in your statement just a minute ago, you were talking about only a driver's license can be suspended."

Senator Smith: "In the amendment, I believe that is what it says."

Senator Wood: "I'm looking at the summary of the second substitute bill and in the first paragraph it talks about license suspension; it doesn't name what kind of license. Then in the second paragraph, it says, 'a noncustodial parent may seek judicial suspension of a custodial parent's driver's license or occupational or professional license.' Then, in the rest of the substitute, it doesn't describe what kind of license can be withheld. Could you clear it up for me, please?"

Senator Smith: "Certainly. In the underlying bill, it is the same bill--and I guess I got a little presumptuous here since we had passed this now three or four times--and I assumed we had a better understanding of that. The underlying bill says a wide variety of business licenses, including bar associations--licensed attorneys--which has troubled some. A wide variety of business licenses are included in this bill as was included in the bill that was attached to the welfare bill. The reason that I mention the driver's licenses is that in the amendment it strips all of that away and says, 'just the driver's license can be taken away'--taking out all the other business licenses. The other states that have had success on this have had success in going after all the other licenses, not just the driver's license. That's the difference."

Senator Wood: "Thank you. I just find this to be a very confusing bill that does not seem to state things in the way that I would like to see them clarified and if somebody else has more clarifications, it would certainly help."

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

The President declared the question before the Senate to be the roll call on the amendment by Senators Schow, Zarelli, Morton and Johnson on page 2, beginning on line 1, on reconsideration, to Second Substitute Senate Bill No. 5375.

#### ROLL CALL

The Secretary called the roll and the amendment, on reconsideration, was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hargrove, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West and Zarelli - 22.

Voting nay: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Haugen, Heavey, Kohl, Loveland, McAuliffe, Moyer, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, Winsley, Wojahn and Wood - 27.

#### MOTION

On motion of Senator Smith, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5375 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5375.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5375 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Thibaudeau, West, Winsley, Wojahn and Wood - 35.

Voting nay: Senators Anderson, A., Cantu, Finkbeiner, Hale, Hochstatter, Johnson, Long, Newhouse, Prince, Roach, Schow, Sellar, Swecker and Zarelli - 14.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5375, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6274, by Senators Long, Hargrove, Roach, Quigley, Wood, Smith, Schow, Winsley, Oke, A. Anderson, Rasmussen, Haugen and McAuliffe

Providing for increased supervision of sex offenders for up to the entire maximum term of the sentence.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6274 was substituted for Senate Bill No. 6274 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6274 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6274.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6274 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen,

Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 48.

Absent: Senator Wojahn - 1.

SUBSTITUTE SENATE BILL NO. 6274, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6391, by Senators Long, Prentice, Owen, Prince, Schow, Sellar and Haugen

Inspecting rebuilt salvage vehicles.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 6391 was substituted for Senate Bill No. 6391 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 6391 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6391.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6391 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6391, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6235, by Senators Drew, McDonald, Haugen, Rinehart, Snyder, Kohl, Winsley, Sheldon, Bauer, Wood and Finkbeiner

Adopting ethics standards for academic or scientific public service work.

#### MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 6235 was substituted for Senate Bill No. 6235 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the rules were suspended, Substitute Senate Bill No. 6235 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6235.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6235 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Absent: Senator Hargrove - 1.

SUBSTITUTE SENATE BILL NO. 6235, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6206, by Senators Haugen, Pelz, Winsley, Hale and Prentice

Regulating cosmetology, barbering, esthetics, and manicuring.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6206 was substituted for Senate Bill No. 6206 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6206 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Hochstatter, Senator West was excused.  
The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6206.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6206 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator Hargrove - 1.

Excused: Senator West - 1.

SUBSTITUTE SENATE BILL NO. 6206, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6239, by Senators Wojahn, Winsley, Thibaudeau, Loveland, Kohl, Long, Fairley, A. Anderson, Prentice, McAuliffe, Sheldon, Wood, Rinehart, Roach, Spanel, Hale, Drew, Franklin, Rasmussen, Snyder, Haugen, Fraser and Bauer

Providing for osteoporosis prevention and treatment education.

#### MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 6239 was substituted for Senate Bill No. 6239 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the rules were suspended, Substitute Senate Bill No. 6239 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Thibaudeau, Senator Hargrove was excused.  
The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6239.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6239 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Hargrove - 1.

SUBSTITUTE SENATE BILL NO. 6239, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6260, by Senators Drew, Owen, Prince, Haugen, Prentice, Kohl, Wood, Long, Sheldon, Schow, Strannigan, Sellar, Finkbeiner, Heavey, Fairley, McAuliffe, Rasmussen, Quigley, Rinehart, Goings, Thibaudeau and Winsley

Revising the state ride share tax credit.

#### MOTIONS

On motion of Senator Owen, Second Substitute Senate Bill No. 6260 was substituted for Senate Bill No. 6260 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Second Substitute Senate Bill No. 6260 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6260.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6260 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Absent: Senator Heavey - 1.

SECOND SUBSTITUTE SENATE BILL NO. 6260, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6189, by Senators Haugen, Smith and McCaslin (by request of Supreme Court)

Creating the office of public defense.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6189 was substituted for Senate Bill No. 6189 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6189 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6189.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6189 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6189, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6736, by Senators Goings, Pelz, Heavey, Rasmussen, McAuliffe, Fraser, Bauer, Franklin, Loveland, Sheldon, Spanel, Fairley, Thibaudeau, Wojahn, Snyder, Sutherland, Drew, Rinehart, Kohl, Smith, Haugen and Winsley

Providing for binding arbitration for employees of school districts.

#### MOTIONS

On motion of Senator Pelz, Second Substitute Senate Bill No. 6736 was substituted for Senate Bill No. 6736 and the second substitute bill was placed on second reading and read the second time.

Senator West moved that the following amendment be adopted:

On page 4, line 31, after "is" strike "not granted" and insert "prohibited"

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator West on page 4, line 31, to Second Substitute Senate Bill No. 6736.

The motion by Senator West carried and the amendment was adopted.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6736 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Oke: "Senator Pelz, knowing that you are a sport's enthusiast and knowing that you watch sports very carefully, do you feel that binding arbitration has been good for sports in this country, when one price goes up, the next one goes up and up? I can just imagine, if I might continue before you respond, one area in this state having binding arbitration work out and some very nice things and then everywhere else that wants that--is that going to happen in the state of Washington?"

Senator Pelz: "Well, I think that maybe you are speaking about salary arbitration, which, in sports has been somewhat of a disaster, but also, I think in sports, the economic picture has been changing and there has been more and more revenue available to the teams. I think that we know that K-12 is not an arena in which there is going to be more and more revenue available for the teams that an arbitrator might pick from. We have greater fiscal sense in Washington right now. We have 601, we have tough budgets to come out of the state--voters are rejecting levies. I think there are limited finances that school districts, such as I know the one that you represent, and which

has had some difficult times, there are very limited financial resources in some of those districts and in binding arbitration, the arbitrator will take that into consideration."

Further debate ensued.

#### POINT OF INQUIRY

Senator Deccio: "Senator Pelz, the original bill had a provision that if there was no other recourse, a school district could not come back to the Legislature in regards to the level we have set for salaries. That has been removed, so in the event they can't raise the money in a special levy, they can come back to the Legislature to request those additional dollars. What happens if the spirit of 601 is violated and the Legislature turns down the increase, then what will happen? There is no penalty for a strike. Is it possible a school district could strike in that event?"

Senator Pelz: "Well, the bill lays out a time table for bargaining and I believe the time table kicks in about May when the two sides begin to bargain. What happens is, they will bargain as they do today, and binding arbitration only kicks in at the point when an impasse--a serious impasse--is reached and this is after mediation. The bill has a procedure for mediation, so the system isn't that much different than it is today where they sit down around May and they begin to do collective bargaining.

"Unfortunately, our school districts are currently suffering under a great problem, which in May, they often don't know the kind of resources the Legislature is going to give them that year. So, currently across the state, districts begin bargaining before they know how much the Legislature will give them. Basically, as the bargaining progresses through the summer, hopefully, we have the good sense to get out of Olympia every year and by May and June, the school districts do know how much money is on the table to bargain. In many ways, this bill does not change that element of the process."

Senator Deccio: "I don't know that you have answered my question. We removed the prohibition against coming back to the Legislature. My question again is, if the Legislature refuses to grant those additional funds, binding arbitration says, 'You will pay whether you can afford to pay or not.' That's what the cities and the counties say at least and if these are the same binding arbitration rules, the same rules hold effect. Once, the binding arbitration is made, they would have to pay regardless. If they can't get the money from the Legislature, because it violates 601, where does the school district go for the money?"

Senator Pelz: "Again, Senator Deccio, the fiscal condition of the school district is clearly an issue that the arbitrator has to consider. If the district is broke, I would contend that the arbitrator is not going to force the district to pay fantastic amounts of money that they don't have. I think that that is going to be clearly a limitation placed on the arbitration. You are right, the school district will not be able to come back to the Legislature, but I think what binding arbitration is all about is making sure that school districts aren't stuck with high settlements that they can't afford. Maybe there will be a case out there where that is not true, but it is just hard for me to project, sir, and I am trying my best to answer your question."

Senator Deccio: "I think I have made my case, Mr. President. Thank you."

Further debate ensued.

#### MOTION

On motion of Senator Wood, Senator McCaslin was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6736.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6736 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Moyer, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Thibaudeau, West, Winsley, Wojahn and Wood - 31.

Voting nay: Senators Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McDonald, Morton, Newhouse, Oke, Prince, Roach, Schow, Sellar, Swecker and Zarelli - 17.

Excused: Senator McCaslin - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6736, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Spanel, the Senate commenced consideration of Engrossed Senate Bill No. 5841.

#### SECOND READING

ENGROSSED SENATE BILL NO. 5841, by Senators Pelz, Winsley, Gaspard, Roach, Snyder, Loveland, Rinehart, McAuliffe, Spanel, Heavey, Franklin, Bauer, Smith, Fairley, Prentice, Fraser, Kohl, Quigley, Rasmussen, Sutherland, Sheldon, Drew, Wojahn, West, Wood, C. Anderson and Moyer (by request of Governor Lowry)

Enacting the personnel system reform act of 1995.

#### MOTIONS

On motion of Senator Pelz, Second Substitute Senate Bill No. 5841 was substituted for Engrossed Senate Bill No. 5841 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Pelz, the rules were suspended, Second Substitute Senate Bill No. 5841 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Wood, Senator Moyer was excused.  
The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5841.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5841 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 20; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, West, Winsley and Wojahn - 27.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Haugen, Hochstatter, Johnson, Long, McDonald, Morton, Newhouse, Oke, Prince, Schow, Sellar, Strannigan, Swecker, Wood and Zarelli - 20.

Excused: Senators McCaslin and Moyer - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5841, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6718, by Senators Sutherland, McDonald, Finkbeiner, Winsley, Haugen and Hochstatter (by request of State Archivist)

Funding local government archives and records management.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6718 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6718.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6718 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 41.

Voting nay: Senators Cantu, Finkbeiner, Hochstatter, Schow, Strannigan and West - 6.

Excused: Senators McCaslin and Moyer - 2.

SENATE BILL NO. 6718, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6672, by Senators Hargrove, Long and Oke (by request of Department of Social and Health Services and Department of Corrections)

Requiring department of corrections personnel to report suspected abuse of children and adult dependent and developmentally disabled persons.

The bill was read the second time.

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 6672 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6672.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6672 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator Drew - 1.  
Excused: Senator McCaslin - 1.  
SENATE BILL NO. 6672, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6266, by Senators Morton, Haugen, McCaslin, Rasmussen, Hargrove and Schow

Establishing lost and uncertain boundaries.

## MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 6266 was substituted for Senate Bill No. 6266 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Morton, the following amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The purpose of this chapter is to provide alternative procedures for fixing boundary points or lines when they cannot be determined from the existing public record and landmarks or are otherwise in dispute. This chapter does not impair, modify, or supplant any other remedy available at law or equity.

NEW SECTION. Sec. 2. As used in this chapter, "surveyor" means every person authorized to practice the profession of land surveying under the provisions of chapter 18.43 RCW.

NEW SECTION. Sec. 3. Whenever a point or line determining the boundary between two or more parcels of real property cannot be identified from the existing public record, monuments, and landmarks, or is in dispute, the landowners affected by the determination of the point or line may resolve any dispute and fix the boundary point or line by one of the following procedures:

(1) If all of the affected landowners agree to a description and marking of a point or line determining a boundary, they shall document the agreement in a written instrument, using appropriate legal descriptions and including a survey map, filed in accordance with chapter 58.09 RCW. The written instrument shall be signed and acknowledged by each party in the manner required for a conveyance of real property. The agreement is binding upon the parties, their successors, assigns, heirs and devisees and runs with the land. The agreement shall be recorded with the real estate records in the county or counties in which the affected parcels of real estate or any portion of them is located;

(2) If all of the affected landowners cannot agree to a point or line determining the boundary between two or more parcels of real estate, any one of them may bring suit for determination as provided in RCW 58.04.020.

NEW SECTION. Sec. 4. Any surveyor authorized by the court and the surveyor's employees may, without liability for trespass, enter upon any land or waters and remain there while performing the duties as required in sections 1 through 4 of this act. The persons named in this section may, without liability for trespass, investigate, construct, or place a monument or reference monuments for the position of any land boundary mark or general land office corner or mark and subdivisional corners thereof. Persons entering lands under the authority of sections 1 through 4 of this act must exercise due care not to damage property while on land or waters performing their duties, and are liable for property damage, if any, caused by their negligence or willful misconduct. Where practical, the persons named in this section must announce and identify themselves and their intention before entering upon private property in the performance of their duties.

NEW SECTION. Sec. 5. A person who intentionally disturbs a survey monument placed by a surveyor in the performance of the surveyor's duties is guilty of a gross misdemeanor and is liable for the cost of the reestablishment.

NEW SECTION. Sec. 6. RCW 58.04.010 and 1895 c 77 s 9 are each repealed.

NEW SECTION. Sec. 7. Sections 1 through 5 of this act are each added to chapter 58.04 RCW.

Sec. 8. RCW 58.04.020 and 1886 p 104 s 1 are each amended to read as follows:

(1) Whenever the boundaries of lands between two or more adjoining proprietors (~~shall~~) have been lost, or by time, accident or any other cause, (~~shall~~) have become obscure, or uncertain, and the adjoining proprietors cannot agree to establish the same, one or more of (~~said~~) the adjoining proprietors may bring (~~his~~) a civil action in equity, in the superior court, for the county in which such lands, or part of them are situated, and (~~sueh~~) that superior court, as a court of equity, may upon (~~sueh~~) the complaint, order such lost or uncertain boundaries to be erected and established and properly marked.

(2) The superior court may order the parties to utilize arbitration before the civil action is allowed to proceed."

## MOTION

On motion of Senator Morton, the following title amendment was adopted:

On page 1, line 2 of the title, after "boundaries;" strike the remainder of the title and insert "amending RCW 58.04.020; adding new sections to chapter 58.04 RCW; repealing RCW 58.04.010; and prescribing penalties."

On motion of Senator Smith, the rules were suspended. Engrossed Substitute Senate Bill No. 6266 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## MOTION

On motion of Senator Thibaudeau, Senators Drew and Loveland were excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6266.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6266 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 44.

Voting nay: Senator Wojahn - 1.  
Absent: Senator Deccio - 1.  
Excused: Senators Drew, Loveland and McCaslin - 3.  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6266, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6299, by Senators Rasmussen, Long, Fairley, McCaslin, Haugen, Winsley, Oke and Spanel

Increasing penalties for multiple violations of domestic violence protection orders.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 6299 was substituted for Senate Bill No. 6299 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fairley, the following amendments were considered simultaneously and were adopted:

On page 1, at the beginning of line 17, strike "and" and insert "((and))"

On page 1, line 19, after "violence" insert "; and"

(e) May require a person subject to a protective order to wear an electronic monitoring device that initiates an alarm when the person wearing it approaches a location in violation of the order"

On page 4, after line 22, insert the following:

"(4) The court may require a person subject to a protective order to wear an electronic monitoring device that initiates an alarm when the person wearing it approaches a location in violation of the order."

On page 5, after line 25, insert the following:

"(7) The court may require a person subject to a protective order to wear an electronic monitoring device that initiates an alarm when the person wearing it approaches a location in violation of the order."

#### MOTIONS

On motion of Senator Smith, the following amendments were considered simultaneously and were adopted:

On page 2, beginning on line 26, after "misdemeanor." strike all material through "felony." on line 27, and insert "A third or subsequent conviction for willful violation of a court order issued under subsection (2) or (3) of this section is a class C felony punishable under chapter 9A.20 RCW."

Beginning on page 3, line 38, after "misdemeanor." strike all material through "felony." on page 4, line 1, and insert "A third or subsequent conviction for willful violation of a court order issued under this section is a class C felony punishable under chapter 9A.20 RCW."

On page 4, line 29, after "misdemeanor." insert "A third or subsequent conviction for violating an order for protection granted under this chapter is a class C felony punishable under chapter 9A.20 RCW."

On page 5, beginning on line 9, after "(4)" strike all material through "(5)" on line 11

On page 5, at the beginning of line 17, strike all material through "(6)" and insert "(5)"

On motion of Senator Smith, the rules were suspended, Engrossed Substitute Senate Bill No. 6299 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6299.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6299 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Drew and McCaslin - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6299, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6099, by Senators McAuliffe and Swecker (by request of Department of Ecology)

Authorizing freshwater aquatic weeds account moneys to be used for hydrilla eradication.

The bill was read the second time.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Senate Bill No. 6099 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6099.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6099 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senator Schow - 1.

Excused: Senators Drew and McCaslin - 2.

SENATE BILL NO. 6099, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Sheldon, Senator Hargrove was excused.

#### SECOND READING

SENATE BILL NO. 6207, by Senators Haugen, Smith, Winsley, Hale, Long, Schow, Roach, Kohl, Prentice and Heavey

Creating two pilot projects to improve investigative interviewing of child victim witnesses.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 6207 was substituted for Senate Bill No. 6207 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the following amendment by Senators Haugen, Smith and Rinehart was adopted:

On page 2, beginning on line 31, strike all of section 3

#### MOTION

On motion of Senator Smith, the rules were suspended, Engrossed Substitute Senate Bill No. 6207 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6207.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6207 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Excused: Senators Drew, Hargrove and McCaslin - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6207, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Thibaudeau, Senator Prentice was excused.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8028, by Senators Wojahn, Pelz, Sutherland, Heavey, Haugen, Schow, Oke and Morton

Requesting clarification of the Indian Gaming Regulatory Act of 1988.

The joint memorial was read the second time.

#### MOTION

On motion of Senator Wojahn, the rules were suspended, Senate Joint Memorial No. 8028 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8028.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8028 and the joint memorial passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45.

Excused: Senators Drew, Hargrove, McCaslin and Prentice - 4.

SENATE JOINT MEMORIAL NO. 8028, having received the constitutional majority, was declared passed.

#### SECOND READING

SENATE BILL NO. 6699, by Senator Prince

Facilitating transportation of persons with special transportation needs.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 6699 was substituted for Senate Bill No. 6699 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 6699 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6699.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6699 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Excused: Senators Drew, Hargrove and McCaslin - 3.

SUBSTITUTE SENATE BILL NO. 6699, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6616, by Senators Hale, Sheldon, Oke and Haugen

Expediting the release of employment security data to governmental agencies for preparing small business economic impact statements or cost benefit analysis.

The bill was read the second time.

#### MOTION

On motion of Senator Hale, the rules were suspended, Senate Bill No. 6616 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Thibaudeau, Senator Wojahn was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6616.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6616 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 45.

Excused: Senators Drew, Hargrove, McCaslin and Wojahn - 4.

SENATE BILL NO. 6616, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTIONS

On motion of Senator Thibaudeau, Senator Bauer was excused.

On motion of Senator Wood, Senator Johnson was excused.

#### SECOND READING

SENATE BILL NO. 6532, by Senators Owen, Oke, Spanel and Fraser

Extending an exception from vessel registration.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 6532 was substituted for Senate Bill No. 6532 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 6532 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6532.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6532 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 44.

Excused: Senators Bauer, Drew, Hargrove, Johnson and Wojahn - 5.

SUBSTITUTE SENATE BILL NO. 6532, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6100, by Senators Haugen and Winsley (by request of Department of Ecology)

Requiring biennial progress reports from the department of ecology.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6100 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Wood, Senator Prince was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6100.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6100 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, A., Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 43.

Excused: Senators Bauer, Drew, Hargrove, Johnson, Prince and Wojahn - 6.

SENATE BILL NO. 6100, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6229, by Senators Kohl, Pelz, Prentice, Fairley, Thibaudeau, Wojahn, Franklin and Quigley

Enacting the infant crib safety act.

#### MOTIONS

On motion of Senator Kohl, Substitute Senate Bill No. 6229 was substituted for Senate Bill No. 6229 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kohl, the rules were suspended, Substitute Senate Bill No. 6229 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Cantu: "Senator Kohl, I've been reading the bill and it is not clear--there are literally probably tens of thousands of cribs out there that we've used, that we have passed on to our children and then they get passed on to our grandchildren. What is the impact of things like that? As you indicated, if you have a garage sale, are we, in any way, impacting the tens of thousands of families out there that have cribs today and are being used and may want to pass them on to their families?"

Senator Kohl: "There are two provisions in the bill that address this. One is garage sales are not covered, period. The second provision is that with the Department of Health making available notice to individuals about the safety risks of older cribs that do have difficulties, such as the corners of the crib not being rounded. The main thing here to consider though is we are talking about cribs that are placed in the stream of commerce--not ones that are used in families."

Senator Cantu: "Okay, so it would not--the intent of the bill is that it would not be illegal--families would not be fined--if they passed on a crib to their children or their grandchildren or whomever?"

Senator Kohl: "That's right."

Senator Cantu: "And if you sell one at a garage sale, it is okay. So, we are only impacting new manufacturers after January 1 of next year--those manufacturing commercial cribs and placing them in service. Over time, we would have these types of services. Am I correct?"

Senator Kohl: "Right, the new cribs are already covered by the federal safety standards that have been in place since 1988. The industry has voluntary safety standards that have been in place since 1991. What we want to do is insure that families receive educational materials, so that they are aware of the safety factors about their cribs and perhaps can modify the older cribs as well. The commerce part of it is for older cribs that are sold used, but not in garage sales."

Senator Cantu: "Thank you, I appreciate your patience. I think it is very important. Again, there are literally thousands of families that could potentially be impacted. I believe you said that on the commercial users that there are already federal regulations that regulate this. Are these laws--state laws--any different than the federal laws? In other words, is it going to be difficult for some manufacturer of a crib that sells in another state, but they are going to have to be unique for our state?"

Senator Kohl: "No, we are talking about a federal safety standard in place since 1988."

Senator Cantu: "And this is consistent with that?"

Senator Kohl: "That's right."

Senator Cantu: "Thank you very kindly."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6229.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6229 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45.

Excused: Senators Bauer, Drew, Hargrove and Prince - 4.

SUBSTITUTE SENATE BILL NO. 6229, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6119, by Senator Quigley

Regulating insurance coverage for prescription medicine.

#### MOTIONS

On motion of Senator Quigley, Substitute Senate Bill No. 6119 was substituted for Senate Bill No. 6119 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Quigley, the rules were suspended, Substitute Senate Bill No. 6119 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6119.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6119 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 5; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 41.

Voting nay: Senators Anderson, A., Long, McDonald, Moyer and Zarelli - 5.

Excused: Senators Drew, Hargrove and Prince - 3.

SUBSTITUTE SENATE BILL NO. 6119, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6180, by Senator Smith (by request of Administrator for the Courts)

Allowing additional time for phasing in additional King County superior court judges.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 6180 was substituted for Senate Bill No. 6180 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 6180 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6180.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6180 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, A., Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45.

Absent: Senator Bauer - 1.

Excused: Senators Drew, Hargrove and Prince - 3.

SUBSTITUTE SENATE BILL NO. 6180, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 5175, by Senate Committee on Labor, Commerce and Trade (originally sponsored by Senators Pelz and Deccio) (by request of Liquor Control Board)

Permitting certain retail liquor licensees to be licensed as manufacturers.

#### MOTIONS

On motion of Senator Pelz, Second Substitute Senate Bill No. 5175 was substituted for Substitute Senate Bill No. 5175 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Pelz, the rules were suspended, Second Substitute Senate Bill No. 5175 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5175.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5175 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Excused: Senators Drew, Hargrove and Prince - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5175, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6098, by Senators McAuliffe and Swecker (by request of Department of Ecology)

Revising provisions for solid waste permits.

The bill was read the second time.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Senate Bill No. 6098 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6098.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6098 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Excused: Senators Drew, Hargrove and Prince - 3.

SENATE BILL NO. 6098, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6147, by Senators Haugen, McCaslin, Bauer, Swecker, Franklin, Prince and Winsley (by request of Department of Services for the Blind)

Modifying grants for vocational rehabilitation equipment and materials.

The bill was read the second time.

#### MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 6147 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6147.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6147 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Excused: Senators Drew, Hargrove and Prince - 3.

SENATE BILL NO. 6147, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Thibaudeau, Senator Smith was excused.

#### SECOND READING

SENATE BILL NO. 6494, by Senators McAuliffe, Johnson, Bauer, Owen, Rasmussen and Kohl (by request of State Board for Community and Technical Colleges)

Correcting obsolete references in the state even start program.

The bill was read the second time.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Senate Bill No. 6494 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6494.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6494 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45.

Excused: Senators Drew, Hargrove, Prince and Smith - 4.

SENATE BILL NO. 6494, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

#### MOTION

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

SENATE RESOLUTION 1996-8691

By Senators Sutherland, Finkbeiner and Kohl

WHEREAS, The United States Congress has enacted, and the President has approved, the most comprehensive change in communications law since the 1930s; and

WHEREAS, This wide-ranging legislation will completely transform the communications industry and its marketplace; and

WHEREAS, These profound changes will affect all consumers, especially residential consumers; and

WHEREAS, This bill removes the legal barriers-of-entry on distinct industries that have prevented them from entering markets for other types of services, and addresses issues pertaining to universal telecommunications service, interexchange long-distance markets, interconnection to the existing network, broadcast industry revisions, pole attachments, and a multitude of other significant issues; and

WHEREAS, Areas of state law will need revisions based on new direction or preemption resulting from this federal legislation; and

WHEREAS, The economy of the State of Washington is especially tied to the convergence of telecommunications and computers, an area known as "telematics"; and

WHEREAS, The Governor of the State of Washington recognized the importance of this pending federal legislation and its impact on the future of the state and created the Governor's Telecommunications Policy Coordination Task Force in 1994; and

WHEREAS, The membership of this task force includes legislators from all four legislative caucuses in addition to six executive agency directors; and

WHEREAS, This task force has spent the past seventeen months studying the telecommunications industry in the state and policy options that could arise from federal legislation, and has composed a comprehensive report on these issues;

NOW, THEREFORE, BE IT RESOLVED, that the Washington State Senate congratulate the members of the Governor's Telecommunications Policy Coordination Task Force on their efforts to date, and that the Senate is anticipating the continued work of the Task Force as it continues to study the telecommunications industry in the state with particular emphasis on the impacts of the federal law, including economic opportunities, consumer choice and consumer protection measures, with recommendations on specific statutory changes that are necessary to keep this state on the leading edge of the telecommunications marketplace.

Senators Sutherland and Finkbeiner spoke to Senate Resolution 1996-8691.

MOTION

At 7:53 p.m., on motion of Senator Spanel, the Senate adjourned until 8:30 a.m., Saturday, February 10, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-THIRD DAY, FEBRUARY 9, 1996

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**THIRTY-FOURTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Saturday, February 10, 1996  
The Senate was called to order at 8:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Hargrove, Heavey, Newhouse, Owen and West. On motion of Senator Thibaudeau, Senators Hargrove, Heavey and Owen were excused. On motion of Senator Anderson, Senators Newhouse and West were excused.

The Sergeant at Arms Color Guard, consisting of Pages Danielle Rynd and Todd Davis, presented the Colors. Reverend Phil Norris, pastor of the Lacey Community Church, offered the prayer.

**MOTION**

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

**MESSAGES FROM THE HOUSE**

February 8, 1996

**MR. PRESIDENT:**

The House has passed:  
SECOND ENGROSSED HOUSE BILL NO. 1659,  
SUBSTITUTE HOUSE BILL NO. 2192,  
SUBSTITUTE HOUSE BILL NO. 2428,  
SUBSTITUTE HOUSE BILL NO. 2446,  
SUBSTITUTE HOUSE BILL NO. 2468,  
SUBSTITUTE HOUSE BILL NO. 2478,  
HOUSE BILL NO. 2495,  
SUBSTITUTE HOUSE BILL NO. 2498,  
SUBSTITUTE HOUSE BILL NO. 2516,  
SUBSTITUTE HOUSE BILL NO. 2578,  
SUBSTITUTE HOUSE BILL NO. 2615,  
HOUSE BILL NO. 2625,  
HOUSE BILL NO. 2683,  
SUBSTITUTE HOUSE BILL NO. 2690,  
SUBSTITUTE HOUSE BILL NO. 2711,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2863, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 8, 1996

**MR. PRESIDENT:**

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1396,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2534,  
HOUSE BILL NO. 2726,  
SUBSTITUTE HOUSE BILL NO. 2755,  
SUBSTITUTE HOUSE BILL NO. 2757,  
HOUSE BILL NO. 2769,  
HOUSE BILL NO. 2800,  
SUBSTITUTE HOUSE BILL NO. 2893,  
SUBSTITUTE HOUSE BILL NO. 2936,  
HOUSE JOINT MEMORIAL NO. 4039,  
SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4213, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 8, 1996

**MR. PRESIDENT:**

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1623,  
SECOND SUBSTITUTE HOUSE BILL NO. 1860,  
SUBSTITUTE HOUSE BILL NO. 2075,  
HOUSE BILL NO. 2117,  
SUBSTITUTE HOUSE BILL NO. 2186,  
SUBSTITUTE HOUSE BILL NO. 2191,  
SUBSTITUTE HOUSE BILL NO. 2207,  
SECOND SUBSTITUTE HOUSE BILL NO. 2225,  
SUBSTITUTE HOUSE BILL NO. 2274,  
SUBSTITUTE HOUSE BILL NO. 2288,  
ENGROSSED HOUSE BILL NO. 2735,

HOUSE BILL NO. 2776,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2793, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 8, 1996

MR. PRESIDENT:

The House has adopted ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4422, and the same is herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

February 8, 1996

MR. PRESIDENT:

The House has passed:  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1451,  
SECOND SUBSTITUTE HOUSE BILL NO. 1989,  
SUBSTITUTE HOUSE BILL NO. 2223,  
HOUSE BILL NO. 2291,  
SECOND SUBSTITUTE HOUSE BILL NO. 2293,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2309,  
SECOND SUBSTITUTE HOUSE BILL NO. 2323,  
SECOND SUBSTITUTE HOUSE BILL NO. 2330,  
SUBSTITUTE HOUSE BILL NO. 2339,  
HOUSE BILL NO. 2424,  
ENGROSSED HOUSE BILL NO. 2452,  
SUBSTITUTE HOUSE BILL NO. 2487,  
SUBSTITUTE HOUSE BILL NO. 2545,  
SUBSTITUTE HOUSE BILL NO. 2579,  
HOUSE BILL NO. 2589,  
SUBSTITUTE HOUSE BILL NO. 2590,  
HOUSE BILL NO. 2594,  
SUBSTITUTE HOUSE BILL NO. 2616,  
SUBSTITUTE HOUSE BILL NO. 2682, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 9, 1996

MR. PRESIDENT:

The House has passed:  
HOUSE BILL NO. 2593,  
SUBSTITUTE HOUSE BILL NO. 2684,  
SUBSTITUTE HOUSE BILL NO. 2772,  
HOUSE BILL NO. 2790,  
HOUSE BILL NO. 2849,  
SECOND SUBSTITUTE HOUSE BILL NO. 2856,  
SUBSTITUTE HOUSE BILL NO. 2939, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1396 by House Committee on Transportation (originally sponsored by Representatives K. Schmidt and R. Fisher)

Authorizing highway bonds.

Referred to Committee on Transportation.

E2SHB 1451 by House Committee on Commerce and Labor (originally sponsored by Representatives Mielke, Lisk, McMorris, Sheldon, Mastin, Horn, Thompson, Hargrove, Sherstad and Basich)

Expanding employer workers' compensation group self-insurance.

Referred to Committee on Labor, Commerce and Trade.

SHB 1623 by House Committee on Trade and Economic Development (originally sponsored by Representatives Reams, Carlson, Morris, Brumsickle, Hargrove, Buck, Benton, Grant, Backlund, Thompson, Elliot and Huff)

Revising the authority of local governments to enforce the state building code.

Referred to Committee on Government Operations.

2EHB 1659 by Representatives Mielke, Quall, Crouse, Costa, Kremen and Cooke

Regulating real estate brokerage relationships.

Referred to Committee on Labor, Commerce and Trade.

2SHB 1860 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives L. Thomas, Goldsmith and Robertson)

Regulating real estate appraisers.

Referred to Committee on Financial Institutions and Housing.

2SHB 1989 by House Committee on Commerce and Labor (originally sponsored by Representatives Lisk, Ebersole and Patterson)

Changing provisions related to employment in the construction industry.

Referred to Committee on Labor, Commerce and Trade.

SHB 2075 by House Committee on Law and Justice (originally sponsored by Representatives Costa, Lambert, Veloria, Ballasiotes, Scott, Chappell, Patterson, Kessler, H. Sommers, Appelwick, Romero, Morris and Tokuda)

Making the commission of an offense against a pregnant woman an aggravating circumstance.

Referred to Committee on Law and Justice.

HB 2117 by Representatives D. Schmidt, Scott, Blanton, Thompson and Costa

Advancing the cutoff for candidacy filings.

Referred to Committee on Government Operations.

SHB 2186 by House Committee on Health Care (originally sponsored by Representatives Dyer, Cody, Dickerson, L. Thomas, Quall, Carlson and Cooke)

Establishing long-term care benefits for public employees.

Referred to Committee on Health and Long-Term Care.

SHB 2191 by House Committee on Appropriations (originally sponsored by Representatives Cooke, Ogden, Carlson, Sehlin, H. Sommers, Dickerson, Conway and Kessler) (by request of Joint Committee on Pension Policy)

Creating a retirement option for certain fire fighters.

Referred to Committee on Ways and Means.

SHB 2192 by House Committee on Appropriations (originally sponsored by Representatives Carlson, Sehlin, H. Sommers, Cooke, Ogden, Dickerson, Dyer and Conway) (by request of Joint Committee on Pension Policy)

Correcting the teachers' retirement system plan III.

Referred to Committee on Ways and Means.

SHB 2207 by House Committee on Appropriations (originally sponsored by Representatives Sterk, Sheahan, L. Thomas, Robertson, Honeyford, Stevens, McMahan, Crouse, Buck, Koster, Schoesler, Pennington, Mulliken, D. Sommers, Delvin, D. Schmidt, Carlson, Hickel, Thompson, Costa and Hargrove)

Changing provisions relating to release of offenders.

Referred to Committee on Law and Justice.

SHB 2223 by House Committee on Government Operations (originally sponsored by Representatives Foreman, Schoesler, Mastin, Mulliken, Sheldon, Grant, D. Sommers, Honeyford, Koster, Robertson, Campbell, Smith, Huff, L. Thomas, Sheahan, Fuhrman, Thompson, McMorris, Stevens, Boldt, Backlund, Hargrove, Benton and McMahan)

Protecting private property.

Referred to Committee on Government Operations.

2SHB 2225 by House Committee on Appropriations (originally sponsored by Representatives Ballasiotes, Schoesler, Pennington, Sheldon, Kessler, D. Sommers, Radcliff, Koster, Delvin, Conway, Scheuerman, Campbell, Horn, Sheahan, Quall, Mitchell, Thompson, Blanton, Costa, Backlund and Benton)

Enhancing punishment for sex offenses.

Referred to Committee on Law and Justice.

SHB 2274 by House Committee on Trade and Economic Development (originally sponsored by Representatives Van Luven, Sheldon, Hatfield, D. Schmidt, Radcliff and Kessler)

Funding public facilities.

Referred to Committee on Labor, Commerce and Trade.

SHB 2288 by House Committee on Higher Education (originally sponsored by Representatives Jacobsen, Carlson and Mason)

Creating portability of financial aid.

Referred to Committee on Higher Education.

HB 2291 by Representatives Van Luven, Veloria, Brumsickle, Jacobsen, Radcliff, Hatfield, Mason and Thompson

Promoting international educational, cultural, and business exchanges.

Referred to Committee on Labor, Commerce and Trade.

2SHB 2293 by House Committee on Appropriations (originally sponsored by Representatives Carlson, Jacobsen, Murray and Chopp)

Authorizing a technology fee at public institutions of higher education.

Referred to Committee on Higher Education.

ESHB 2309 by House Committee on Health Care (originally sponsored by Representatives Dyer, Conway, Murray, D. Sommers, Dellwo, Cairnes, Ogden, Linville, Cody and Mason)

Revising regulation of hearing and speech professions.

Referred to Committee on Health and Long-Term Care.

2SHB 2323 by House Committee on Appropriations (originally sponsored by Representatives Sterk, Chappell, Thompson, Dellwo, Buck, Hymes, Talcott, Cooke and McMahan)

Providing for future law enforcement officers training.

Referred to Committee on Law and Justice.

2SHB 2330 by House Committee on Appropriations (originally sponsored by Representatives Backlund, Hymes, Dyer, Goldsmith, Crouse, Thompson, Sherstad, D. Sommers, McMahan, D. Schmidt, L. Thomas, Hargrove and McMorris)

Extending the benefit waiting period for preexisting conditions.

Referred to Committee on Health and Long-Term Care.

SHB 2339 by House Committee on Law and Justice (originally sponsored by Representatives Schoesler, Sheldon, Foreman, Sheahan, Grant, Pelesky, Reams, McMorris, L. Thomas, Thompson, D. Schmidt, Fuhrman, Chandler, Sherstad, Hargrove, Smith, McMahan, Benton and Silver)

Increasing penalties for crimes involving methamphetamine.

Referred to Committee on Law and Justice.

HB 2424 by Representatives Chandler, Chappell, Mastin, Morris, Lisk, Clements, Grant, Honeyford and Thompson

Providing for the taxation of fermented apple cider.

Referred to Committee on Ways and Means.

SHB 2428 by House Committee on Natural Resources (originally sponsored by Representative Pennington)

Requiring the watershed coordinating council to implement a watershed pilot project.

Referred to Committee on Natural Resources.

SHB 2446 by House Committee on Appropriations (originally sponsored by Representative Foreman) (by request of Administrator for the Courts)

Creating two additional superior court positions for Chelan and Douglas counties jointly.

Referred to Committee on Law and Justice.

EHB 2452 by Representatives Valle, Backlund, Cody and Dyer

Revising provisions on control of tuberculosis to include treatment orders.

Referred to Committee on Health and Long-Term Care.

SHB 2468 by House Committee on Law and Justice (originally sponsored by Representatives Appelwick, Costa, Sheahan, Scott and Hatfield)

Clarifying the division of certain court filing fees.

Referred to Committee on Law and Justice.

SHB 2478 by House Committee on Higher Education (originally sponsored by Representatives Huff, Carlson, Jacobsen, Goldsmith and Mulliken)

Changing tuition for full-time nonresident undergraduate students at the University of Washington and Washington State University.

Referred to Committee on Higher Education.

SHB 2487 by House Committee on Children and Family Services (originally sponsored by Representatives Tokuda, Buck, Veloria, Carrell, Lambert, Mason, Romero, Honeyford, Dickerson, Murray, Boldt, Hymes, Chopp, Sheldon, Costa, Conway, Cooke and Kessler)

Continuing adoption support payments.

Referred to Committee on Human Services and Corrections.

HB 2495 by Representatives Brumsickle and Cole (by request of Department of Social and Health Services)

Revising educational program for juveniles in detention facilities.

Referred to Committee on Education.

SHB 2498 by House Committee on Commerce and Labor (originally sponsored by Representatives Cairnes, Romero, Hymes and Cody) (by request of Department of Labor and Industries)

Providing uniform construction trade administrative procedures.

Referred to Committee on Labor, Commerce and Trade.

SHB 2516 by House Committee on Children and Family Services (originally sponsored by Representatives Lambert, Cooke, McMorris, Stevens, Johnson, Sherstad, Pennington and Silver)

Concerning the registration of child day-care facilities.

Referred to Committee on Human Services and Corrections.

ESHB 2534 by House Committee on Law and Justice (originally sponsored by Representatives Sheahan, Dellwo, Sterk, Cody, Hickel, Morris and Thompson)

Decriminalizing driving without a license.

Referred to Committee on Law and Justice.

SHB 2545 by House Committee on Corrections (originally sponsored by Representatives Sehlin, Sheahan, Goldsmith, Robertson, L. Thomas, Mulliken, Sheldon, McMahan, Conway, Costa, Patterson, Chopp, Ogden, Hatfield, Hickel, Campbell, Mitchell, Morris, Johnson, Hymes, Thompson, Silver and McMorris)

Imposing additional notice requirements upon release of a sex offender.

Referred to Committee on Human Services and Corrections.

SHB 2578 by House Committee on Natural Resources (originally sponsored by Representatives Fuhrman, Basich, Buck, McMorris and Thompson)

Managing grazing lands.

Referred to Committee on Natural Resources.

SHB 2579 by House Committee on Law and Justice (originally sponsored by Representatives Costa, Ballasiotes, Radcliff, Sheahan, Romero, Dellwo, Chopp, Murray, Robertson, Hickel, Mitchell, Cooke, Conway and Cody)

Consolidating and enhancing services for victims of sexual abuse.

Referred to Committee on Human Services and Corrections.

HB 2589 by Representatives B. Thomas, Dickerson and Boldt (by request of Department of Revenue)

Regulating unclaimed property procedures.

Referred to Committee on Ways and Means.

SHB 2590 by House Committee on Finance (originally sponsored by Representatives Van Luven, Dickerson and B. Thomas) (by request of Department of Revenue)

Implementing excise tax changes needed as a result of Jefferson Lines v. Oklahoma.

Referred to Committee on Ways and Means.

HB 2593 by Representatives Schoesler, Mason, B. Thomas and Boldt (by request of Department of Revenue)

Changing the taxation of railroad-related businesses.

Referred to Committee on Ways and Means.

HB 2594 by Representatives Pennington, Morris, McMorris, Sheldon, Boldt, Linville, Hymes, Goldsmith and Thompson (by request of Department of Revenue)

Providing a sales and use tax exemption for carbon used in producing aluminum.

Referred to Committee on Ways and Means.

SHB 2615 by House Committee on Capital Budget (originally sponsored by Representatives D. Sommers, Crouse, Fuhrman, Sterk, Sheahan and Pelesky)

Distributing a portion of real estate excise tax revenues to local governments for capital projects.

Referred to Committee on Ways and Means.

SHB 2616 by House Committee on Appropriations (originally sponsored by Representatives Foreman, Sheahan, Lisk, Robertson, Hickel, Johnson, Campbell, McMahan and Thompson)

Granting to adult court jurisdiction over juveniles who use a firearm while committing a violent offense.

Referred to Committee on Law and Justice.

HB 2625 by Representatives Pelesky, Brumsickle, Johnson, Talcott and Smith

Changing provisions for probationary certificated educational employees.

Referred to Committee on Education.

SHB 2682 by House Committee on Capital Budget (originally sponsored by Representatives Hymes, Wolfe, Honeyford and Reams)

Authorizing elections to create library capital facility areas at any general or special election.

Referred to Committee on Government Operations.

HB 2683 by Representatives Lambert, Wolfe, Carrell, Morris, Mitchell, Patterson, Sheahan, Cooke and Scott

Including mandatory overtime wages, but excluding voluntary overtime wages in the determination of income for child support.

Referred to Committee on Law and Justice.

SHB 2684 by House Committee on Law and Justice (originally sponsored by Representatives Wolfe, Lambert, Carrell, Mitchell, Sheahan, Patterson, Morris, Cooke, Scott, Dickerson, Backlund and Thompson)

Prescribing sanctions for false allegations of abuse in custody, visitation, or residential schedule disputes.

Referred to Committee on Law and Justice.

SHB 2690 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Pelesky, Benton, Dyer, L. Thomas, Huff, D. Sommers, Kessler and Grant)

Authorizing the collection of fees and prepayment penalties for consumer loans.

Referred to Committee on Financial Institutions and Housing.

SHB 2711 by House Committee on Corrections (originally sponsored by Representatives Radcliff, Ballasiotes, Sheahan, Robertson, L. Thomas, Hickel, McMahan, Sherstad, Goldsmith, Schoesler, Hankins, D. Sommers, Campbell, Silver, Cooke, Mulliken, Blanton, McMorris and Elliot)

Creating an illegal alien offender program.

Referred to Committee on Human Services and Corrections.

HB 2726 by Representatives Radcliff and Blanton

Moving school bond election resolution provisions.

Referred to Committee on Education.

EHB 2735 by Representatives Dyer, D. Sommers, Sherstad and Scheuerman

Exempting from certificate of need review certain nursing facilities that undertake renovations.

Referred to Committee on Health and Long-Term Care.

SHB 2755 by House Committee on Trade and Economic Development (originally sponsored by Representatives Van Luven, Sheldon, Silver and Hatfield) (by request of Department of Community, Trade, and Economic Development)

Promoting economic development.

Referred to Committee on Labor, Commerce and Trade.

SHB 2757 by House Committee on Natural Resources (originally sponsored by Representative Pennington)

Requiring community service work for littering in state parks.

Referred to Committee on Ecology and Parks.

HB 2769 by Representatives Pelesky, Poulsen and Brumsickle

Changing a standard for certificated school employee evaluations.

Referred to Committee on Education.

SHB 2772 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Kessler and Buck)

Raising the amount that must be exceeded by the cost of dock construction for the construction to be considered substantial development under the Shoreline Management Act of 1971.

Referred to Committee on Ecology and Parks.

HB 2776 by Representatives B. Thomas, Morris, Sheldon and Romero

Deleting a future increase in beer taxes allocable to the health services account.

Referred to Committee on Health and Long-Term Care.

HB 2790 by Representatives Dyer, Hymes, Scott, Wolfe, Honeyford, D. Schmidt and B. Thomas

Authorizing the distribution of certain governmental lists of public information to private companies for use by federal, state or local governments.

Referred to Committee on Government Operations.

ESHB 2793 by House Committee on Natural Resources (originally sponsored by Representatives Fuhrman, Jacobsen, Basich, Thompson, Grant and L. Thomas)

Providing for implementation of Referendum 45.

Referred to Committee on Natural Resources.

HB 2800 by Representatives Sheahan and Thompson

Revising provisions relating to offender records.

Referred to Committee on Law and Justice.

HB 2849 by Representatives Dyer, Cody, Casada, Conway, Hymes, Murray, Skinner, Morris, Crouse, Sherstad, Backlund, H. Sommers and Silver

Modifying nursing home administrator licensing.

Referred to Committee on Health and Long-Term Care.

2SHB 2856 by House Committee on Appropriations (originally sponsored by Representatives Cooke, D. Schmidt, Wolfe, Reams, Tokuda, Chopp, Stevens, Costa, Mulliken, Hymes, Hatfield, Silver, Scheurman, Kessler, Conway and Cole) (by request of Governor Lowry)

Establishing the office of the child, youth, and family ombudsman.

Referred to Committee on Human Services and Corrections.

ESHB 2863 by House Committee on Commerce and Labor (originally sponsored by Representatives McMorris, Cody, Horn, Conway, Carrell, Sheldon, Smith, Sterk, Morris, Fuhrman and Pelesky)

Modifying fireworks statutes.

Referred to Committee on Labor, Commerce and Trade.

SHB 2893 by House Committee on Transportation (originally sponsored by Representatives Blanton, K. Schmidt, Dyer, Mitchell, Ballasiotes, Hankins, Hickel, Robertson, Benton and Koster)

Combatting fuel tax evasion.

Referred to Committee on Transportation.

SHB 2936 by House Committee on Commerce and Labor (originally sponsored by Representatives Clements, Chandler, Lisk, Foreman, Honeyford, Grant, Skinner and Mastin)

Exempting food storage facilities from building code requirements relating to ammonia usage.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SHB 2939 by House Committee on Financial Institutions and Insurance (originally sponsored by Representative L. Thomas)

Examining credit unions.

Referred to Committee on Financial Institutions and Housing.

HJM 4039 by Representatives Hankins, Patterson, Delvin, Mitchell, Blanton, Cairnes, Skinner, Crouse, Chandler, Mastin, Kessler, Casada, Grant and Thompson

Requesting that the Hanford Fast Flux Facility be preserved.

Referred to Committee on Energy, Telecommunications and Utilities.

SHJR 4213 by House Committee on Government Operations (originally sponsored by Representatives Appelwick, Foreman, Cooke, B. Thomas and D. Schmidt)

Amending the Constitution to authorize legislative invalidation of agency rules.

Referred to Committee on Government Operations.

EHCR 4422 by Representatives Carlson, Jacobsen, Mulliken, Scheuerman and Mason

Approving recommendations of the 1996 higher education master plan.

Referred to Committee on Higher Education.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Pelz, Gubernatorial Appointment No. 9161, Frank E. Fennerty, Jr., as a member of the Board of Industrial Insurance Appeals, was confirmed.

APPOINTMENT OF FRANK E. FENNERTY, JR.

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 44.

Excused: Senators Hargrove, Heavey, Newhouse, Owen and West - 5.

MOTION

On motion of Senator McAuliffe, Gubernatorial Appointment No. 9244, Ralph Mackey, as a member of the Interagency Committee for Outdoor Recreation, was confirmed.

Senators McAuliffe and Strannigan spoke to the confirmation of Ralph Mackey, as member of the Interagency Committee for Outdoor Recreation.

MOTION

On motion of Senator Anderson, Senator Long was excused.

APPOINTMENT OF RALPH MACKEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Hochstatter, Johnson, Kohl, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 44.

Excused: Senators Hargrove, Heavey, Long, Newhouse and West - 5.

#### MOTION

On motion of Senator Sheldon, Gubernatorial Appointment No. 9245, Mary Ann Huntington, as a member of the Interagency Committee for Outdoor Recreation, was confirmed.

#### APPOINTMENT OF MARY ANN HUNTINGTON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 1; Absent, 1; Excused, 5. Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Hochstatter, Johnson, Kohl, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 42.

Voting nay: Senator Morton - 1.

Absent: Senator Deccio - 1.

Excused: Senators Hargrove, Heavey, Long, Newhouse and West - 5.

#### MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9252, Bob Edwards, as a member of the Puget Sound Water Quality Authority, was confirmed.

#### APPOINTMENT OF BOB EDWARDS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Heavey and Newhouse - 2.

#### MOTION

On motion of Senator Owen, Gubernatorial Appointment No. 9251, Ron Whitener, as a member of the Puget Sound Water Quality Authority, was confirmed.

#### APPOINTMENT OF RON WHITENER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Heavey and Newhouse - 2.

#### SECOND READING

SENATE BILL NO. 6504, by Senators Fraser, McDonald, Haugen and Kohl (by request of Secretary of State Munro)

Restructuring laws on the voters' pamphlet.

#### MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6504 was substituted for Senate Bill No. 6504 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6504 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6504.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6504 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Heavey and Newhouse - 2.

SUBSTITUTE SENATE BILL NO. 6504, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6426, by Senators Prentice, Winsley, Fraser, Snyder, Hale and Franklin (by request of Housing Finance Commission)

Administering the state housing finance commission.

## MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6426 was substituted for Senate Bill No. 6426 and the substitute bill was placed on second reading and read the second time.

Senator Prentice moved that the following amendment be adopted:

On page 5, after line 33, strike all of Section 3 and insert the following:

"Sec. 3. RCW 43.180.160 and 1986 c 264 s 2 & 1983 c 161 s 16 are each amended to read as follows:

The total amount of outstanding indebtedness of the commission may not exceed ~~((one and one-half))~~ two billion dollars at any time. The calculation of outstanding indebtedness shall include the initial principal amount of an issue and shall not include interest that is either currently payable or that accrues as a part of the face amount of an issue payable at maturity or earlier redemption. Outstanding indebtedness shall not include notes or bonds as to which the obligation of the commission has been satisfied and discharged by refunding or for which payment has been provided by reserves or otherwise."

## POINT OF INQUIRY

Senator McDonald: "Senator Prentice, give me a little bit more background on this, will you? We have a two billion limit and that is going to allow them to bond out?"

Senator Prentice: "To do what? I didn't hear you."

Senator McDonald: "You've got an indebtedness limit and what exactly does that mean? I need a little education on this."

Senator Prentice: "These are not state bonds; these are federal tax exempt bonds."

Senator McDonald: "Thank you very much."

The President declared the question before the Senate to be the adoption of the amendment by Senator Prentice on page 5, after line 33, to Substitute Senate Bill No. 6426.

The motion by Senator Prentice carried and the amendment was adopted.

## MOTION

On motion of Senator Prentice, the following title amendment was adopted:

On page 1, line 2 of the title, after "43.180.080" strike "and 43.180.300; and repealing RCW 43.180.160" and insert ", 43.180.300, and 43.180.160"

## MOTION

On motion of Senator Prentice, further consideration of Substitute Senate Bill No. 6426 was deferred.

## SECOND READING

SENATE BILL NO. 6407, by Senators Sheldon, Long and Winsley (by request of Secretary of State Munro)

Filing faxed documents.

The bill was read the second time.

## MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 6407 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6407.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6407 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Heavey - 1.

SENATE BILL NO. 6407, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6405, by Senators Owen, Prince, Prentice, Wood, Winsley and Fraser (by request of Department of Transportation)

Creating a scenic byways designation program.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 6405 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6405.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6405 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Heavey - 1.

SENATE BILL NO. 6405, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6293, by Senators Prentice, Hale, Fraser, Sellar, Quigley, Winsley and Roach (by request of Secretary of State Munro and Insurance Commissioner Senn)

Filing documents with the insurance commissioner.

#### MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6293 was substituted for Senate Bill No. 6293 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6293 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6293.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6293 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Heavey - 1.

SUBSTITUTE SENATE BILL NO. 6293, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6292, by Senators Prentice, Sellar, Fraser and Quigley (by request of Insurance Commissioner Senn)

Defining member insurers and who they cover.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 6292 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6292.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6292 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senators Deccio and Hargrove - 2.

Excused: Senator Heavey - 1.

SENATE BILL NO. 6292, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6289, by Senators Prentice, Fraser, Quigley and Pelz (by request of Insurance Commissioner Senn)

Regulating fraternal benefit societies.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 6289 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6289.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6289 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Heavey - 1.

SENATE BILL NO. 6289, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6273, by Senators Quigley, West, Goings, Wood, Winsley, Spanel and Haugen (by request of Public Works Board and Department of Community, Trade, and Economic Development)

Authorizing certain public works projects.

#### MOTIONS

On motion of Senator Quigley, Substitute Senate Bill No. 6273 was substituted for Senate Bill No. 6273 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Quigley, the rules were suspended, Substitute Senate Bill No. 6273 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6273.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6273 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Heavey - 1.

SUBSTITUTE SENATE BILL NO. 6273, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6253, by Senators Smith, Kohl and Long (by request of Sentencing Guidelines Commission)

Revising the duties of the sentencing guidelines commission.

The bill was read the second time.

MOTION

On motion of Senator Smith, the rules were suspended, Senate Bill No. 6253 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6253.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6253 and the bill passed the Senate by the following vote:  
Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Heavey - 1.

SENATE BILL NO. 6253, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheldon, Senator Owen was excused.

SECOND READING

SENATE BILL NO. 6151, by Senator Smith (by request of Administrator for the Courts)

Providing two superior court positions for Thurston county.

The bill was read the second time.

MOTION

On motion of Senator Smith, the rules were suspended, Senate Bill No. 6151 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6151.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6151 and the bill passed the Senate by the following vote:  
Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Heavey and Owen - 2.

SENATE BILL NO. 6151, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6156, by Senators Bauer, Long, Fraser, Winsley and Roach (by request of Joint Committee on Pension Policy)

Separating from PERS I without withdrawing contributions.

The bill was read the second time.

MOTION

On motion of Senator Bauer, the rules were suspended, Senate Bill No. 6156 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6156.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6156 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, Winsley, Wojahn and Wood - 37.

Voting nay: Senators Cantu, Finkbeiner, Johnson, Morton, Newhouse, Schow, Strannigan, Swecker, West and Zarelli - 10.

Excused: Senators Heavey and Owen - 2.

SENATE BILL NO. 6156, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6267, by Senators McAuliffe, Sheldon, Johnson, Winsley, Rasmussen, Hochstatter, Drew and Smith

Changing provisions relating to the principal internship support program.

## MOTIONS

On motion of Senator Sheldon, Substitute Senate Bill No. 6267 was substituted for Senate Bill No. 6267 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 6267 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6267.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6267 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Heavey and Owen - 2.

SUBSTITUTE SENATE BILL NO. 6267, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6410, by Senators Bauer, Finkbeiner and Haugen (by request of Department of Information Services and Office of Financial Management)

Repealing the sunset of the department of information services.

The bill was read the second time.

## MOTIONS

On motion of Senator Cantu, the following amendment by Senators Cantu and Bauer was adopted:

On page 1, after line 7, insert the following:

"NEW SECTION. Sec. 2. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1998:

- (1) RCW 41.06.094 and 1987 c 504 s 7;
- (2) RCW 43.88.560 and 1992 c 20 s 7;
- (3) RCW 43.105.005 and 1990 c 208 s 1 & 1987 c 504 s 1;
- (4) RCW 43.105.017 and 1995 2nd sp.s. c 14 s 511, 1992 c 20 s 6, 1990 c 208 s 2, & 1987 c 504 s 2;
- (5) RCW 43.105.020 and 1993 c 280 s 78, 1990 c 208 s 3, 1987 c 504 s 3, 1973 1st ex.s. c 219 s 3, & 1967 ex.s. c 115 s 2;
- (6) RCW 43.105.032 and 1992 c 20 s 8, 1987 c 504 s 4, 1984 c 287 s 86, 1975-'76 2nd ex.s. c 34 s 128, & 1973 1st ex.s. c 219 s 5;
- (7) RCW 43.105.041 and 1995 2nd sp.s. c 14 s 512, 1990 c 208 s 6, 1987 c 504 s 5, 1983 c 3 s 115, & 1973 1st ex.s. c 219 s 6;
- (8) RCW 43.105.047 and 1992 c 20 s 9 & 1987 c 504 s 6;
- (9) RCW 43.105.052 and 1993 c 281 s 53, 1992 c 20 s 10, 1990 c 208 s 7, & 1987 c 504 s 8;
- (10) RCW 43.105.055 and 1987 c 504 s 9;
- (11) RCW 43.105.057 and 1992 c 20 s 11 & 1990 c 208 s 13;
- (12) RCW 43.105.060 and 1987 c 504 s 10, 1973 1st ex.s. c 219 s 9, & 1967 ex.s. c 115 s 6;
- (13) RCW 43.105.070 and 1969 ex.s. c 212 s 4;
- (14) RCW 43.105.080 and 1992 c 235 s 6, 1987 c 504 s 11, 1983 c 3 s 116, & 1974 ex.s. c 129 s 1;
- (15) RCW 43.105.160 and 1992 c 20 s 1;
- (16) RCW 43.105.170 and 1992 c 20 s 2;
- (17) RCW 43.105.180 and 1992 c 20 s 3;
- (18) RCW 43.105.190 and 1992 c 20 s 4;
- (19) RCW 43.105.200 and 1992 c 20 s 5;
- (20) RCW 43.105.210 and 1993 sp.s. c 1 s 903;
- (21) RCW 43.105.900 and 1973 1st ex.s. c 219 s 10;

(22) RCW 43.105.901 and 1987 c 504 s 25; and

(23) RCW 43.105.902 and 1987 c 504 s 26."

On motion of Senator Bauer, the following title amendment was adopted:

On page 1, line 2 of the title, after "43.131.353" strike "and 43.131.354" and insert ", 43.131.354, 41.06.094, 43.88.560, 43.105.005, 43.105.017, 43.105.020, 43.105.032, 43.105.041, 43.105.047, 43.105.052, 43.105.055, 43.105.057, 43.105.060, 43.105.070, 43.105.080, 43.105.160, 43.105.170, 43.105.180, 43.105.190, 43.105.200, 43.105.210, 43.105.900, 43.105.901, and 43.105.902"

#### MOTION

On motion of Senator Bauer, the rules were suspended, Engrossed Senate Bill No. 6410 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6410.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6410 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Heavey and Owen - 2.

ENGROSSED SENATE BILL NO. 6410, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Anderson, Senator Johnson was excused.

#### SECOND READING

SENATE BILL NO. 6489, by Senators Owen and Prince (by request of Department of Licensing)

Clarifying criteria for refund of overpayments of vehicle and vessel license fees.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 6489 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6489.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6489 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Heavey and Johnson - 2.

SENATE BILL NO. 6489, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6487, by Senators Owen and Prince (by request of Department of Licensing)

Revising qualifications for commercial driver's licenses.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 6487 was substituted for Senate Bill No. 6487 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 6487 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6487.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6487 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6487, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6453, by Senators Sutherland, McAuliffe, Finkbeiner, Oke and Winsley (by request of Governor Lowry)

Allowing phone companies and other information providers to include listings for elective officials in their directories free of charge.

The bill was read the second time.

#### MOTION

On motion of Senator Sutherland, the rules were suspended, Senate Bill No. 6453 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6453.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6453 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SENATE BILL NO. 6453, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Thibaudeau, Senator Owen was excused.

#### SECOND READING

SENATE BILL NO. 6349, by Senators McAuliffe, Johnson, Goings and Rasmussen (by request of Department of Social and Health Services)

Revising educational program for juveniles in detention facilities.

The bill was read the second time.

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 6349 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6349.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6349 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Owen - 1.

SENATE BILL NO. 6349, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6290, by Senators Prentice, Fraser, Quigley and Pelz (by request of Insurance Commissioner Senn)

Setting net worth requirements.

## MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6290 was substituted for Senate Bill No. 6290 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6290 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6290.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6290 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Owen - 1.

SUBSTITUTE SENATE BILL NO. 6290, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6232, by Senators Fraser and Long (by request of Department of Retirement Systems)

Providing actuarially equivalent survivor benefits.

## MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 6232 was substituted for Senate Bill No. 6232 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the rules were suspended, Substitute Senate Bill No. 6232 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6232.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6232 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Owen - 1.

SUBSTITUTE SENATE BILL NO. 6232, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6223, by Senators Pelz, Deccio and Newhouse (by request of Department of Labor and Industries)

Providing uniform construction trade administrative procedures.

## MOTIONS

On motion of Senator Pelz, Substitute Senate Bill No. 6223 was substituted for Senate Bill No. 6223 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pelz, the rules were suspended, Substitute Senate Bill No. 6223 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6223.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6223 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44.

Voting nay: Senators Hochstatter, Morton, Schow and Swecker - 4.

Excused: Senator Owen - 1.

SUBSTITUTE SENATE BILL NO. 6223, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6216, by Senator McAuliffe (by request of Board of Education and Superintendent of Public Instruction)

Changing state board of education staff provisions.

The bill was read the second time.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Senate Bill No. 6216 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6216.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6216 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Owen - 1.

SENATE BILL NO. 6216, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6179, by Senator Smith (by request of Administrator for the Courts)

Revising the procedure for impanelling juries.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, Senate Bill No. 6179 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6179.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6179 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator Finkbeiner - 1.

Excused: Senator Owen - 1.

SENATE BILL NO. 6179, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 10:37 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 12:11 p.m. by President Pritchard.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6426, deferred on second reading earlier today, after an amendment and title amendment had been adopted.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute Senate Bill No. 6426 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6426.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6426 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6426, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Wood, Senator McCaslin was excused.

#### SECOND READING

SENATE BILL NO. 6096, by Senator Rasmussen

Changing financial responsibility requirements for operators of solid waste landfills.

#### MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6096 was substituted for Senate Bill No. 6096 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6096 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6096.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6096 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, Morton, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 40.

Voting nay: Senators Anderson, A., Cantu, Hochstatter, McDonald, Newhouse, Sellar and Wojahn - 7.

Absent: Senator Moyer - 1.

Excused: Senator McCaslin - 1.

SUBSTITUTE SENATE BILL NO. 6096, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6204, by Senators Haugen, Smith, Winsley, Hale and Schow

Decriminalizing certain traffic offenses.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 6204 was substituted for Senate Bill No. 6204 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the following amendment by Senator Haugen was adopted:

On page 3, beginning on line 18, strike the remainder of the bill, and insert the following:

"**Sec. 2.** RCW 46.20.021 and 1991 c 293 s 3 and 1991 c 73 s 1 are each reenacted and amended to read as follows:

(1) No person, except as expressly exempted by this chapter, may drive any motor vehicle upon a highway in this state unless the person has a valid driver's license issued to Washington residents under the provisions of this chapter. A violation of this subsection is a misdemeanor and is a lesser included offense within the offenses described in RCW 46.20.342(1) or 46.20.420. However, if a person in violation of this section provides the citing officer with an expired driver's license or other valid identifying documentation under RCW 46.20.035 at the time of the stop and is not in violation of RCW 46.20.342(1) or 46.20.420, the violation of this section is an infraction and is

subject to a penalty of two hundred fifty dollars. If the person appears in person before the court or submits by mail written proof that he or she obtained a valid license after being cited, the court shall reduce the penalty to fifty dollars.

(2) For the purposes of obtaining a valid driver's license, a resident is a person who manifests an intent to live or be located in this state on more than a temporary or transient basis. Evidence of residency includes but is not limited to:

- (a) Becoming a registered voter in this state; or
- (b) Receiving benefits under one of the Washington public assistance programs; or
- (c) Declaring that he or she is a resident for the purpose of obtaining a state license or tuition fees at resident rates.

(3) The term "Washington public assistance programs" referred to in subsection (2)(b) of this section includes only public assistance programs for which more than fifty percent of the combined costs of benefits and administration are paid from state funds. Programs which are not included within the term "Washington public assistance programs" pursuant to the above criteria include, but are not limited to the food stamp program under the federal food stamp act of 1964; programs under the child nutrition act of 1966, 42 U.S.C. Secs. 1771 through 1788; and aid to families with dependent children, 42 U.S.C. Secs. 601 through 606.

(4) No person shall receive a driver's license unless and until he or she surrenders to the department all valid driver's licenses in his or her possession issued to him or her by any other jurisdiction. The department shall establish a procedure to invalidate the surrendered photograph license and return it to the person. The invalidated license, along with the valid temporary Washington driver's license provided for in RCW 46.20.055(3), shall be accepted as proper identification. The department shall notify the issuing department that the licensee is now licensed in a new jurisdiction. No person shall be permitted to have more than one valid driver's license at any time.

(5) New Washington residents are allowed thirty days from the date they become residents as defined in this section to procure a valid Washington driver's license.

(6) Any person licensed as a driver under this chapter may exercise the privilege thereby granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise such privilege by any county, municipal or local board, or body having authority to adopt local police regulations.

**Sec. 3.** RCW 46.63.020 and 1995 1st sp. s. c 16 s 1, 1995 c 332 s 16, and 1995 c 256 s 25 are each reenacted and amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

- (1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;
- (2) RCW 46.09.130 relating to operation of nonhighway vehicles;
- (3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;
- (4) RCW 46.10.130 relating to the operation of snowmobiles;
- (5) Chapter 46.12 RCW relating to certificates of ownership and registration and markings indicating that a vehicle has been destroyed or declared a total loss;
- (6) RCW 46.16.010 relating to initial registration of motor vehicles;
- (7) RCW 46.16.011 relating to permitting unauthorized persons to drive;
- (8) RCW 46.16.160 relating to vehicle trip permits;
- (9) RCW 46.16.381 (6) or (9) relating to unauthorized use or acquisition of a special placard or license plate for disabled persons' parking;
- (10) RCW 46.20.021 relating to driving without a valid driver's license, unless the person cited for the violation provided the citing officer with an expired driver's license or other valid identifying documentation under RCW 46.20.035 at the time of the stop and was not in violation of RCW 46.20.342(1) or 46.20.420, in which case the violation is an infraction;
- (11) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;
- (12) RCW 46.20.342 relating to driving with a suspended or revoked license or status;
- (13) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;
- (14) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;
- (15) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;
- (16) RCW 46.25.170 relating to commercial driver's licenses;
- (17) Chapter 46.29 RCW relating to financial responsibility;
- (18) RCW 46.30.040 relating to providing false evidence of financial responsibility;
- (19) RCW 46.37.435 relating to wrongful installation of sunscreening material;
- (20) RCW 46.44.180 relating to operation of mobile home pilot vehicles;
- (21) RCW 46.48.175 relating to the transportation of dangerous articles;
- (22) RCW 46.52.010 relating to duty on striking an unattended car or other property;
- (23) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (24) RCW 46.52.090 relating to reports by repairmen, storage men, and appraisers;
- (25) RCW 46.52.100 relating to driving under the influence of liquor or drugs;
- (26) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;
- (27) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;
- (28) RCW 46.55.035 relating to prohibited practices by tow truck operators;
- (29) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;
- (30) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
- (31) RCW 46.61.022 relating to failure to stop and give identification to an officer;
- (32) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;
- (33) RCW 46.61.500 relating to reckless driving;
- (34) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;
- (35) RCW (~~46.61.5055 (section 5, chapter 332 (Substitute Senate Bill No. 5141), Laws of 1995))~~ 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;
- (36) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
- (37) RCW 46.61.522 relating to vehicular assault;
- (38) RCW 46.61.525(1) relating to first degree negligent driving;
- (39) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;
- (40) RCW 46.61.530 relating to racing of vehicles on highways;
- (41) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
- (42) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;
- (43) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

(44) Chapter 46.65 RCW relating to habitual traffic offenders;  
(45) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;  
(46) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;  
(47) Chapter 46.80 RCW relating to motor vehicle wreckers;  
(48) Chapter 46.82 RCW relating to driver's training schools;  
(49) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;  
(50) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW."

#### MOTIONS

On motion of Senator Smith, the following title amendment was adopted:  
On line 1 of the title, after "Relating to" strike the remainder of the title, and insert "penalties for driving without a driver's license and negligent driving; amending RCW 46.61.525; reenacting and amending RCW 46.20.021 and 46.63.020; and prescribing penalties."  
On motion of Senator Smith, the rules were suspended, Engrossed Substitute Senate Bill No. 6204 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Johnson: "Senator Smith, Senator Long and I were looking at the amendment. On page 3, line 18, by Senator Haugen, there are two statutory references. That would seem to take it out of the infraction category and put it into a misdemeanor--342(1) and 420."  
Senator Smith: "I guess I don't understand the question. Could you take another shot at it?"  
Senator Johnson: "The language in that section seems to say that if it is not in violation of those two sections of the code--"  
Senator Smith: "I'm with you now. What this does is, it is a misdemeanor, okay, but--and this is the problem that we had in committee--basically, everyone kind of agreed that with no valid driver's license, it would be helpful if we could move it down to an infraction, but the police officers were concerned, because oftentimes they do the investigation. This was worked out with the police officers, so that now it is a misdemeanor, but the court will reduce it if the driver has an expired driver's license or some form of valid identification. What the police officers were concerned about is that if they stop someone and they don't have any identification whatsoever, they could not cite and further investigate. If the person has identification, it is not a problem, so that we took care of. If they don't have identification, it is still a misdemeanor and the police officers could still do what they wanted to do."  
Senator Johnson: "Unless they are in violation of one of those two sections in line 18?"  
Senator Smith: "Right."  
Senator Johnson: "Which are--maybe you don't have those at your fingertips--it looks like that would put it back into the misdemeanor category."  
Senator Smith: "Right, I don't know what those two are, but I can imagine they are something that would warrant it being put back into the misdemeanor category."  
Senator Johnson: "Thank you."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6204.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6204 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.  
Voting yea: Senators Anderson, A., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.  
Absent: Senator Bauer - 1.  
Excused: Senator McCaslin - 1.  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6204, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6160, by Senators Loveland and Winsley

Requiring the preparation of maps by county assessors for listing of real estate.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6160 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6160.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6160 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator McCaslin - 1.

SENATE BILL NO. 6160, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6617, by Senators Prentice, Sellar and Fraser (by request of Department of Financial Institutions)

Imposing fines or sanctions against mortgage brokers.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 6617 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6617.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6617 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator Newhouse - 1.

Excused: Senator McCaslin - 1.

SENATE BILL NO. 6617, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6122, by Senators Quigley, Fairley, Kohl, Thibaudeau, Loveland, Sheldon, Franklin, Winsley, Pelz and McAuliffe

Protecting patient choice in health care insurance and health care providers.

#### MOTIONS

On motion of Senator Quigley, Substitute Senate Bill No. 6122 was substituted for Senate Bill No. 6122 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Quigley, the rules were suspended, Substitute Senate Bill No. 6122 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6122.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6122 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, Morton, Moyer, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 42.

Voting nay: Senators Cantu, Deccio, Johnson, McDonald, Newhouse and West - 6.

Excused: Senator McCaslin - 1.

SUBSTITUTE SENATE BILL NO. 6122, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6615, by Senators Hale, Sheldon and Haugen

Protecting certain business information.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6615 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6615.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6615 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator Quigley - 1.

Excused: Senator McCaslin - 1.

SENATE BILL NO. 6615, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6432, by Senators Fraser, McAuliffe and Kohl

Requiring individualized education programs for deaf, deaf-blind, and hard of hearing children to fully consider the communication needs of individual children.

#### MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 6432 was substituted for Senate Bill No. 6432 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 6432 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6432.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6432 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator McCaslin - 1.

SUBSTITUTE SENATE BILL NO. 6432, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5615, by Senators Pelz, Franklin, Hargrove, Snyder, Bauer, Fraser, McAuliffe, Smith, Prentice, Heavey and Rinehart

Revising provisions relating to compensation during reconsideration of department of labor and industries industrial insurance orders.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Senate Bill No. 5615 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Morton: "Senator Pelz, looking at the bill, I need a little explanation here, which maybe I just don't know the normal interpretation thereof. On the second page, line 14, Senator Heavey has brought up the matter of total disability, but it preempts that by saying, 'temporary total disability.' Therefore, I interpret that to mean that it might be total disability today, but next week, it might not be total disability and that one could return to work. Would you like to comment, please?"

Senator Pelz: "Would you direct the question to Senator Heavey?"

Senator Morton: "Thank you, Senator Pelz. Senator Heavey, I'm on the second page of the bill and on line 14."

Senator Heavey: "Senator, from the seventh district, yes that is correct. It is temporary total disability determination. The person is temporary totally disabled, which may go on for ever. It may go on for a week; it may go on for six months. It certainly may go on during the appeal period, which is two hundred to four hundred days."

Senator Morton: "Thank you, Senator Heavey."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5615.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5615 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, Winsley and Wojahn - 27.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Wood and Zarelli - 22.

SENATE BILL NO. 5615, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6443, by Senators Fairley, Oke, Fraser, Quigley, Snyder, Kohl, Owen, Rinehart, Pelz, Franklin, Wood, Spanel, Prentice, Thibaudeau, Drew and McAuliffe

Prohibiting the lease of certain tidal or submerged lands for oil or gas exploration.

The bill was read the second time.

#### MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 6443 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Thibaudeau, Senator Wojahn was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6443.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6443 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, West and Winsley - 32.

Voting nay: Senators Anderson, A., Cantu, Deccio, Hochstatter, Johnson, McCaslin, Moyer, Newhouse, Prince, Roach, Schow, Sellar, Strannigan, Swecker, Wood and Zarelli - 16.

Excused: Senator Wojahn - 1.

SENATE BILL NO. 6443, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 5359, by Senate Committee on Labor, Commerce and Trade (originally sponsored by Senators Sheldon, Cantu, Rasmussen, Winsley and A. Anderson)

Creating a self-employment income support program.

The bill was read the second time.

#### MOTIONS

On motion of Senator Pelz, the following Committee on Labor, Commerce and Trade amendment was adopted:

On page 2, after line 31, insert the following:

"(4) Benefits paid under chapter . . . , Laws of 1996 (this act) that exceed the average number of weeks paid for all claimants, based on the most recent data published by the employment security department on the effective date of the initial determination, shall not be charged to the experience rating account of any contribution paying employer."

On motion of Senator Sheldon, the rules were suspended, Engrossed Substitute Senate Bill No. 5359 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5359.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5359 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 45.

Voting nay: Senators McDonald, Newhouse and Schow - 3.

Excused: Senator Wojahn - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5359, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6540, by Senators Prentice and Owen

Restricting the release of addicted infants from hospitals.

#### MOTIONS

On motion of Senator Quigley, Substitute Senate Bill No. 6540 was substituted for Senate Bill No. 6540 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Quigley, the rules were suspended, Substitute Senate Bill No. 6540 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6540.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6540 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 48.

Voting nay: Senator West - 1.

SUBSTITUTE SENATE BILL NO. 6540, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6132, by Senator Fairley

Limiting the exemption from campaign financing disclosure requirements to political subdivisions under one thousand population.

#### MOTION

Senator Fairley moved that Substitute Senate Bill No. 6132 be substituted for Senate Bill No. 6132 and the substitute bill be placed on second reading and read the second time.

#### POINT OF ORDER

Senator West: "Mr. President, I rise to challenge the scope and object of Substitute Senate Bill No. 6132. The substitution of Senate Bill No. 6132 greatly expands the original bill, Senate Bill No. 6132, and therefore expands the scope and object. The original bill, Senate Bill No. 6132, simply applied to small political subdivisions, the difference between five thousand voters and one thousand voters. The addition of the substitute in committee expands that by changing where political campaigns can be applied in a campaign. The original bill didn't talk about political contributions. It talked about reporting in small towns.

"This substitute requires a candidate to designate which office they are running for before they take any money; the original bill didn't have any indication of that type of thing. The substitute requires that when a candidate running for one office switches to another office, that they then have to give the money to the State Treasury or charity. The original bill, again, only talked about whether the reporting requirements of the Public Disclosure Commission applied to a candidate running in a town of five thousand or a town of one thousand. This is clearly beyond embodying the scope of Senate Bill No. 6132."

Further debate ensued.

There being no objection, the President deferred further consideration of Senate Bill No. 6132.

President Pro Tempore Wojahn assumed the Chair.

## SECOND READING

SENATE BILL NO. 6551, by Senators Loveland, Rasmussen, Snyder, Morton, Oke, Prince, A. Anderson, Hargrove, Hochstatter, Winsley and Sellar

Making the coordinated resource management of state grazing lands a high priority.

## MOTIONS

On motion of Senator Loveland, Substitute Senate Bill No. 6551 was substituted for Senate Bill No. 6551 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Loveland, the rules were suspended, Substitute Senate Bill No. 6551 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6551.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6551 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6551, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6735, by Senators Pelz, Sutherland, Hargrove, Schow, Smith and Fairley

Requiring disclosure of campaign contributions from gambling interests.

## MOTIONS

On motion of Senator Pelz, Substitute Senate Bill No. 6735 was substituted for Senate Bill No. 6735 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pelz, the rules were suspended, Substitute Senate Bill No. 6735 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Newhouse: "Senator Pelz, I am unclear with this language. What would be reported that isn't presently reported now?"

Senator Pelz: "The difference is that if an organization is involved in gambling and by that has an axis with the Lottery Commission, the Gambling Commission or the Horse Racing Commission, those entities would have to disclose to the candidate the amount of their business that is involved in gambling. The candidate would have a specific spot on their C-3 Form to indicate that they knew that was where this money came from. It is a disclosure bill; it does not ban contributions,. It just requires disclosure."

Senator Newhouse: "But every contribution of one hundred or more must be reported anyway, mustn't it?"

Senator Pelz: "It does not currently have to be reported as a gambling contribution, which is what this bill would do."

Senator Newhouse: "This is inferring then that it is tainted money."

Senator Pelz: "Well, you know what Senator Snyder says about tainted money, but anyway--"

Senator Newhouse: "Tainted money--"

Senator Pelz: "No, it does not infer that, it just says that the entity just has to disclose what percent of their business activity is involved in gambling and the voters can make the inference."

Further debate ensued.

## POINT OF INQUIRY

Senator McCaslin: "Senator Pelz, I just opened the book on the bill itself and I looked for a definition of gambling interest. Would that be defined elsewhere in another statute?"

Senator Pelz: "No sir, if you are registered with the Gambling Commission, that is where the kicker is. If you are registered with the Gambling Commission, if you are registered with the Horse Racing Commission, if you are registered with the Lottery Commission, that is when you know you are involved in gambling."

Senator McCaslin: "If I receive a contribution from a person that makes his living by gambling, I would not report it? I would report the contribution, but not that it was a gambling interest?"

Senator Pelz: "That is correct, sir, and I am not going to deny that that this net catch is all fish, but partly because of the issues that Senator Anderson raised. If it did catch all fish, it would be unduly cumbersome."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6735.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6735 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6735, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 1:45 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Monday, February 12, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-FOURTH DAY, FEBRUARY 10, 1996

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**THIRTY-SIXTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Monday, February 12, 1996  
The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cantu, Drew, Long, Moyer, Owen, Rasmussen, Swecker and Wood. On motion of Senator Thibaudeau, Senators Drew and Owen were excused. On motion of Senator Anderson, Senators Moyer, Swecker and Wood were excused.

The Sergeant at Arms Color Guard, consisting of Pages Todd Engstrom and Eric Fasenmaier, presented the Colors. Jim Cammac from the Baha'is of Shelton, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

MR. PRESIDENT:

The House has passed:  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2221,  
ENGROSSED HOUSE BILL NO. 2672,  
ENGROSSED HOUSE BILL NO. 2847, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 8, 1996

MR. PRESIDENT:

The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2703,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2781,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2828,  
ENGROSSED HOUSE BILL NO. 2837,  
ENGROSSED HOUSE BILL NO. 2838,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2947, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 9, 1996

MR. PRESIDENT:

The House has passed:  
SECOND SUBSTITUTE HOUSE BILL NO. 1625,  
SECOND SUBSTITUTE HOUSE BILL NO. 1774,  
SUBSTITUTE HOUSE BILL NO. 1990,  
SUBSTITUTE HOUSE BILL NO. 2162,  
SECOND SUBSTITUTE HOUSE BILL NO. 2220,  
ENGROSSED HOUSE BILL NO. 2254,  
SECOND SUBSTITUTE HOUSE BILL NO. 2292,  
SUBSTITUTE HOUSE BILL NO. 2294,  
SUBSTITUTE HOUSE BILL NO. 2303,  
SECOND SUBSTITUTE HOUSE BILL NO. 2363,  
SUBSTITUTE HOUSE BILL NO. 2371, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 9, 1996

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 2377,  
SUBSTITUTE HOUSE BILL NO. 2397,  
SUBSTITUTE HOUSE BILL NO. 2449,  
SUBSTITUTE HOUSE BILL NO. 2505,  
SUBSTITUTE HOUSE BILL NO. 2513, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 9, 1996

February 9, 1996

MR. PRESIDENT:

The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2164,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2217,  
SUBSTITUTE HOUSE BILL NO. 2376,  
SUBSTITUTE HOUSE BILL NO. 2378,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2909, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING

SCR 8429 by Senators Thibaudeau, Quigley, Moyer, Deccio, Winsley, Wood, Franklin, Wojahn, Prentice, Fairley and Kohl

Establishing a joint select committee on oral health care.

Referred to Committee on Health and Long-Term Care.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 1625 by House Committee on Government Operations (originally sponsored by Representatives Reams, Brumsickle, Casada, Morris, Hargrove, Buck, Radcliff, Benton, Grant, Talcott, Hymes, Thompson, Elliot and Huff)

Regulating payment of impact fees.

Referred to Committee on Government Operations.

2SHB 1774 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Mastin, Basich and Honeyford)

Altering appeal procedures for water-related actions of the department of ecology.

Referred to Committee on Ecology and Parks.

SHB 1990 by House Committee on Appropriations (originally sponsored by Representatives Robertson, Chappell and Delvin)

Providing minimum retirement benefits.

Referred to Committee on Ways and Means.

SHB 2162 by House Committee on Government Operations (originally sponsored by Representatives Benton, Kremen, Carlson, Wolfe, Koster, Tokuda, Campbell, Morris, Smith, D. Schmidt, Lambert, Blanton, Elliot, Buck, Mulliken, Goldsmith, Pelesky and Thompson)

Revising the method for determining the order of names on election ballots.

Referred to Committee on Government Operations.

ESHB 2164 by House Committee on Appropriations (originally sponsored by Representatives Benton, Pelesky, Smith, Hargrove and Campbell)

Arming community corrections officers.

Referred to Committee on Human Services and Corrections.

E2SHB 2217 by House Committee on Appropriations (originally sponsored by Representatives Carrell, Mitchell, Thompson, Cooke, Boldt, Backlund and Johnson)

Changing provisions for at-risk youth.

Referred to Committee on Human Services and Corrections.

2SHB 2220 by House Committee on Appropriations (originally sponsored by Representatives Elliot, Schoesler, Hickel, Thompson, McMorris and McMahan)

Providing schools with the flexibility to waive laws, rules, and district policies.

Referred to Committee on Education.

E2SHB 2221 by House Committee on Appropriations (originally sponsored by Representatives Reams, Schoesler, Mastin, Koster, Campbell, Horn, L. Thomas, Sheahan, D. Schmidt, Elliot, Mitchell, Thompson, Stevens, Goldsmith, Backlund, Hargrove and McMahan)

Implementing regulatory reform.

Referred to Committee on Government Operations.

EHB 2254 by Representatives Van Luven, Romero, Backlund, Scott, Foreman, Sheldon, Horn and Benton

Providing special plates and fee exemptions for representatives of foreign organizations.

Referred to Committee on Transportation.

2SHB 2292 by House Committee on Appropriations (originally sponsored by Representatives Carlson, Jacobsen and Murray) (by request of Higher Education Coordinating Board)

Establishing the innovation and quality in higher education program.

Referred to Committee on Higher Education.

SHB 2294 by House Committee on Higher Education (originally sponsored by Representatives Delvin and Carlson) (by request of Higher Education Coordinating Board)

Changing provisions relating to the state educational trust fund.

Referred to Committee on Higher Education.

SHB 2303 by House Committee on Higher Education (originally sponsored by Representatives Carlson, Jacobsen and Mulliken)

Creating a tuition variance pilot program.

Referred to Committee on Higher Education.

2SHB 2363 by House Committee on Appropriations (originally sponsored by Representatives Delvin, Clements, Mastin, Grant and Hankins)

Requiring a project for designs to restore anadromous fish habitat in the Chandler irrigation canal and on state-owned land on Crab creek.

Referred to Committee on Natural Resources.

SHB 2371 by House Committee on Higher Education (originally sponsored by Representatives Blanton, Elliot, Mastin, Goldsmith, Pelesky, Carlson, Cairnes, Hymes, Hankins, Benton, Tokuda, Mason, Scott, McMahan, Quall, Dickerson, Mitchell, Jacobsen, D. Schmidt, Cooke, Hargrove, Conway, Sheldon, Costa, McMorris, Mulliken and Silver)

Suspending the professional licenses for failure to repay student loans.

Referred to Committee on Higher Education.

SHB 2376 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Koster, Johnson, Boldt, McMorris, Thompson and Mulliken)

Recovering gasoline vapors.

Referred to Committee on Ecology and Parks.

SHB 2377 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Chappell, Koster, Schoesler, Johnson, McMorris and Thompson)

Promoting compliance with environmental laws.

Referred to Committee on Ecology and Parks.

SHB 2378 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Mastin, Schoesler, Dyer, Elliot, Johnson, B. Thomas, Thompson and Mulliken)

Revising regulations concerning reclaimed water.

Referred to Committee on Ecology and Parks.

SHB 2397 by House Committee on Finance (originally sponsored by Representatives Boldt, Sheldon, Kessler, Hatfield, Fuhrman, Buck, Basich and Benton)

Allowing county excise taxation of harvesters of timber on publicly owned land.

Referred to Committee on Ways and Means.

SHB 2449 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Delvin, Foreman, Chandler, Mastin, Honeyford, Clements, Koster, Boldt, Schoesler, Robertson, Silver, Mulliken and Johnson)

Providing for water resource management.

Referred to Committee on Ecology and Parks.

SHB 2505 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Mastin, Schoesler, Chandler, Mulliken, Sheahan and Boldt)

Lowering the business and occupation taxation of the handling of hay, alfalfa, or seed.

Referred to Committee on Agriculture and Agricultural Trade and Development.

SHB 2513 by House Committee on Commerce and Labor (originally sponsored by Representatives Lisk, Hargrove and McMorris)

Concerning industrial insurance benefits.

Referred to Committee on Labor, Commerce and Trade.

EHB 2672 by Representatives Van Luven, Romero, Sheahan, Tokuda, Schoesler, D. Sommers, Murray and L. Thomas

Prohibiting greyhound racing.

Referred to Committee on Labor, Commerce and Trade.

ESHB 2703 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Clements, Chappell, Chandler, Koster, Lisk, Thompson and Johnson)

Limiting department of labor and industries authority when the department of agriculture has authority to prescribe or enforce occupational safety and health standards.

Referred to Committee on Labor, Commerce and Trade.

ESHB 2781 by House Committee on Appropriations (originally sponsored by Representatives Basich, Regala, Conway, Reams, Grant, Elliot, Quall, Linville, Chandler, Hatfield, D. Sommers, Scheuerman, Stevens, McMahan, Buck, Sheldon, Tokuda, Poulsen, Cole, Chopp, Kessler, Costa, Thompson, D. Schmidt, Robertson and Cooke)

Providing for veterans' preferences.

Referred to Committee on Labor, Commerce and Trade.

ESHB 2828 by House Committee on Appropriations (originally sponsored by Representative Crouse)

Regulating wireless telephone services.

Referred to Committee on Energy, Telecommunications and Utilities.

EHB 2837 by Representatives Dyer, Cody and Murray (by request of Insurance Commissioner Senn)

Modifying the definition of medicare supplemental insurance or medicare supplement insurance policy.

Referred to Committee on Health and Long-Term Care.

EHB 2838 by Representatives Dyer, Cody, Foreman, McMahan, Goldsmith, Huff, Carlson and Robertson

Limiting mediation of health care injury disputes.

Referred to Committee on Health and Long-Term Care.

EHB 2847 by Representatives Horn, Kessler, Buck, Silver, D. Sommers and Mitchell

Prohibiting the department of labor and industries from requiring employers to compensate employees for usual and customary wearing apparel.

Referred to Committee on Labor, Commerce and Trade.

E2SHB 2909 by House Committee on Appropriations (originally sponsored by Representatives Johnson, Brumsickle, Cole, Talcott, Quall, Radcliff, McMahan, Hymes, Smith, Lambert, Thompson, Hatfield, Stevens, Boldt, Koster, McMorris, Elliot, Silver, Pelesky, Clements, Cooke, Benton, Carrell, Sheldon, Basich, Linville, Skinner, Robertson, Blanton, Huff, Hickel, Goldsmith, Campbell and Casada)

Improving reading literacy.

Referred to Committee on Education.

ESHB 2947 by House Committee on Appropriations (originally sponsored by Representatives Beekma, Quall, Hymes, Schlin, Honeyford, L. Thomas and Thompson)

Providing reimbursement for school buses.

Referred to Committee on Education.

## SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

### MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9207, Susan Ringwood, as a member of the Board of Trustees for Renton Technical College District No. 27, was confirmed.

### CONFIRMATION OF SUSAN RINGWOOD

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 3; Excused, 5.  
Voting yeas: Senators Anderson, A., Bauer, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Thibaudeau, West, Winsley, Wojahn and Zarelli - 41.

Absent: Senators Cantu, Long and Rasmussen - 3.

Excused: Senators Drew, Moyer, Owen, Swecker and Wood - 5.

### MOTION

On motion of Senator Sutherland, Gubernatorial Appointment No. 9164, Vaughn Lein, as a member of the Columbia River Gorge Bi-State Commission, was confirmed.

### MOTIONS

On motion of Senator Thibaudeau, Senator Rasmussen was excused.

On motion of Senator Anderson Senators Cantu and Long were excused.

### CONFIRMATION OF VAUGHN LEIN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.  
Voting yeas: Senators Anderson, A., Bauer, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Thibaudeau, West, Winsley, Wojahn and Zarelli - 41.

Excused: Senators Cantu, Drew, Long, Moyer, Owen, Rasmussen, Swecker and Wood - 8.

#### MOTION

On motion of Senator McAuliffe, gubernatorial appointment No. 9204, Representative Lynn Kessler, as a member of the Board of Trustees from Grays Harbor Community College District No. 2, was confirmed.

#### MOTION

On motion of Senator Anderson, Senator Johnson was excused.

#### CONFIRMATION OF REPRESENTATIVE LYNN KESSLER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4. Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Cantu, Johnson, Owen and Wood - 4.

There being no objection, the Senate resumed consideration of Senate Bill No. 6132 and the pending motion by Senator Fairley to substitute the bill, deferred February 10, 1996.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator West, the President finds that Senate Bill No. 6132 is a measure which reduces the threshold for application of the campaign finance laws to political subdivisions which have fewer than one thousand registered voters.

"Substitute Senate Bill No. 6132 would require candidates to return unspent contributions if switching from one campaign to another.

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

The motion by Senator Fairley to substitute Senate Bill No. 6132 was ruled out of order.

#### MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 6132 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

#### POINT OF INQUIRY

Senator Spanel: "Senator Fairley, is it correct that people who file and run for these offices, still have to file their F-1--their financial disclosure?"

Senator Fairley: "Oh yes, everybody does now. Everybody will still have to. This bill doesn't change that at all." Further debate ensued.

#### POINT OF INQUIRY

Senator McCaslin: "Senator Fairley, you don't have to file a C-3? That is where they report the money. Don't you want to know if there are any crooks down there? How about a C-4?"

Senator Fairley: "Senator McCaslin, in the bill, if you have more than one thousand registered voters in your town, you will have to file a C-3. You already have to file an F-1, that tells about your personal finances. As a council member who earned zero for each meeting, I objected, but I soon learned. We all have to file an F-1. This will simply say that when you run a campaign, you have to tell where the money comes from. If you have more than one thousand voters--maybe in your town--they don't have more than one thousand registered voters, sir."

Senator McCaslin: "Thank you, Senator Fairley. She is one of the few Senators that gives me more answers than I've asked questions."

Further debate ensued.

#### POINT OF INQUIRY

Senator Zarelli: "Senator Fairley, just a bit of clarification. I think we are talking here about the filing of personal disclosure documents about an individual's welfare--where they derive their income from."

Senator Fairley: "When you file for any office, you must file an F-1. That tells your personal disclosure, so this changes nothing on that, absolutely nothing. It only changes your filing in towns, which wouldn't count Woodway, because they don't have a thousand registered voters--registered voters--not population. If you do a campaign that takes in more than, I believe, it is two thousand dollars, you must file where you get the money from and where the money goes."

Senator Zarelli: "So, we are not talking about an individual's property or their job or their income, we are talking about where they derive their campaign contributions and where--"

Senator Fairley: "Only the campaign finances. It has nothing to do with your personal disclosure."

Senator Zarelli: "Thank you very much."

Further debate ensued.

#### POINT OF INQUIRY

Senator Anderson: "Senator Fairley, I didn't have this until your closing speech. You talked about if you were not going to run a fancy campaign, this is for people who are receiving quite a bit of money. Isn't the threshold two hundred dollars that you have to disclose?"  
Senator Fairley: "Two thousand dollars."  
Senator Anderson: "Two thousand dollars is the threshold?"  
Senator Fairley: "Two thousand dollars is the threshold for full disclosure. Now, if it is under that, you are filling out--"  
Senator Anderson: "An amended form."  
Senator Fairley: "Right, an amended form."  
Senator Anderson: "And what is the threshold for the amended form?"  
Senator Fairley: "I believe it is a thousand dollars. If you are running a campaign for under that, you don't fill out anything. You just fill out a piece of paper that says, 'I'm not going to do that.'"

#### POINT OF INQUIRY

Senator Morton: "Senator Fairley, this reduces from five thousand registered voters to one thousand registered voters?"  
Senator Fairley: "Right."  
Senator Morton: "I'm wondering about the true need of this. Have there been considerable felonies or convictions of some problems below the five thousand mark?"  
Senator Fairley: "The problem is that there couldn't be, because we don't know where they get their money or what they spend it on. In my town, when there was forty-one hundred registered voters, we had a concern coming up. We still don't know if any of the candidates for office received money from the adult entertainment folks or from anybody else."  
Senator Morton: "Thank you, Senator."  
Further debate ensued.  
The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6132.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6132 and the bill passed the Senate by the following vote:  
Yeas, 25; Nays, 24; Absent, 0; Excused, 0.  
Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Heavey, Kohl, Loveland, McAuliffe, Owen, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Thibaudeau, Wojahn and Zarelli - 25.  
Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Haugen, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prince, Roach, Schow, Sellar, Swecker, West, Winsley and Wood - 24.  
SENATE BILL NO. 6132, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6725, by Senators Sutherland, Finkbeiner and Hochstatter

Exempting electrical switchgear and control apparatus from chapter 70.79 RCW.

#### MOTIONS

On motion of Senator Sutherland, Substitute Senate Bill No. 6725 was substituted for Senate Bill No. 6725 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sutherland, the rules were suspended, Substitute Senate Bill No. 6725 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6725.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6725 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6725, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 5676, by Senate Committee on Law and Justice (originally sponsored by Senators Fraser and Kohl)

Restricting residential time for abusive parents.

#### MOTIONS

On motion of Senator Smith, Second Substitute Senate Bill No. 5676 was substituted for Substitute Senate Bill No. 5676 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the following amendment by Senators Fraser and Smith was adopted:

On page 18, after line 7, insert the following:

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

#### MOTIONS

On motion of Senator Smith, the following title amendment was adopted:

On page 1, line 2 of the title, after "parents;" strike "and" and after "26.10.160" insert "; and declaring an emergency"

On motion of Senator Smith, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5676 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5676.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5676 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5676, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6518, by Senators Fraser, Owen, Deccio, Schow, Thibaudeau, Moyer, Heavey, McAuliffe and Drew (by request of Governor Lowry)

Providing for a process to complete a cross-state trail system.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 6518 was substituted for Senate Bill No. 6518 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the following amendment by Senators Deccio, Owen, Rasmussen, Prince and Fraser was adopted:

On page 3, line 2, after "(d)" strike all material through and including "carriers" on line 4, and insert "Provisions ensuring that both the conventional and intermodal rail service needs of local shippers are met. Such accommodations may comprise agreements with the franchisee to offer or maintain adequate service or to provide for service by other carriers at commercially reasonable rates;

(e) Provisions for haulage agreements or proportional rate agreements which shall enable other carriers to quote rates across what is commonly known as the Stampede Pass rail line from Cle Elum to Auburn;

(f) If any part of the franchise is invalidated by actions or rulings of the federal surface transportation board, the remaining portions of the franchise are not invalidated;"

Reletter the remaining subsections consecutively

#### MOTION

On motion of Senator Owen, the rules were suspended, Engrossed Substitute Senate Bill No. 6518 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

#### MOTION

On motion of Senator Owen, further consideration of Engrossed Substitute Senate Bill No. 6518 was deferred.

#### SECOND READING

SENATE BILL NO. 6403, by Senators Winsley, Haugen, Hale, Sheldon, Goings and Hochstatter

Revising the responsibility for fire investigation.

The bill was read the second time.

#### MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 6403 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6403.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6403 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Absent: Senator Finkbeiner - 1.

SENATE BILL NO. 6403, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 6518, deferred on third reading earlier today.

Debate ensued.

#### POINT OF INQUIRY

Senator Roach: "Senator Fraser, I was wondering, can you tell me if there will be confiscation of private property involved in this bill--for the trails?"

Senator Fraser: "The bill provides for no imminent domain and property must be purchased."

Senator Roach: "So, there is no imminent domain involved in this and anyone who does this will do it on a voluntary basis and there will be no confiscation of private property for use of public trails?"

Senator Fraser: "Yes, there would have to be a willing buyer and a willing seller."

Senator Roach: "And what happens if there is a section, where nobody wants to willingly sell? What will happen? What will the state do?"

Senator Fraser: "Well, that will have to be part of the trail planning consideration."

Senator Roach: "So, it could be a securest route in order to abide by the wishes of the owner in that area?"

Senator Fraser: "That is my understanding."

Senator Roach: "Thank you, Senator Fraser."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6518.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6518 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6518, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

#### SECOND READING

SENATE BILL NO. 6173, by Senators Haugen and Schow

Regulating motor vehicle dealers.

#### MOTIONS

On motion of Senator Pelz, Substitute Senate Bill No. 6173 was substituted for Senate Bill No. 6173 and the substitute bill was placed on second reading and read the second time.

Senator Wojahn moved that the following amendments by Senators Wojahn and Moyer be considered simultaneously and be adopted:

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

"NEW SECTION. Sec. 6. A new section is added to chapter 46.70 RCW to read as follows:

At the time of licensing, registration, title verification, transfer of title, perfecting title, or releasing or satisfying a lien or other security for any motor vehicle, the dealer shall collect a documentary service fee of at least ten dollars and may collect up to thirty dollars. Ten dollars of the fee shall be transmitted to the department for deposit in the emergency medical services and trauma care system trust account. Subagents shall collect the ten dollar fee when performing any function listed in this section, and such fee shall be transmitted to the department for deposit in the emergency medical services and trauma care system trust account under this section."

Renumber the sections consecutively and correct any internal references accordingly.

On page 11, line 16, after "order," insert "Any documentary service fee charged by a dealer for licensing, registration, title verification, transfer of title, perfecting title, or releasing or satisfying a lien or other security interest in an amount not to exceed a total of

thirty dollars per vehicle sale or vehicle lease shall not be considered a violation of subsection (1) or (2) of this section. Dealers are required to disclose in any advertisement that a documentary service fee in an amount not to exceed thirty dollars may be added to the sale price."

On page 15, after line 32, insert the following:

"Sec. 7. RCW 63.14.010 and 1993 sp.s. c 5 s 1 are each amended to read as follows:

In this chapter, unless the context otherwise requires:

(1) "Goods" means all chattels personal when purchased primarily for personal, family, or household use and not for commercial or business use, but not including money or, except as provided in the next sentence, things in action. The term includes but is not limited to merchandise certificates or coupons, issued by a retail seller, to be used in their face amount in lieu of cash in exchange for goods or services sold by such a seller and goods which, at the time of sale or subsequently, are to be so affixed to real property as to become a part thereof, whether or not severable therefrom;

(2) "Lender credit card" means a card or device under a lender credit card agreement pursuant to which the issuer gives to a cardholder residing in this state the privilege of obtaining credit from the issuer or other persons in purchasing or leasing property or services, obtaining loans, or otherwise, and the issuer of which is not: (a) Principally engaged in the business of selling goods; or (b) a financial institution;

(3) "Lender credit card agreement" means an agreement entered into or performed in this state prescribing the terms of retail installment transactions pursuant to which the issuer may, with the buyer's consent, purchase or acquire one or more retail sellers' indebtedness of the buyer under a sales slip or memorandum evidencing the purchase, lease, loan, or otherwise to be paid in accordance with the agreement. The issuer of a lender credit card agreement shall not be principally engaged in the business of selling goods or be a financial institution;

(4) "Financial institution" means any bank or trust company, mutual savings bank, credit union, or savings and loan association organized pursuant to the laws of any one of the United States of America or the United States of America, or the laws of a foreign country if also qualified to conduct business in any one of the United States of America or pursuant to the laws of the United States of America;

(5) "Services" means work, labor, or services of any kind when purchased primarily for personal, family, or household use and not for commercial or business use whether or not furnished in connection with the delivery, installation, servicing, repair, or improvement of goods and includes repairs, alterations, or improvements upon or in connection with real property, but does not include services for which the price charged is required by law to be determined or approved by or to be filed, subject to approval or disapproval, with the United States or any state, or any department, division, agency, officer, or official of either as in the case of transportation services;

(6) "Retail buyer" or "buyer" means a person who buys or agrees to buy goods or obtain services or agrees to have services rendered or furnished, from a retail seller;

(7) "Retail seller" or "seller" means a person engaged in the business of selling goods or services to retail buyers;

(8) "Retail installment transaction" means any transaction in which a retail buyer purchases goods or services from a retail seller pursuant to a retail installment contract, a retail charge agreement, or a lender credit card agreement, as defined in this section, which provides for a service charge, as defined in this section, and under which the buyer agrees to pay the unpaid balance in one or more installments or which provides for no service charge and under which the buyer agrees to pay the unpaid balance in more than four installments;

(9) "Retail installment contract" or "contract" means a contract, other than a retail charge agreement, a lender credit card agreement, or an instrument reflecting a sale made pursuant thereto, entered into or performed in this state for a retail installment transaction. The term "retail installment contract" may include a chattel mortgage, a conditional sale contract, and a contract in the form of a bailment or a lease if the bailee or lessee contracts to pay as compensation for their use a sum substantially equivalent to or in excess of the value of the goods sold and if it is agreed that the bailee or lessee is bound to become, or for no other or a merely nominal consideration, has the option of becoming the owner of the goods upon full compliance with the provisions of the bailment or lease. The term "retail installment contract" does not include: (a) A "consumer lease," heretofore or hereafter entered into, as defined in RCW 63.10.020; (b) a lease which would constitute such "consumer lease" but for the fact that: (i) It was entered into before April 29, 1983; (ii) the lessee was not a natural person; (iii) the lease was not primarily for personal, family, or household purposes; or (iv) the total contractual obligations exceeded twenty-five thousand dollars; or (c) a lease-purchase agreement under chapter 63.19 RCW;

(10) "Retail charge agreement," "revolving charge agreement," or "charge agreement" means an agreement between a retail buyer and a retail seller that is entered into or performed in this state and that prescribes the terms of retail installment transactions with one or more sellers which may be made thereunder from time to time and under the terms of which a service charge, as defined in this section, is to be computed in relation to the buyer's unpaid balance from time to time;

(11) "Service charge" however denominated or expressed, means the amount which is paid or payable for the privilege of purchasing goods or services to be paid for by the buyer in installments over a period of time. It does not include the amount, if any, charged for insurance premiums, delinquency charges, attorneys' fees, court costs, the vehicle dealer documentary service fee as provided in section 5 of this act, or official fees;

(12) "Sale price" means the price for which the seller would have sold or furnished to the buyer, and the buyer would have bought or obtained from the seller, the goods or services which are the subject matter of a retail installment transaction. The sale price may include any taxes, registration and license fees, any vehicle dealer documentary fee as provided for in section 5 of this act and charges for transferring vehicle titles, delivery, installation, servicing, repairs, alterations, or improvements;

(13) "Official fees" means the amount of the fees prescribed by law and payable to the state, county, or other governmental agency for filing, recording, or otherwise perfecting, and releasing or satisfying, a retained title, lien, or other security interest created by a retail installment transaction;

(14) "Time balance" means the principal balance plus the service charge;

(15) "Principal balance" means the sale price of the goods or services which are the subject matter of a retail installment contract less the amount of the buyer's down payment in money or goods or both, plus the amounts, if any, included therein, if a separate identified charge is made therefor and stated in the contract, for insurance, any vehicle dealer documentary service fee, and official fees;

(16) "Person" means an individual, partnership, joint venture, corporation, association, or any other group, however organized;

(17) "Rate" means the percentage which, when multiplied times the outstanding balance for each month or other installment period, yields the amount of the service charge for such month or period.

Sec. 8. RCW 63.14.130 and 1992 c 193 s 1 are each amended to read as follows:

The service charge shall be inclusive of all charges incident to investigating and making the retail installment contract or charge agreement and for the privilege of making the installment payments thereunder and no other fee, expense or charge whatsoever shall be taken, received, reserved or contracted therefor from the buyer, except for any vehicle dealer documentary service fee as provided for in section 5 of this act.

(1) The service charge, in a retail installment contract, shall not exceed the dollar amount or rate agreed to by contract and disclosed under RCW 63.14.040(1)(7)(g).

(2) The service charge in a retail charge agreement, revolving charge agreement, lender credit card agreement, or charge agreement, shall not exceed the schedule or rate agreed to by contract and disclosed under RCW 63.14.120(1). If the service charge so computed is less than one dollar for any month, then one dollar may be charged.

NEW SECTION. Sec. 9. A new section is added to chapter 88.02 RCW to read as follows:

At the time of licensing, registration, title verification, transfer of title, perfecting title, or releasing or satisfying a lien or other security for any vessel, the dealer shall collect a documentary service fee of at least ten dollars and may collect up to thirty dollars. Ten dollars of the fee shall be transmitted to the department for deposit in the emergency medical services and trauma care system trust account.

NEW SECTION. Sec. 10. A new section is added to chapter 46.10 RCW to read as follows:

At the time of sale or resale of any snowmobile, the dealer shall collect a ten-dollar fee from the purchaser. The fee shall be transmitted to the department for deposit in the emergency medical services and trauma care system trust account.

NEW SECTION. Sec. 11. A new section is added to chapter 88.12 RCW to read as follows:

At the time of sale or resale of any personal watercraft, the dealer shall collect a ten-dollar fee from the purchaser. The fee shall be transmitted to the department of licensing for deposit in the emergency medical services and trauma care system trust account."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

#### POINT OF INQUIRY

Senator Schow: "Senator Wojahn, how much money will this raise for trauma care?"

Senator Wojahn: "On automobiles, it will raise between eight and ten million dollars, but we also include water--boats--and snowmobiles and that will raise probably five hundred thousand, additional. So, we can expect to raise between eighty-five hundred and twelve million. We haven't gotten the figures on the other things. We know that the automobiles will raise from ten to twelve million.

Because thirty-eight to fifty percent of all accidents are caused by automobiles, it seemed an appropriate area to attempt to raise money from."

Senator Schow: "Thank you."

Further debate ensued.

#### POINT OF INQUIRY

Senator McCaslin: "Senator Wojahn, it says, 'anytime you release an interest.' If you finance it at the dealer and later finance it at the bank, then you pay another thirty dollars? Is that--every time you release an interest?"

Senator Wojahn: "No, it is just a transfer, the original transfer of the ownership of a vehicle."

Senator McCaslin: "It says, 'any documentary service.' 'Any--charged by a dealer for licensing, etc.' So, if you refinance it, there is no problem on refinancing?"

Senator Wojahn: "I don't believe so. According to what I've been told, the auto dealers are very supportive of this--to collect a documentary fee. I can't answer that, but I presume it is one documentation. When a vehicle is sold, the transaction would take several steps before it was completed. I would assume that the one fee would be the fee that handled the problem."

Further debate ensued.

#### PARLIAMENTARY INQUIRY

Senator West: "Rising on a point of parliamentary inquiry. Mr. President, this could be significant enough that you may want to take some time on it."

#### REPLY BY THE PRESIDENT

President Pritchard: "I'll make that judgment."

Senator West: "This is labeled a fee. We are under the restrictions of 601. There are distinctions between fees and taxes, but calling a tax a fee or calling a fee a tax doesn't necessarily make one the other. There are restrictions on how many votes are required to pass a tax. I'm not familiar with the restrictions on how many votes are required to pass a fee and would like the President to rule as to the implication of 601 on this amendment."

There being no objection, the President deferred further consideration of Substitute Senate Bill No. 6173.

#### MOTION

At 10:28 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 12:14 p.m. by President Pritchard.

There being no objection, the President declared the Senate to be at recess until 1:00 p.m.

The Senate was called to order at 1:16 p.m. by President Pritchard.

#### MOTION

On motion of Senator Spanel, the Senate reverted to the third order of business.

#### MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

October 28, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Debbie Ennis, appointed October 28, 1994, for a term ending July 1, 1999, as a member of the Board of Trustee for the State School for the Deaf.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Education.

October 28, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Carin S. Schienberg, appointed October 28, 1994, for a term ending July 1, 1997, as a member of the Board of Trustee for the State School for the Deaf.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Education.

October 31, 1994

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ricky Dockter, appointed October 31, 1994, for a term ending December 31, 1999, as a member of the Board of Trustee for the State School for the Deaf.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Education.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 6124, by Senators Quigley, Fairley, Kohl, Franklin, McAuliffe, Sheldon, Loveland, Drew, Smith, Bauer, Thibaudeau, Snyder, Spanel, Pelz, Roach and Schow

Including physical therapy, occupational therapy, chiropractic, and midwifery as optional basic health plan services.

#### MOTIONS

On motion of Senator Quigley, Second Substitute Senate Bill No. 6124 was substituted for Senate Bill No. 6124 and the second substitute bill was placed on second reading and read the second time.

Senator Moyer moved that the following amendment by Senators Moyer and Owen be adopted:

On page 1, after line 3, insert the following:

"Sec. 1. RCW 48.43.045 and 1995 c 265 s 8 are each amended to read as follows:

~~(1) Effective January 1, 1996, every health plan delivered, issued for delivery, or renewed by a health carrier ((on and after January 1, 1996)) in compliance with the model basic health plan benefits package, as required by RCW 70.47.060(2)(d), shall:~~

~~((1))~~(a) Permit every category of health care provider to provide health services or care for conditions included in the model basic health plan ~~((services))~~ benefits package, as required by RCW 70.47.060(2)(d), to the extent that:

~~((a))~~(i) The provision of such health services or care is within the health care providers' permitted scope of practice; and

~~((b))~~(ii) The providers agree to abide by standards related to:

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

~~((ii))~~(B) Management and administrative procedures; and

~~((iii))~~(C) Provision of cost-effective and clinically efficacious health services.

(2) Effective January 1, 1996, every health carrier shall annually report the names and addresses of all officers, directors, or trustees of the health carrier during the preceding year, and the amount of wages, expense reimbursements, or other payments to such individuals."

Renumber the remaining sections; correct all references and the title.

#### POINT OF INQUIRY

Senator Quigley: "Senator Moyer, are you aware that actually the language that you read and referred to with respect to choice is existing law--and in fact, what your amendment does is delays these provisions for another year from taking effect?"

Senator Moyer: "I'm sorry, I didn't hear that."

Senator Quigley: "The provisions that you read, with respect to choice and disclosure of salaries and so forth are existing law scheduled to become in effect this year. What your amendment does is delay this until next year. Are you aware of that?"

Senator Moyer: "It says, 'Effective January 1, 1996.'"

Senator Quigley: "Right, it delays it a year. Under existing law, it would have to happen some time this year."

Senator Moyer: "That is not my belief. I'm sorry."

Senator Quigley: "Okay, thank you."

#### POINT OF ORDER

Senator Quigley: "I rise to a point of order. I rise to raise the scope and object of this amendment. The bill before the body is a bill to add benefits to the Basic Health Plan, under Title 48. That is the state subsidized Basic Health Plan. This amendment here simply changes provisions that don't even apply to the Basic Health Plan, but apply to private insurance in a different title entirely. What this amendment does is entitle a roll back of an interpretation of the Insurance Commissioner without public hearing or public debate when the underlying bill has nothing to do with that. The underlying bill adds services to the Basic Health Plan. So, Mr. President, I believe that this is well outside the scope and object of this bill."

Further debate ensued.

There being no objection, the President deferred further consideration of Second Substitute Senate Bill No. 6124.

#### MOTIONS

On motion of Senator Thibaudeau, Senator Bauer was excused.  
On motion of Senator Anderson, Senator Hochstatter was excused.

#### SECOND READING

SENATE BILL NO. 6339, by Senators Haugen, Snyder, McCaslin, Pelz and Hale

Concerning the requirements for receipt of an alcohol server permit.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Senate Bill No. 6339 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6339.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6339 and the bill passed the Senate by the following vote:  
Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Bauer and Hochstatter - 2.

SENATE BILL NO. 6339, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

#### SECOND READING

SENATE BILL NO. 6211, by Senators Haugen, Smith, Hale, McCaslin and Hochstatter

Concerning interlocal agreements.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6211 was substituted for Senate Bill No. 6211 and the substitute bill was placed on second reading and read the second time.

Senator Long moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 6, after "and town" insert "that"

On page 1, line 6, after "responsible" insert "by law to adopt a criminal code"

On page 1, line 18, after "felony offense" insert ", nor shall this section require the adoption of a criminal code not otherwise required by law"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Long on page 1, lines 6 (2) and 18, to Substitute Senate Bill No. 6211.

The motion by Senator Long failed and the amendments were not adopted.

#### MOTIONS

On motion of Senator Haugen, the following amendment by Senators Haugen and Winsley was adopted:

On page 1, line 8, after "offenses" strike "occurring" and insert "committed by adults"

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 6211 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6211.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6211 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, Winsley and Wojahn - 36.

Voting nay: Senators Cantu, Finkbeiner, Hochstatter, Johnson, Long, Morton, Newhouse, Roach, Schow, Strannigan, West, Wood and Zarelli - 13.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6211, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6120, by Senators Quigley, Fairley, Kohl, McAuliffe, Loveland, Drew, Smith, Thibaudeau, Sheldon, Spanel, Rinehart, Bauer, Franklin, Wojahn, Goings, Winsley, Pelz and Rasmussen

Establishing health insurance benefits following the birth of a child.

#### MOTIONS

On motion of Senator Quigley, Substitute Senate Bill No. 6120 was substituted for Senate Bill No. 6120 and the substitute bill was placed on second reading and read the second time.

Senator Moyer moved that the following amendments by Senators Moyer, Oke, Prince, Sellar, Morton, Winsley, Hochstatter, Finkbeiner, West, Anderson, Long, Deccio, Newhouse, McCaslin, Strannigan, Wood, McDonald, Hale, Swecker, Schow, Zarelli, Roach, Cantu and Prince be considered simultaneously and be adopted:

On page 9, line 25, after "implement" insert "sections 1 through 6 of"

On page 9, after line 27, insert the following:

**"NEW SECTION. Sec. 8.** The legislature finds that residents of Washington require a system of maternity care that provides adequate prenatal and postnatal services to maintain and improve the health of women and their newborns. The changing health care market challenges the ability of providers to ensure a system of such care. The health care policy board has the authority to research, investigate, and develop options on issues on the scope, financing, and delivery of health care and has agreed to take on this task if requested by the legislature.

**Sec. 9.** RCW 43.73.030 and 1995 c 265 s 11 are each amended to read as follows:

The board shall have the following powers and duties:

(1) Periodically make recommendations to the appropriate committees of the legislature and the governor on issues including, but not limited to the following:

- (a) The scope, financing, and delivery of health care benefit plans including access for both the insured and uninsured population;
- (b) Long-term care services including the finance and delivery of such services in conjunction with the basic health plan by 1999;
- (c) The use of health care savings accounts including their impact on the health of participants and the cost of health insurance;
- (d) Rural health care needs;
- (e) Whether Washington is experiencing an increase in immigration as a result of health insurance reforms and the availability of subsidized and unsubsidized health care benefits;
- (f) The status of medical education and make recommendations regarding steps possible to encourage adequate availability of health care professionals to meet the needs of the state's populations with particular attention to rural areas;
- (g) The implementation of community rating and its impacts on the marketplace including costs and access;
- (h) The status of quality improvement programs in both the public and private sectors;
- (i) Models for billing and claims processing forms, ensuring that these procedures minimize administrative burdens on health care providers, facilities, carriers, and consumers. These standards shall also apply to state-purchased health services where appropriate;
- (j) Guidelines to health carriers for utilization management and review, provider selection and termination policies, and coordination of benefits and premiums; and
- (k) Study the feasibility of including long-term care services in a medicare supplemental insurance policy offered according to RCW 41.05.197;

(2) Review rules prepared by the insurance commissioner, health care authority, department of social and health services, department of labor and industries, and department of health, and make recommendations where appropriate to facilitate consistency with the goals of health reform;

(3) Make recommendations on a system for managing health care services to children with special needs and report to the governor and the legislature on their findings by January 1, 1997;

(4) Conduct a comparative analysis of individual and group insurance markets addressing: Relative costs; utilization rates; adverse selection; and specific impacts upon small businesses and individuals. The analysis shall address, also, the necessity and feasibility of establishing explicit related policies, to include, but not be limited to, establishing the maximum allowable individual premium rate as a percentage of the small group premium rate. The board shall submit an interim report on its findings to the governor and appropriate committees of the legislature by December 15, 1995, and a final report on December 15, 1996;

(5) Conduct an analysis of the financing and delivery of maternity care included in public and private individual and group insurance markets and address and develop options for a system of maternity care that includes, but is not limited to, appropriate level of prenatal, inpatient, and outpatient care, physical assessment of the newborn, the performance of any medically necessary and appropriate clinical tests, parent education, lactation and bottle feeding education, and assistance and assessment of home support;

(6) Develop sample enrollee satisfaction surveys that may be used by health carriers."

Debate ensued.

#### MOTION

On motion of Senator Quigley, further consideration of Substitute Senate Bill No. 6120 was deferred.

#### SECOND READING

SENATE BILL NO. 6288, by Senators Rasmussen, Prince, Bauer and Oke

Using transportation centers.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 6288 was substituted for Senate Bill No. 6288 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 6288 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Anderson: "Senator Rasmussen, as I read this bill, isn't this more than Park and Ride? No? Couldn't this be like a transit station, a bus station, rather than just a Park and Ride?"

Senator Rasmussen: "Senator Anderson, I suppose it could be. The way this bill was presented to me, it could be transit centers, which could be bus stations or Park and Ride."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6288.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6288 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Kohl, Loveland, McAuliffe, Moyer, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sheldon, Snyder, Spanel, Sutherland, Thibaudeau, Winsley and Wojahn - 28.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Heavey, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Roach, Sellar, Strannigan, Swecker, West, Wood and Zarelli - 20.

Absent: Senator Smith - 1.

SUBSTITUTE SENATE BILL NO. 6288, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pritchard assumed the Chair.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6120 and the pending amendments by Senators Moyer, Oke, Prince, Sellar, Morton, Winsley, Hochstatter, Finkbeiner, West, Anderson, Long, Deccio, Newhouse, McCaslin, Strannigan, Wood, McDonald, Hale, Swecker, Schow, Zarelli, Roach, Cantu and Prince on page 9, lines 25 and 27, deferred earlier today.

#### MOTIONS

On motion of Senator Quigley, further consideration of the amendments by Senators Moyer, Oke, Prince, Sellar, Morton, Winsley, Hochstatter, Finkbeiner, West, Anderson, Long, Deccio, Newhouse, McCaslin, Strannigan, Wood, McDonald, Hale, Swecker, Schow, Zarelli, Roach, Cantu and Prince was deferred.

Senator Quigley moved that the following amendments by Senators Quigley and Moyer be adopted:

Beginning on page 1, after line 13, strike all material through "section." on page 9, line 23, and insert the following:

**NEW SECTION. Sec. 2.** A new section is added to chapter 41.05 RCW to read as follows:

(1)(a) If a state purchased health care plan offered under a contract entered into between the state and the carrier after the effective date of this section includes coverage for maternity services, decisions on the length of inpatient stay must be made by the attending provider in consultation with the mother, rather than through contracts or agreements between providers, hospitals, and insurers. These decisions must be based on accepted medical practice. However, coverage may not be denied for inpatient, postdelivery care to a mother and her newly born child for a period of forty-eight hours after 11:59 p.m. on the day of delivery for a vaginal delivery and ninety-six hours after 11:59 p.m. on the day of delivery for a cesarean section if such care is advised by the attending provider in consultation with the mother.

(b) Any decision to shorten the length of inpatient stay to less than that provided under (a) of this subsection must be made by the attending provider after conferring with the mother.

(c) At the time of discharge, determination of the type and location of continued care must be made by the attending provider in consultation with the mother rather than by contract or agreement between the hospital and the insurer. These decisions must be based on accepted medical practice.

(d) Nothing in this section shall be construed to require attending providers to authorize care they believe to be medically unnecessary.

(2) For the purposes of this section, "attending provider" includes any of the following with hospital privileges: Physicians licensed under chapter 18.57 or 18.71 RCW, certified nurse midwives licensed under chapter 18.79 RCW, midwives licensed under chapter 18.50 RCW, physician's assistants licensed under chapter 18.57A or 18.71A RCW, and advanced registered nurse practitioners licensed under chapter 18.79 RCW.

(3) If a mother and newborn are discharged pursuant to subsection (1)(b) of this section prior to the inpatient length of stay provided under subsection (1)(a) of this section, coverage may not be denied for three follow-up in-home, clinic, provider office, or hospital outpatient visits within fourteen days of delivery, if recommended by the attending provider. Covered services must include a first visit conducted by the attending provider, as defined in this section, or a registered nurse. Any subsequent visit determined to be medically necessary must be provided by a licensed health care provider if such care is advised by the attending provider. Covered services provided must include, but are not limited to, physical assessment of the mother and newborn, parent education, assistance and training in breast or bottle feeding, assessment of the home support system, and the performance of any medically necessary and appropriate clinical tests. Coverage for providers of follow-up services must include, but need not be limited to, attending providers as defined in this section, home health agencies licensed under chapter 70.127 RCW, and registered nurses licensed under chapter 18.79 RCW.

(4) No state purchased health care plan that includes coverage for maternity services may deselect, terminate the services of, require additional documentation from, require additional utilization review of, reduce payments to, or otherwise provide financial disincentives to any attending provider or health care facility solely as a result of the attending provider or health care facility ordering care consistent with the provisions of this section. Nothing in this section shall be construed to prevent any insurer from reimbursing an attending provider or health care facility on a capitated, case rate, or other financial incentive basis.

(5) Every state purchased health care plan that includes coverage for maternity services must provide notice to policyholders regarding the coverage required under this section. The notice must be in writing and must be transmitted at the earliest of the next mailing to the policyholder, the yearly summary of benefits sent to the policyholder, or January 1 of the year following the effective date of this section.

(6) This section is intended only to establish a standard of coverage, not a standard of medical care.

**NEW SECTION. Sec. 3.** A new section is added to chapter 48.20 RCW to read as follows:

(1)(a) If an insurer offers to any individual a health benefit plan that is issued or renewed after the effective date of this section, and that provides coverage for maternity services, decisions on the length of inpatient stay must be made by the attending provider in consultation with the mother, rather than through contracts or agreements between providers, hospitals, and insurers. These decisions must be based on accepted medical practice. However, coverage may not be denied for inpatient, postdelivery care to a mother and her newly born child for a period of forty-eight hours after 11:59 p.m. on the day of delivery for a vaginal delivery and ninety-six hours after 11:59 p.m. on the day of delivery for a cesarean section if such care is advised by the attending provider in consultation with the mother.

(b) Any decision to shorten the length of inpatient stay to less than that provided under (a) of this subsection must be made by the attending provider after conferring with the mother.

(c) At the time of discharge, determination of the type and location of continued care must be made by the attending provider in consultation with the mother rather than by contract or agreement between the hospital and the insurer. These decisions must be based on accepted medical practice.

(d) Nothing in this section shall be construed to require attending providers to authorize care they believe to be medically unnecessary.

(2) For the purposes of this section, "attending provider" includes any of the following with hospital privileges: Physicians licensed under chapter 18.57 or 18.71 RCW, certified nurse midwives licensed under chapter 18.79 RCW, midwives licensed under chapter 18.50 RCW, physician's assistants licensed under chapter 18.57A or 18.71A RCW, and advanced registered nurse practitioners licensed under chapter 18.79 RCW.

(3) If a mother and newborn are discharged pursuant to subsection (1)(b) of this section prior to the inpatient length of stay provided under subsection (1)(a) of this section, coverage may not be denied for three follow-up in-home, clinic, provider office, or hospital outpatient visits within fourteen days of delivery, if recommended by the attending provider. Covered services must include a first visit conducted by the attending provider, as defined in this section, or a registered nurse. Any subsequent visit determined to be medically necessary must be provided by a licensed health care provider if such care is advised by the attending provider. Covered services provided must include, but are not limited to, physical assessment of the mother and newborn, parent education, assistance and training in breast or bottle feeding, assessment of the home support system, and the performance of any medically necessary and appropriate clinical tests. Coverage for providers of follow-up services must include, but need not be limited to, attending providers as defined in this section, home health agencies licensed under chapter 70.127 RCW, and registered nurses licensed under chapter 18.79 RCW.

(4) No insurer that offers to any individual a health benefit plan that provides coverage for maternity services may deselect, terminate the services of, require additional documentation from, require additional utilization review of, reduce payments to, or otherwise provide financial disincentives to any attending provider or health care facility solely as a result of the attending provider or health care facility ordering care consistent with the provisions of this section. Nothing in this section shall be construed to prevent any insurer from reimbursing an attending provider or health care facility on a capitated, case rate, or other financial incentive basis.

(5) Every insurer that offers to any individual a health benefit plan that provides coverage for maternity services must provide notice to policyholders regarding the coverage required under this section. The notice must be in writing and must be transmitted at the earliest of the next mailing to the policyholder, the yearly summary of benefits sent to the policyholder, or January 1 of the year following the effective date of this section.

(6) This section is intended only to establish a standard of coverage, not a standard of medical care.

**NEW SECTION. Sec. 4.** A new section is added to chapter 48.21 RCW to read as follows:

(1)(a) If a group disability insurance contract or blanket disability insurance contract that is issued or renewed after the effective date of this section, providing health care services, provides coverage for maternity services, decisions on the length of inpatient stay must be made by the attending provider in consultation with the mother, rather than through contracts or agreements between providers, hospitals, and insurers. These decisions must be based on accepted medical practice. However, coverage may not be denied for inpatient, postdelivery care to a mother and her newly born child for a period of forty-eight hours after 11:59 p.m. on the day of delivery for a vaginal delivery and ninety-six hours after 11:59 p.m. on the day of delivery for a cesarean section if such care is advised by the attending provider in consultation with the mother.

(b) Any decision to shorten the length of inpatient stay to less than that provided under (a) of this subsection must be made by the attending provider after conferring with the mother.

(c) At the time of discharge, determination of the type and location of continued care must be made by the attending provider in consultation with the mother rather than by contract or agreement between the hospital and the insurer. These decisions must be based on accepted medical practice.

(d) Nothing in this section shall be construed to require attending providers to authorize care they believe to be medically unnecessary.

(2) For the purposes of this section, "attending provider" includes any of the following with hospital privileges: Physicians licensed under chapter 18.57 or 18.71 RCW, certified nurse midwives licensed under chapter 18.79 RCW, midwives licensed under chapter 18.50 RCW, physician's assistants licensed under chapter 18.57A or 18.71A RCW, and advanced registered nurse practitioners licensed under chapter 18.79 RCW.

(3) If a mother and newborn are discharged pursuant to subsection (1)(b) of this section prior to the inpatient length of stay provided under subsection (1)(a) of this section, coverage may not be denied for three follow-up in-home, clinic, provider office, or hospital outpatient visits within fourteen days of delivery, if recommended by the attending provider. Covered services must include a first visit conducted by the attending provider, as defined in this section, or a registered nurse. Any subsequent visit determined to be medically necessary must be provided by a licensed health care provider if such care is advised by the attending provider. Covered services provided must include, but are not limited to, physical assessment of the mother and newborn, parent education, assistance and training in breast or bottle feeding, assessment of the home support system, and the performance of any medically necessary and appropriate clinical tests. Coverage for providers of follow-up services must include, but need not be limited to, attending providers as defined in this section, home health agencies licensed under chapter 70.127 RCW, and registered nurses licensed under chapter 18.79 RCW.

(4) No group disability insurance contract or blanket disability insurance contract, providing health care services, that provides coverage for maternity services, may deselect, terminate the services of, require additional documentation from, require additional utilization review of, reduce payments to, or otherwise provide financial disincentives to any attending provider or health care facility solely as a result of the attending provider or health care facility ordering care consistent with the provisions of this section. Nothing in this section shall be construed to prevent any insurer from reimbursing an attending provider or health care facility on a capitated, case rate, or other financial incentive basis.

(5) Every group disability insurance contract or blanket disability insurance contract, providing health care services, that provides coverage for maternity services, must provide notice to policyholders regarding the coverage required under this section. The notice must be in writing and must be transmitted at the earliest of the next mailing to the policyholder, the yearly summary of benefits sent to the policyholder, or January 1 of the year following the effective date of this section.

(6) This section is intended only to establish a standard of coverage, not a standard of medical care.

**NEW SECTION. Sec. 5.** A new section is added to chapter 48.44 RCW to read as follows:

(1)(a) If a health service contractor offers a health benefit plan that is issued or renewed after the effective date of this section, and that provides coverage for maternity services, decisions on the length of inpatient stay must be made by the attending provider in consultation with the mother, rather than through contracts or agreements between providers, hospitals, and insurers. These decisions must be based on accepted medical practice. However, coverage may not be denied for inpatient, postdelivery care to a mother and her newly born child for a period of forty-eight hours after 11:59 p.m. on the day of delivery for a vaginal delivery and ninety-six hours after 11:59 p.m. on the day of delivery for a cesarean section if such care is advised by the attending provider in consultation with the mother.

(b) Any decision to shorten the length of inpatient stay to less than that provided under (a) of this subsection must be made by the attending provider after conferring with the mother.

(c) At the time of discharge, determination of the type and location of continued care must be made by the attending provider in consultation with the mother rather than by contract or agreement between the hospital and the insurer. These decisions must be based on accepted medical practice.

(d) Nothing in this section shall be construed to require attending providers to authorize care they believe to be medically unnecessary.

(2) For the purposes of this section, "attending provider" includes any of the following with hospital privileges: Physicians licensed under chapter 18.57 or 18.71 RCW, certified nurse midwives licensed under chapter 18.79 RCW, midwives licensed under chapter 18.50 RCW, physician's assistants licensed under chapter 18.57A or 18.71A RCW, and advanced registered nurse practitioners licensed under chapter 18.79 RCW.

(3) If a mother and newborn are discharged pursuant to subsection (1)(b) of this section prior to the inpatient length of stay provided under subsection (1)(a) of this section, coverage may not be denied for three follow-up in-home, clinic, provider office, or hospital outpatient visits within fourteen days of delivery, if recommended by the attending provider. Covered services must include a first visit conducted by the attending provider, as defined in this section, or a registered nurse. Any subsequent visit determined to be medically necessary must be provided by a licensed health care provider if such care is advised by the attending provider. Covered services provided must include, but are not limited to, physical assessment of the mother and newborn, parent education, assistance and training in breast or bottle feeding, assessment of the home support system, and the performance of any medically necessary and appropriate clinical tests. Coverage for providers of follow-up services must include, but need not be limited to, attending providers as defined in this section, home health agencies licensed under chapter 70.127 RCW, and registered nurses licensed under chapter 18.79 RCW.

(4) No health service contractor that offers a health benefit plan that provides coverage for maternity services may deselect, terminate the services of, require additional documentation from, require additional utilization review of, reduce payments to, or otherwise provide financial disincentives to any attending provider or health care facility solely as a result of the attending provider or health care facility ordering care consistent with the provisions of this section. Nothing in this section shall be construed to prevent any insurer from reimbursing an attending provider or health care facility on a capitated, case rate, or other financial incentive basis.

(5) Every health service contractor that offers a health benefit plan that provides coverage for maternity services must provide notice to policyholders regarding the coverage required under this section. The notice must be in writing and must be transmitted at the earliest of the next mailing to the policyholder, the yearly summary of benefits sent to the policyholder, or January 1 of the year following the effective date of this section.

(6) This section is intended only to establish a standard of coverage, not a standard of medical care.

**NEW SECTION. Sec. 6.** A new section is added to chapter 48.46 RCW to read as follows:

(1)(a) If a health maintenance organization offers a health benefit plan that is issued or renewed after the effective date of this section, and that provides coverage for maternity services, decisions on the length of inpatient stay must be made by the attending provider in consultation with the mother, rather than through contracts or agreements between providers, hospitals, and insurers. These decisions must be based on accepted medical practice. However, coverage may not be denied for inpatient, postdelivery care to a mother and her newly born child for a period of forty-eight hours after 11:59 p.m. on the day of delivery for a vaginal delivery and ninety-six hours after 11:59 p.m. on the day of delivery for a cesarean section if such care is advised by the attending provider in consultation with the mother.

(b) Any decision to shorten the length of inpatient stay to less than that provided under (a) of this subsection must be made by the attending provider after conferring with the mother.

(c) At the time of discharge, determination of the type and location of continued care must be made by the attending provider in consultation with the mother rather than by contract or agreement between the hospital and the insurer. These decisions must be based on accepted medical practice.

(d) Nothing in this section shall be construed to require attending providers to authorize care they believe to be medically unnecessary.

(2) For the purposes of this section, "attending provider" includes any of the following with hospital privileges: Physicians licensed under chapter 18.57 or 18.71 RCW, certified nurse midwives licensed under chapter 18.79 RCW, midwives licensed under chapter 18.50 RCW, physician's assistants licensed under chapter 18.57A or 18.71A RCW, and advanced registered nurse practitioners licensed under chapter 18.79 RCW.

(3) If a mother and newborn are discharged pursuant to subsection (1)(b) of this section prior to the inpatient length of stay provided under subsection (1)(a) of this section, coverage may not be denied for three follow-up in-home, clinic, provider office, or hospital outpatient visits within fourteen days of delivery, if recommended by the attending provider. Covered services must include a first visit conducted by the attending provider, as defined in this section, or a registered nurse. Any subsequent visit determined to be medically necessary must be provided by a licensed health care provider if such care is advised by the attending provider. Covered services provided must include, but are not limited to, physical assessment of the mother and newborn, parent education, assistance and training in breast or bottle feeding, assessment of the home support system, and the performance of any medically necessary and appropriate clinical tests. Coverage for providers of follow-up services must include, but need not be limited to, attending providers as defined in this section, home health agencies licensed under chapter 70.127 RCW, and registered nurses licensed under chapter 18.79 RCW.

(4) No health maintenance organization that offers a health benefit plan that provides coverage for maternity services may deselect, terminate the services of, require additional documentation from, require additional utilization review of, reduce payments to, or otherwise provide financial disincentives to any attending provider or health care facility solely as a result of the attending provider or health care facility ordering care consistent with the provisions of this section. Nothing in this section shall be construed to prevent any insurer from reimbursing an attending provider or health care facility on a capitated, case rate, or other financial incentive basis.

(5) Every health maintenance organization that offers a health benefit plan that provides coverage for maternity services must provide notice to policyholders regarding the coverage required under this section. The notice must be in writing and must be transmitted at the earliest of the next mailing to the policyholder, the yearly summary of benefits sent to the policyholder, or January 1 of the year following the effective date of this section.

(6) This section is intended only to establish a standard of coverage, not a standard of medical care."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Quigley and Moyer on page 1, after line 13, to Substitute Senate Bill No. 6120.

The motion by Senator Quigley carried and the amendment was adopted.

The President declared the question before the Senate to be the adoption of the amendment by Senators Moyer, Oke, Prince, Sellar, Morton, Winsley, Hochstatter, Finkbeiner, West, Anderson, Long, Deccio, Newhouse, McCaslin, Strannigan, Wood, McDonald, Hale, Swecker, Schow, Zarelli, Roach, Cantu and Prince on page 9, lines 25 and 27, to Substitute Senate Bill No. 6120, deferred earlier today.

Debate ensued.

The amendments by Senators Moyer, Oke, Prince, Sellar, Morton, Winsley, Hochstatter, Finkbeiner, West, Anderson, Long, Deccio, Newhouse, McCaslin, Strannigan, Wood, McDonald, Hale, Swecker, Schow, Zarelli, Roach, Cantu and Prince on page 9, lines 25 and 27, were adopted.

#### MOTIONS

On motion of Senator Quigley, the following title amendment was adopted:

On page 1, line 2 of the title, after "child;" insert "amending RCW 43.73.030;"

On motion of Senator Quigley, the rules were suspended. Engrossed Substitute Senate Bill No. 6120 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6120.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6120 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6120, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6113, by Senators Wojahn, Winsley and Smith

Authorizing the presumption of paternity to be rebutted in an appropriate administrative hearing.

#### MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 6113 was substituted for Senate Bill No. 6113 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the rules were suspended, Substitute Senate Bill No. 6113 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6113.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6113 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6113, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6380, by Senators Bauer and Wood

Eliminating the requirement that degree-granting private vocational schools participate in the tuition recovery trust fund.

The bill was read the second time.

#### MOTION

On motion of Senator Bauer, the rules were suspended, Senate Bill No. 6380 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6380.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6380 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Absent: Senator Franklin - 1.

SENATE BILL NO. 6380, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6530, by Senators Haugen and Winsley

Changing provisions related to counties.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6530 was substituted for Senate Bill No. 6530 and the substitute bill was placed on second reading and read the second time.

Senator McCaslin moved that the following amendment by Senators McCaslin, Heavey and Johnson be adopted:

On page 1, after line 12, insert the following:

"Sec. 2. RCW 36.32.200 and 1983 c 129 s 1 are each amended to read as follows:

~~((It shall be unlawful for))~~ A county legislative authority ~~((to))~~ may employ or contract with any attorney or counsel to perform any duty which any prosecuting attorney is authorized or required by law to perform, ~~((unless))~~ provided the contract of employment of such attorney or counsel has been first reduced to writing ~~((and approved by the presiding superior court judge of the county in writing endorsed thereon))~~. This section shall not prohibit the appointment of deputy prosecuting attorneys in the manner provided by law.

Any contract written pursuant to this section shall be limited to two years in duration."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators McCaslin, Heavey and Johnson on page 1, after line 12, to Substitute Senate Bill No. 6530.

The motion by Senator McCaslin failed and the amendment was not adopted.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6530 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6530.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6530 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6530, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Thibaudeau, Senator Goings was excused.

#### SECOND READING

SENATE BILL NO. 6033, by Senators Deccio, Quigley, Moyer, Wojahn and Winsley

Requiring identification badges for all hospital workers.

#### MOTIONS

On motion of Senator Quigley, Substitute Senate Bill No. 6033 was substituted for Senate Bill No. 6033 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Quigley, the rules were suspended, Substitute Senate Bill No. 6033 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6033.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6033 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, Morton, Moyer, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43.

Voting nay: Senators Cantu, McCaslin, McDonald, Newhouse and Strannigan - 5.

Excused: Senator Goings - 1.

SUBSTITUTE SENATE BILL NO. 6033, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6521, by Senators Heavey and Sutherland (by request of Department of Labor and Industries)

Establishing electrical administrative procedures.

#### MOTIONS

On motion of Senator Quigley, Substitute Senate Bill No. 6521 was substituted for Senate Bill No. 6521 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hochstatter, the following amendment by Senators Hochstatter and Sutherland was adopted:

On page 2, line 12, after "procedures." insert "Information obtained from an electrical contractor under the provisions of this section is confidential and is not open to public inspection under chapter 42.17 RCW."

#### MOTION

Senator Hochstatter moved that the following amendment be adopted:

On page 2, beginning on line 1, strike all of section 2.

Renumber the sections consecutively and correct any internal references accordingly

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hochstatter on page 2, beginning on line 1, to Substitute Senate Bill No. 6521.

The motion by Senator Hochstatter failed and the amendment was not adopted.

#### MOTIONS

On motion of Senator Sutherland, the following amendment by Senators Sutherland and Hochstatter was adopted:

On page 4, line 32, after "will" strike "assure" and insert "verify"

On motion of Senator Pelz, the rules were suspended, Engrossed Substitute Senate Bill No. 6521 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6521.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6521 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 43.

Voting nay: Senators Hochstatter, Johnson, Morton, Sellar, West and Wood - 6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6521, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6249, by Senators Quigley, Smith and Goings

Reforming campaign financing.

#### MOTIONS

On motion of Senator Quigley, Second Substitute Senate Bill No. 6249 was substituted for Senate Bill No. 6249 and the second substitute bill was placed on second reading and read the second time.

Senator Quigley moved that the following amendment by Senators Quigley and Schow be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 42.17 RCW to read as follows:

(1) This section applies to contributions to a candidate, state official, or political committee who has failed to file a statement of acceptance of voluntary expenditure limits set forth in section 3 of this act.

(2) A candidate for a state office may not accept from any person contributions that in the aggregate exceed twenty-five percent of the contribution limits provided for in RCW 42.17.640.

(3) A state official against whom recall charges have been filed, and a political committee having the expectation of making expenditures in support of the recall of the state official, may not accept from any person contributions that in the aggregate exceed twenty-five percent of the contribution limits provided for in RCW 42.17.640.

**NEW SECTION. Sec. 2.** A new section is added to chapter 42.17 RCW to read as follows:

(1) This section applies to contributions to a candidate, state official, or political committee who has filed a statement of acceptance of voluntary expenditure limits set forth in section 3 of this act.

(2) A candidate for a state office may not accept from any person contributions that in the aggregate exceed the contribution limits provided for in RCW 42.17.640.

(3) A state official against whom recall charges have been filed, and a political committee having the expectation of making expenditures in support of the recall of the state official, may not accept from any person contributions during a recall campaign that in the aggregate exceed the contribution limits provided for in RCW 42.17.640.

**NEW SECTION. Sec. 3.** A new section is added to chapter 42.17 RCW to read as follows:

When a person becomes a candidate or files for state office, he or she shall sign and file with the commission a statement of acceptance or rejection of the voluntary expenditure limits in section 4 of this act. A state official whose recall is demanded or a political committee having the expectation of making expenditures in support of a recall shall sign and file with the commission a statement of acceptance or rejection of the voluntary expenditure limits in section 4 of this act. The commission shall provide the form of the statement and agreement by rule. The commission shall index and make available for public inspection and copying a list of the statements of acceptance or rejection filed by candidates.

**NEW SECTION. Sec. 4.** A new section is added to chapter 42.17 RCW to read as follows:

(1) In accordance with RCW 42.17.690, the commission shall revise expenditure limits applicable in an election cycle for a candidate who files a statement of acceptance under section 3 of this act.

(2) The initial expenditure limits shall be as follows for the following offices and classes of offices:

(a) Governor: One million dollars;

(b) All other state executive offices: Two hundred fifty thousand dollars;

(c) State senator: Eighty thousand dollars; and

(d) State representative: Fifty thousand dollars.

**NEW SECTION. Sec. 5.** A new section is added to chapter 42.17 RCW to read as follows:

(1) It is a violation of this chapter for a person to make a contribution or expenditure in support of or opposition to a candidate other than one within the limits in this chapter or an independent expenditure as defined in RCW 42.17.020.

(2) If a candidate has agreed to expenditure limits under section 3 of this act and: (a) Knowingly accepts a contribution in excess of the amounts allowed; or (b) has encouraged, approved, or collaborated in the making of an unlawful expenditure by another in connection with his or her campaign, the expenditure limit must be reduced by the amount of the unlawful contribution or expenditure.

(3) Payments of candidate filing fees, fees or assessments relating to the primary or general election candidates' pamphlet, or costs incurred in the course of defending against a challenge of a person's eligibility to become a candidate or a motion for injunction under RCW 42.17.390, do not constitute expenditures for the purpose of determining whether a candidate has exceeded an expenditure limit.

**Sec. 6.** RCW 42.17.040 and 1989 c 280 s 2 are each amended to read as follows:

(1) Every political committee, within two weeks after its organization or, within two weeks after the date when it first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier, shall file a statement of organization with the commission and with the county auditor or elections officer of the county in which the candidate resides, or in the case of any other political committee, the county in which the treasurer resides. A political committee organized within the last three weeks before an election and having the expectation of receiving contributions or making expenditures during and for that election campaign shall file a statement of organization within three business days after its organization or when it first has the expectation of receiving contributions or making expenditures in the election campaign.

(2) The statement of organization shall include but not be limited to:

(a) The name and address of the committee;

(b) The names and addresses of all related or affiliated committees or other persons, and the nature of the relationship or affiliation;

(c) The names, addresses, and titles of its officers; or if it has no officers, the names, addresses, and titles of its responsible leaders;

(d) The name and address of its treasurer and depository;

(e) A statement whether the committee is a continuing one;

(f) The name, office sought, and party affiliation of each candidate whom the committee is supporting or opposing, and, if the committee is supporting the entire ticket of any party, the name of the party;

(g) The ballot proposition concerned, if any, and whether the committee is in favor of or opposed to such proposition;

(h) What distribution of surplus funds will be made, in accordance with RCW 42.17.095, in the event of dissolution;

(i) The street address of the place and the hours during which the committee will make available for public inspection its books of account and all reports filed in accordance with RCW 42.17.080; and

(j) Such other information as the commission may by regulation prescribe, in keeping with the policies and purposes of this chapter.

(3) A committee filing under this section that intends to support or oppose only one candidate or ballot measure, or to contribute to or expend fifty percent or more of its funds on behalf of, or in opposition to, one candidate or ballot measure, shall include the name of that candidate or ballot measure as part of the name of the committee. The commission shall promptly notify the named candidate of the group's organization and intent.

(4) Any material change in information previously submitted in a statement of organization shall be reported to the commission and to the appropriate county elections officer within the ten days following the change.

**Sec. 7.** RCW 42.17.390 and 1993 c 2 s 28 are each amended to read as follows:

One or more of the following civil remedies and sanctions may be imposed by court order in addition to any other remedies provided by law:

(1) ~~(If the court finds that the violation of any provision of this chapter by any candidate or political committee probably affected the outcome of any election, the result of said election may be held)~~ The court or the legislature, as applicable, shall presume that a material and substantial violation of this chapter has affected the outcome of the election. Unless the presumption is defeated by clear, cogent, and convincing evidence, the court or the legislature, as applicable, shall declare the election void, and a special election must be held within sixty days of such finding. Any action to void an election shall be commenced within one year of the date of the election in question. It is intended that this remedy be imposed freely in all appropriate cases to protect the right of the electorate to an informed and knowledgeable vote.

(2) If any lobbyist or sponsor of any grass roots lobbying campaign violates any of the provisions of this chapter, his registration may be revoked or suspended and he may be enjoined from receiving compensation or making expenditures for lobbying: PROVIDED, HOWEVER, That imposition of such sanction shall not excuse said lobbyist from filing statements and reports required by this chapter.

(3) Any person who violates any of the provisions of this chapter may be subject to a civil penalty of not more than ten thousand dollars for each such violation. However, a person or entity who violates ~~((RCW 42.17.640))~~ this chapter may be subject to a civil penalty of ten thousand dollars or three times the amount of the contribution illegally made or accepted, whichever is greater. The penalty may not be paid from campaign funds, and solicitations to political committees may not be made in connection with the penalty.

(4) Any person who fails to file a properly completed statement or report within the time required by this chapter may be subject to a civil penalty of ten dollars per day for each day each such delinquency continues.

(5) Any person who fails to report a contribution or expenditure may be subject to a civil penalty equivalent to the amount he failed to report.

(6) Any person who makes an independent expenditure that is unlawful because of the encouragement, approval, or collaboration of a candidate may be subject to a penalty of up to three times the amount of the unlawful independent expenditure.

(7) The court may enjoin any person to prevent the doing of any act herein prohibited, or to compel the performance of any act required herein.

**Sec. 8.** RCW 42.17.395 and 1989 c 175 s 91 are each amended to read as follows:

(1) The commission may (a) determine whether an actual violation of this chapter has occurred; and (b) issue and enforce an appropriate order following such determination.

(2) The commission, in cases where it chooses to determine whether an actual violation of this chapter has occurred, shall hold a hearing pursuant to the Administrative Procedure Act, chapter 34.05 RCW, to make such determination. Any order that the commission issues under this section shall be pursuant to such hearing.

(3) In lieu of holding a hearing or issuing an order under this section, the commission may refer the matter to the attorney general or other enforcement agency as provided in RCW 42.17.360.

(4) The person against whom an order is directed under this section shall be designated as the respondent. The order may require the respondent to cease and desist from the activity that constitutes a violation and in addition, or alternatively, may impose one or more of the remedies provided in RCW 42.17.390~~((1) (b), (c), (d), or (e))~~: PROVIDED, That no individual penalty assessed by the commission may exceed one thousand dollars, and in any case where multiple violations are involved in a single complaint or hearing, the maximum aggregate penalty may not exceed two thousand five hundred dollars.

(5) An order issued by the commission under this section shall be subject to judicial review under the Administrative Procedure Act, chapter 34.05 RCW. If the commission's order is not satisfied and no petition for review is filed within thirty days as provided in RCW 34.05.542, the commission may petition a court of competent jurisdiction of any county in which a petition for review could be filed under that section, for an order of enforcement. Proceedings in connection with the commission's petition shall be in accordance with RCW 42.17.397.

**Sec. 9.** RCW 42.17.640 and 1995 c 397 s 20 are each amended to read as follows:

(1) No person, other than a bona fide political party or a caucus political committee, may make contributions to a candidate for a state legislative office that in the aggregate exceed five hundred dollars or to a candidate for a state office other than a state legislative office that in the aggregate exceed one thousand dollars for each election in which the candidate is on the ballot or appears as a write-in candidate. Contributions made with respect to a primary may not be made after the date of the primary. Contributions made with respect to a general election may not be made after the final day of the applicable election cycle.

(2) No person, other than a bona fide political party or a caucus political committee, may make contributions to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the state official, during a recall campaign that in the aggregate exceed five hundred dollars if for a state legislative office or one thousand dollars if for a state office other than a state legislative office.

(3)(a) Notwithstanding subsection (1) of this section, no bona fide political party or caucus political committee may make contributions to a candidate during an election cycle that in the aggregate exceed (i) fifty cents multiplied by the number of eligible registered voters in the jurisdiction from which the candidate is elected if the contributor is a caucus political committee or the governing body of a state organization, or (ii) twenty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No candidate may accept contributions from a county central committee or a legislative district committee during an election cycle that when combined with contributions from other county central committees or legislative district committees would in the aggregate exceed twenty-five cents times the number of registered voters in the jurisdiction from which the candidate is elected.

(4)(a) Notwithstanding subsection (2) of this section, no bona fide political party or caucus political committee may make contributions to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the state official, during a recall campaign that in the aggregate exceed (i) fifty cents multiplied by the number of eligible registered voters in the jurisdiction entitled to recall the state official if the contributor is a caucus political committee or the governing body of a state organization, or (ii) twenty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No state official against whom recall charges have been filed, no authorized committee of the official, and no political committee having the expectation of making expenditures in support of the recall of a state official may accept contributions from a county central committee or a legislative district committee during an election cycle that when combined with contributions from other county central committees or legislative district committees would in the aggregate exceed twenty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected.

(5) For purposes of determining contribution limits under subsections (3) and (4) of this section, the number of eligible registered voters in a jurisdiction is the number at the time of the most recent general election in the jurisdiction.

(6) Notwithstanding subsections (1) through (4) of this section, no person other than ~~((an individual,))~~ a bona fide political party~~((s))~~ or caucus political committee may make contributions reportable under this chapter to a caucus political committee that in the aggregate exceed five hundred dollars in a calendar year or to a bona fide political party that in the aggregate exceed two thousand five hundred dollars in a calendar year. This subsection does not apply to loans made in the ordinary course of business.

(7) For the purposes of ~~((RCW 42.17.640 through 42.17.790))~~ this chapter, a contribution to the authorized political committee of a candidate, or of a state official against whom recall charges have been filed, is considered to be a contribution to the candidate or state official.

(8) A contribution received within the twelve-month period after a recall election concerning a state office is considered to be a contribution during that recall campaign if the contribution is used to pay a debt or obligation incurred to influence the outcome of that recall campaign.

(9) The contributions allowed by subsection (2) of this section are in addition to those allowed by subsection (1) of this section, and the contributions allowed by subsection (4) of this section are in addition to those allowed by subsection (3) of this section.

(10) ~~((RCW 42.17.640 through 42.17.790 apply))~~ This chapter applies to a special election conducted to fill a vacancy in a state office. However, the contributions made to a candidate or received by a candidate for a primary or special election conducted to fill such a vacancy shall not be counted toward any of the limitations that apply to the candidate or to contributions made to the candidate for any other primary or election.

(11) Notwithstanding the other subsections of this section, no corporation or business entity not doing business in Washington state, no labor union with fewer than ten members who reside in Washington state, and no political committee that has not received contributions of

ten dollars or more from at least ten persons registered to vote in Washington state during the preceding one hundred eighty days may make contributions reportable under this chapter to a candidate, to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the official. This subsection does not apply to loans made in the ordinary course of business.

(12) Notwithstanding the other subsections of this section, no county central committee or legislative district committee may make contributions reportable under this chapter to a candidate, state official against whom recall charges have been filed, or political committee having the expectation of making expenditures in support of the recall of a state official if the county central committee or legislative district committee is outside of the jurisdiction entitled to elect the candidate or recall the state official.

(13) No person may accept contributions that exceed the contribution limitations provided in this section.

(14) The following contributions are exempt from the contribution limits of this section:

(a) An expenditure or contribution earmarked for voter registration, for absentee ballot information, for precinct caucuses, for get-out-the-vote campaigns, for precinct judges or inspectors, for sample ballots, or for ballot counting, all without promotion of or political advertising for individual candidates; or

(b) An expenditure by a political committee for its own internal organization or fund raising without direct association with individual candidates.

NEW SECTION. Sec. 10. A new section is added to chapter 29.80 RCW to read as follows:

The secretary of state shall add to each candidates' pamphlet a list of the campaign spending limits recommended by the public disclosure commission for each of the state offices for which the statements of candidates appear in the pamphlet and a brief explanation of the effect of a promise filed with the commission under section 3 of this act.

In preparing the candidates' pamphlet for publication, the secretary of state shall secure from the public disclosure commission its most current list of candidates who have promised to limit spending, in accordance with section 3 of this act. Using this list, the secretary of state shall print a notice, explaining the voluntary campaign limits or referring to the location in the pamphlet of the explanation required by this section, on each page of the pamphlet containing the statements and photographs of candidates. The secretary of state shall develop distinctive symbols or logos that will identify whether a particular candidate has or has not accepted the voluntary spending limits for that campaign. Based on the information supplied by the public disclosure commission under this section immediately prior to publication of the pamphlet, the secretary of state shall print the appropriate symbol or logo in conjunction with the statement of each candidate to indicate whether or not the candidate has accepted the voluntary spending limits for that campaign.

Sec. 11. RCW 42.17.690 and 1993 c 2 s 9 are each amended to read as follows:

~~(At the beginning of each even-numbered calendar year, the commission shall increase or decrease all dollar amounts in this chapter based on changes in economic conditions as reflected in the inflationary index used by the commission under RCW 42.17.370.)~~ The commission shall, by January 1, 1998, and by January 1st of each even-numbered year thereafter, adopt revisions in the existing contribution and expenditure limits. Revisions must be for the purpose of recognizing: (1) Changes in the number of registered voters state-wide; and (2) economic changes as reflected by an inflationary index recommended by the office of financial management. The revisions must be guided by the change in the index for the two-year period before the date the revision is to be adopted. The new dollar amounts established by the commission under this section shall be rounded off by the commission to amounts as judged most convenient for public understanding and so as to be within ten percent of the target amount equal to the base amount provided in this chapter multiplied by the increase in the inflationary index since December 3, 1992.

NEW SECTION. Sec. 12. A new section is added to chapter 42.17 RCW to read as follows:

Notwithstanding RCW 42.17.640, no person other than a bona fide political party or a caucus political committee may make contributions reportable under this chapter to a political committee other than a candidate, a state official against whom recall charges have been filed, a bona fide political party, or a caucus political committee, that in the aggregate exceed five hundred dollars in a calendar year.

Sec. 13. RCW 42.17.790 and 1995 c 397 s 27 are each amended to read as follows:

~~(1) (Except as provided in subsection (2) of this section,))~~ A candidate for public office or the candidate's political committee is prohibited from accepting contributions or expending any funds contributed to the candidate or the candidate's political committee before the designation by the candidate of the office to which the candidate is seeking election.

~~(2) A candidate for public office or the candidate's political committee may not use or permit the use of contributions, whether or not surplus, solicited for or received by the candidate for public office or the candidate's political committee to further the candidacy of the individual for an office (other than the) unless that specific office is designated on the statement of organization or has been expressly designated by the candidate. With regard to contributions accepted after the effective date of this act, within thirty days after the individual becomes a candidate for an office other than the office expressly designated by the candidate on the statement of organization, the candidate or the candidate's political committee shall return unspent contributions on a pro rata basis according to the proportionate amount that the original unspent contributions bear to the total contributions received by the candidate and the candidate's political committee. Unspent contributions that cannot be returned after reasonable efforts shall be contributed to a charitable organization registered under chapter 19.09 RCW. Alternatively, the candidate may maintain unspent contributions in a separate account until after filing of the last report under RCW 42.17.080 or 42.17.105, whichever is later, and may then dispose of these unspent contributions under RCW 42.17.095. A contribution solicited for or received on behalf of the candidate for public office is considered solicited or received for the candidacy for which the individual is then a candidate if the contribution is solicited or received before the general elections for which the candidate for public office is a nominee or is unopposed.~~

~~((2) With the written approval of the contributor, a candidate for public office or the candidate's political committee may use or permit the use of contributions, whether or not surplus, solicited for or received by the candidate for public office or the candidate's political committee from that contributor to further the candidacy of the individual for an office other than the office designated on the statement of organization. If the contributor does not approve the use of his or her contribution to further the candidacy of the individual for an office other than the office designated on the statement of organization at the time of the contribution, the contribution must be considered surplus funds and disposed of in accordance with RCW 42.17.095.))"~~

#### MOTION

Senator McCaslin moved that the following amendments to the striking amendment by Senators Quigley and Schow be considered simultaneously and be adopted:

On page 2, line 24, after "senator:" strike "Eighty" and insert "Ten"

On page 2, line 25, after "representative:" strike "Fifty" and insert "Five"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator McCaslin on page 2, lines 24 and 25, to the striking amendment by Senators Quigley and Schow to Second Substitute Senate Bill No. 6249.

The motion by Senator McCaslin failed and the amendments to the striking amendment were not adopted.

#### MOTION

Senator McCaslin moved that the following amendment to the striking amendment by Senators Quigley and Schow be adopted: On page 9, after line 25, insert the following:

"(15) Contributions to a state legislative candidate may be accepted by the candidate or a political committee supporting the candidate only if the person making the contribution resides or works in the legislative district of the candidate.

(16) Contributions to a state legislator against whom recall charges have been filed or to a political committee having the expectation of making expenditures in support of the recall of a state legislator may be accepted by the legislator or committee only if the person making the contribution resides or works in the legislative district of the state legislator against whom the recall charges have been filed."

Debate ensued.

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

Further debate ensued.

#### MOTION

On motion of Senator Anderson, Senator Oke was excused.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator McCaslin on page 9, after line 25, to the striking amendment by Senators Quigley and Schow to Second Substitute Senate Bill No. 6249.

#### ROLL CALL

The Secretary called the roll and the amendment by Senator McCaslin to the striking amendment was adopted, the President voting 'aye' by the following vote: Yeas, 24; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Heavey, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 24.

Voting nay: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau and Wojahn - 24.

Excused: Senator Oke - 1.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Quigley and Schow, as amended, to Second Substitute Senate Bill No. 6249.

The striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Quigley, the following title amendment was adopted:

On page 1, line 1 of the title, after "reform;" strike the remainder of the title and insert "amending RCW 42.17.040, 42.17.390, 42.17.395, 42.17.640, 42.17.690, and 42.17.790; adding new sections to chapter 42.17 RCW; adding a new section to chapter 29.80 RCW; and prescribing penalties."

On motion of Senator Quigley, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6249 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Heavey: "Senator Quigley, what does Article I of the State Constitution contain?"

Senator Quigley: "I think that is an answer that you know the question to. Is there something I can actually be helpful with?"

Senator Heavey: "Well, it is important to my argument. I'm asking you if you know what Article I contains?"

Senator Quigley: "Go ahead, Senator Heavey."

Senator Heavey: "Do you know? Yes or No."

Senator Quigley: "I'm not your straight man. If you have a question for this body and you want to ask and debate, then do so."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6249.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6249 and the bill failed to pass the Senate by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Haugen, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau and Wojahn - 24.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hargrove, Heavey, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prince, Schow, Sellar, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6249, having failed to receive the constitutional majority, was declared lost.

#### SECOND READING

SENATE BILL NO. 6209, by Senators Wojahn, Snyder, McDonald and Sellar

Authorizing special license plates for vehicles registered to the Taipei Economic and Cultural Office.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 6209 was substituted for Senate Bill No. 6209 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the following amendments by Senators Owen and Wojahn were considered simultaneously and were adopted:

On page 1, line 8, after "(1)" strike "The" and insert "If the eligible applicant bears the entire cost of plate production, the"  
On page 1, line 11, after "leased by" strike all material through "United States" on line 14, and insert "an officer of the Taipei Economic and Cultural Office"

On page 2, beginning on line 17, after "by" strike "a recognized foreign organization" and insert "an officer of the Taipei Economic and Cultural Office"

#### MOTION

On motion of Senator Owen, the rules were suspended, Engrossed Substitute Senate Bill No. 6209 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

#### MOTION

On motion of Senator Sheldon, Senators Bauer and Franklin were excused.  
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6209.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6209 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Cantu, Deccio, Drew, Finkbeiner, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45.

Voting nay: Senator Fairley - 1.

Absent: Senator Newhouse - 1.

Excused: Senators Bauer and Franklin - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6209, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6334, by Senators Rasmussen, Swecker, Haugen, Fraser, Morton and Sutherland

Changing water rights administration.

#### MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6334 was substituted for Senate Bill No. 6334 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6334 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6334.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6334 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Voting nay: Senators Hochstatter and McCaslin - 2.

Absent: Senator Schow - 1.

SUBSTITUTE SENATE BILL NO. 6334, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6173 and the parliamentary inquiry by Senator West regarding the number of votes necessary to adopt the amendments by Senators Wojahn and Moyer on page 10, after line 15; page 11, line 16; and page 15, after line 32; deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the parliamentary inquiry by Senator West, the President notes that RCW 43.135.035 (Section 4 of Initiative 601) requires a two-thirds majority vote for 'any action or combination of actions by the Legislature that raises state

revenue or requires revenue-neutral tax shifts.' Looking at the full context of the statute, it appears that 'revenue' in this section means revenue in the form of new taxes or tax increases.

"To adopt this interpretation requires that proposed revenue increases be analyzed to determine whether they are properly characterized as fees or taxes. Taxes are intended to raise revenue for governmental purposes. Fees also raise revenue, but are limited to specific types: License fees and User fees. License Fees cover the cost of administering a regulatory program; User Fees impose a charge for the use of publicly-owned or publicly-provided facilities or services.

The amendments by Senators Wojahn and Moyer impose a 'fee' which partially relates to the cost of processing vehicle sales. The remainder of the 'fee' is transferred to a fund for the provision of trauma care services. Since, the latter portion of the fee cannot properly be characterized as either a license fee or a user fee because it is unrelated to the vehicle sale transaction, therefore, it is properly characterized as a tax.

"The amendments by Senators Wojahn and Moyer may be adopted by a majority vote, but if it they are adopted, final passage of Substitute Senate Bill No. 6173 will require a two-thirds vote."

The President declared the question before the Senate to be the adoption of the amendments by Senators Wojahn and Moyer on page 10, after line 15; page 11, line 16; and page 15, after line 32; to Substitute Senate Bill No. 6173.

#### POINT OF ORDER

Senator McCaslin: "A point of order. I would raise the point of order that the amendments expand the scope and object of the bill. Substitute Senate Bill No. 6173 amends and creates a new section in RCW 46.70. It amends one title of the RCW. The amendments create a new fee that is collective--collected upon the sale or resale of vehicles, vessels, water-craft and snowmobiles. They also allow for collection of the various different motor vehicle titles and actions and changes. I could go on Mr. President, but I will stop there and submit it to you and your counsel."

Further debate ensued.

There being no objection, the President deferred further consideration of Substitute Senate Bill No. 6173.

#### SECOND READING

SENATE BILL NO. 6446, by Senators Fraser, Swecker, Spanel, Sutherland, Drew, Hochstatter and Winsley

Providing for water rights for instream purposes.

#### MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6446 was substituted for Senate Bill No. 6446 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6446 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6446.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6446 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6446, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6445, by Senators Sutherland, Swecker, Fraser, Rasmussen, McAuliffe and Haugen

Making changes to water supply regulation.

#### MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6445 was substituted for Senate Bill No. 6445 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Swecker, the following amendment was adopted:

On page 2, line 13, after "department" strike ", as its sole and exclusive power to regulate, is" and insert "is only"

#### MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute Senate Bill No. 6445 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6445.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6445 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6445, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6690, by Senators Rasmussen, Swecker, Morton, Snyder and Fraser

Changing water permit fees.

The bill was read the second time.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 6690 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6690.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6690 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn and Wood - 37.

Voting nay: Senators Anderson, A., Cantu, Hochstatter, Johnson, McCaslin, McDonald, Roach, Schow, Sellar, Strannigan, West and Zarelli - 12.

SENATE BILL NO. 6690, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6197, by Senator Swecker

Augmenting water supply.

#### MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6197 was substituted for Senate Bill No. 6197 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6197 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6197.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6197 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6197, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 6124 and the pending amendment by Senators Moyer and Owen on page 1, after line 8, deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Quigley, the President finds that Second Substitute Senate Bill No. 6124 is a measure which amends the basic health plan by making certain permissive health care services mandatory, and adds three new medical services to those services mandated by the Basic Health Care Act.

"The amendment by Senators Moyer and Owen would define certain health care provider's responsibilities in complying with offers of health care insurance based on the Model Basic Health Care Act.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and the point of order is not well taken."

The amendment by Senators Moyer and Owen on page 1, after line 8, to Second Substitute Senate Bill No. 6124 was ruled in order.

#### MOTION

On motion of Senator Spanel, and there being no objection, further consideration of Second Substitute Senate Bill No. 6124 was deferred.

#### MOTION

At 4:20 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 5:31 p.m. by President Pritchard.  
There being no objection, the President recessed the Senate until 7:00 p.m.

The Senate was called to order at 7:05 p.m. by President Pritchard.

#### SECOND READING

SENATE BILL NO. 6703, by Senators Fraser, Swecker, Fairley and Winsley

Providing for historic preservation.

The bill was read the second time.

#### MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 6703 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6703.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6703 and the bill passed the Senate by the following vote:  
Yeas, 45; Nays, 0; Absent, 4; Excused, 0.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45.

Absent: Senators Anderson, A., Finkbeiner, Hargrove and Roach - 4.

SENATE BILL NO. 6703, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6708, by Senators Goings, Rasmussen, Winsley, Sheldon, Haugen, Hale, McCaslin, Heavey, Finkbeiner, Hochstatter, McAuliffe and Oke

Increasing penalties for sex offender registration violations.

The bill was read the second time.

#### MOTIONS

On motion of Senator Goings, the following amendment by Senators Goings, Long, Zarelli, Smith and Hargrove was adopted:  
On page 4, line 30, after "within" strike "ten days" and insert "~~(ten days)~~ seventy-two hours"

On motion of Senator Goings, the rules were suspended, Engrossed Senate Bill No. 6708 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Thibaudeau, Senator Hargrove was excused.  
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6708.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6708 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Hargrove - 1.

ENGROSSED SENATE BILL NO. 6708, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6300, by Senators Smith, McCaslin, Wojahn, Long, Roach, Rasmussen, Kohl, Haugen and Winsley

Clarifying domestic violence provisions.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 6300 was substituted for Senate Bill No. 6300 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 6300 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6300.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6300 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6300, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6746, by Senator Prentice

Examining credit unions.

#### MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6746 was substituted for Senate Bill No. 6746 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6746 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6746.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6746 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6746, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Thibaudeau, Senator Fairley was excused.

## SECOND READING

SENATE BILL NO. 6543, by Senators Fraser, Haugen and Swecker

Making adjustments to provisions integrating growth management planning and environmental review.

## MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6543 was substituted for Senate Bill No. 6543 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6543 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6543.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6543 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Fairley - 1.

SUBSTITUTE SENATE BILL NO. 6543, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6208, by Senators Haugen, Johnson, Bauer, Winsley and Schow

Revising misdemeanor probation programs.

## MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6208 was substituted for Senate Bill No. 6208 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the following amendment by Senators Hargrove and Long was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 9.95 RCW to read as follows:

- (1) When a superior court places a defendant convicted of a misdemeanor or gross misdemeanor on probation and orders supervision under RCW 9.92.060 or 9.95.210, the department of corrections has initial responsibility for supervision of that defendant.
- (2) A county legislative authority may assume responsibility for the supervision of all defendants within its jurisdiction who have been convicted of a misdemeanor or gross misdemeanor and sentenced to probation by a superior court. The assumption of responsibility shall be made by contract with the department of corrections on a biennial basis.
- (3) If a county assumes supervision responsibility, the county shall supervise all superior court misdemeanor probationers within that county for the duration of the biennium, as set forth in the contract with the department of corrections.
- (4) A contract between a county legislative authority and the department of corrections for the transfer of supervision responsibility must include, at a minimum, the following provisions:
  - (a) The county's agreement to supervise all misdemeanor probationers who are sentenced by a superior court within that county and who reside within that county;
  - (b) A reciprocal agreement regarding the supervision of superior court misdemeanor probationers sentenced in one county but who reside in another county;
  - (c) The county's agreement to comply with the minimum standards for classification and supervision of offenders as required under section 2 of this act;
  - (d) The amount of funds available from the department of corrections to the county for supervision of superior court misdemeanor probationers, calculated according to a formula established by the department of corrections;
  - (e) A method for the payment of funds by the department of corrections to the county;
  - (f) The county's agreement that any funds received by the county under the contract will be expended only to cover costs of supervision of superior court misdemeanor probationers;
  - (g) The county's agreement to account to the department of corrections for the expenditure of all funds received under the contract and to submit to audits for compliance with the supervision standards and financial requirements of this section;
  - (h) Provisions regarding rights and remedies in the event of a possible breach of contract or default by either party; and
  - (i) Provisions allowing for voluntary termination of the contract by either party, with good cause, after sixty days' written notice.
- (5) If the contract between the county and the department of corrections is terminated for any reason, the department of corrections shall reassume responsibility for supervision of superior court misdemeanor probationers within that county. In such an event, the department of corrections retains any and all rights and remedies available by law and under the contract.
- (6) The department of corrections is immune from civil liability for any harm caused by the actions of a superior court misdemeanor probationer who is under the supervision of a county. A county is immune from civil liability for any harm caused by the actions of a superior court misdemeanor probationer who is under the supervision of the department of corrections. The immunity granted under this section applies regardless of whether the supervising agency is in compliance with the standards of supervision at the time of the misdemeanor probationer's actions.
- (7) The department and its officials and employees, or in cases where a county assumes supervision responsibility, the county and its officials and employees, are immune from civil liability for any harm arising out of the good faith performance of their duties and for any harm caused by the actions of superior court misdemeanor probationers under their supervision.

(8) If sufficient resources are not available for the department of corrections, or the county assuming supervision responsibility, to comply with the minimum standards of supervision required by section 2 of this act, the department of corrections, or the county, is immune from civil liability for any harm caused by an inability to comply with the standards of supervision.

**NEW SECTION. Sec. 2.** A new section is added to chapter 9.95 RCW to read as follows:

(1) Probation supervision of misdemeanor offenders sentenced in a superior court must be based upon an offender classification system and supervision standards.

(2) Any entity under contract with the department of corrections pursuant to section 1 of this act shall establish and maintain a classification system that:

- (a) Provides for a standardized assessment of offender risk;
- (b) Differentiates between higher and lower risk offenders based on criminal history and current offense;
- (c) Assigns cases to a level of supervision based on assessed risk;
- (d) Provides, at a minimum, three levels of supervision;
- (e) Provides for periodic review of an offender's classification level during the term of supervision; and
- (f) Structures the discretion and decision making of supervising officers.

(3) Any entity under contract with the department of corrections pursuant to section 1 of this act may establish and maintain supervision standards that:

- (a) Identify the frequency and nature of offender contact within each of at least three classification levels;
- (b) Provide for a minimum of one face-to-face contact each month with offenders classified at the highest level of risk;
- (c) Provide for a minimum of one personal contact per quarter for lower-risk offenders;
- (d) Provide for specific reporting requirements for offenders within each level of the classification system;
- (e) Assign higher-risk offenders to staff trained to deal with higher-risk offenders;
- (f) Verify compliance with sentence conditions imposed by the court; and
- (g) Report to the court violations of sentence conditions as appropriate.

(4) Under no circumstances may an entity under contract with the department of corrections pursuant to section 1 of this act establish or maintain supervision that is less stringent than that offered by the department.

(5) The minimum supervision standards established and maintained by the department of corrections shall provide for no less than one contact per quarter for misdemeanor probationers under its jurisdiction. The contact shall be a personal interaction accomplished either face-to-face or by telephone, unless the department finds that the individual circumstances of the offender do not require personal interaction to meet the objectives of the supervision. The circumstances under which the department may find that an offender does not require personal interaction are limited to the following: (a) The offender has no special conditions or crime-related prohibitions imposed by the court other than legal financial obligations; and (b) the offender poses minimal risk to public safety.

(6) The classification system and supervision standards must be established and met within the resources available as provided for by the legislature and the cost of supervision assessments collected, and may be enhanced by funds otherwise generated by the supervising entity.

**Sec. 3.** RCW 9.95.210 and 1995 1st sp.s. c 19 s 29 are each amended to read as follows:

(1) In granting probation, the superior court may suspend the imposition or the execution of the sentence and may direct that the suspension may continue upon such conditions and for such time as it shall designate, not exceeding the maximum term of sentence or two years, whichever is longer.

(2) In the order granting probation and as a condition thereof, the superior court may in its discretion imprison the defendant in the county jail for a period not exceeding one year and may fine the defendant any sum not exceeding the statutory limit for the offense committed, and court costs. As a condition of probation, the superior court shall require the payment of the penalty assessment required by RCW 7.68.035. The superior court may also require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary: (a) To comply with any order of the court for the payment of family support; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement; (c) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required; (d) following consideration of the financial condition of the person subject to possible electronic monitoring, to pay for the costs of electronic monitoring if that monitoring was required by the court as a condition of release from custody or as a condition of probation; (e) to contribute to a county or interlocal drug fund; and (f) to make restitution to a public agency for the costs of an emergency response under RCW 38.52.430, and may require bonds for the faithful observance of any and all conditions imposed in the probation.

(3) The superior court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the superior court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the superior court within one year of imposition of the sentence for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the superior court shall hold a restitution hearing and shall enter a restitution order.

(4) In granting probation, the superior court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary. If the county legislative authority has elected to assume responsibility for the supervision of superior court misdemeanor probationers within its jurisdiction, the superior court misdemeanor probationer shall report to a probation officer employed or contracted for by the county. In cases where a superior court misdemeanor probationer is sentenced in one county, but resides within another county, there must be provisions for the probationer to report to the agency having supervision responsibility for the probationer's county of residence.

(5) If the probationer has been ordered to make restitution and the superior court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made. If the superior court has ordered supervision and restitution has not been made as ordered, the officer shall inform the prosecutor of that violation of the terms of probation not less than three months prior to the termination of the probation period. The secretary of corrections will promulgate rules and regulations for the conduct of the person during the term of probation. For defendants found guilty in district court, like functions as the secretary performs in regard to probation may be performed by probation officers employed for that purpose by the county legislative authority of the county wherein the court is located.

**Sec. 4.** RCW 9.95.214 and 1995 1st sp.s. c 19 s 32 are each amended to read as follows:

Whenever a defendant convicted of a misdemeanor or gross misdemeanor is placed on probation under RCW 9.92.060 or 9.95.210, and the defendant is supervised by the department of corrections or a county probation department, the department or county probation department may assess and collect from the defendant for the duration of the term of supervision a monthly assessment not to exceed one hundred dollars per month. This assessment shall be paid to the ~~((department))~~ agency supervising the defendant and shall be applied, along with funds appropriated by the legislature, toward the payment or part payment of the cost of supervising the defendant.

**Sec. 5.** RCW 9.92.060 and 1995 1st sp.s. c 19 s 30 are each amended to read as follows:

(1) Whenever any person is convicted of any crime except murder, burglary in the first degree, arson in the first degree, robbery, rape of a child, or rape, the superior court may, in its discretion, at the time of imposing sentence upon such person, direct that such sentence be stayed and suspended until otherwise ordered by ~~((sueh))~~ the superior court, and that the sentenced person be placed under the charge of a community corrections officer employed by the department of corrections, or if the county elects to assume responsibility for the supervision of all superior court misdemeanant probationers a probation officer employed or contracted for by the county, upon such terms as the superior court may determine.

(2) As a condition to suspension of sentence, the superior court shall require the payment of the penalty assessment required by RCW 7.68.035. In addition, the superior court may require the convicted person to make such monetary payments, on such terms as the superior court deems appropriate under the circumstances, as are necessary: (a) To comply with any order of the court for the payment of family support; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement; (c) to pay any fine imposed and not suspended and the court or other costs incurred in the prosecution of the case, including reimbursement of the state for costs of extradition if return to this state by extradition was required; and (d) to contribute to a county or interlocal drug fund.

(3) As a condition of the suspended sentence, the superior court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary. If the county legislative authority has elected to assume responsibility for the supervision of superior court misdemeanant probationers within its jurisdiction, the superior court misdemeanant probationer shall report to a probation officer employed or contracted for by the county. In cases where a superior court misdemeanant probationer is sentenced in one county, but resides within another county, there must be provisions for the probationer to report to the agency having supervision responsibility for the probationer's county of residence.

(4) If restitution to the victim has been ordered under subsection (2)(b) of this section and the superior court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made as ordered. If the superior court has ordered supervision and restitution has not been made, the officer shall inform the prosecutor of that violation of the terms of the suspended sentence not less than three months prior to the termination of the suspended sentence.

**Sec. 6.** RCW 10.64.120 and 1991 c 247 s 3 are each amended to read as follows:

(1) Every judge of a court of limited jurisdiction shall have the authority to levy upon a person a monthly assessment not to exceed ~~((fifty))~~ one hundred dollars for services provided whenever ~~((a))~~ the person is referred by the court to the misdemeanant probation department for evaluation or supervision services. The assessment may also be made by a ~~((sentencing))~~ judge in superior court when such misdemeanant or gross misdemeanor cases are heard in the superior court.

(2) For the purposes of this section the office of the administrator for the courts shall define a probation department and adopt rules for the qualifications of probation officers based on occupational and educational requirements developed by an oversight committee. This oversight committee shall include a representative from the district and municipal court judges association, the misdemeanant corrections association, the office of the administrator for the courts, and associations of cities and counties. The oversight committee shall consider qualifications that provide the training and education necessary to (a) conduct presentencing and postsentencing background investigations, including sentencing recommendations to the court regarding jail terms, alternatives to incarceration, and conditions of release; and (b) provide ongoing supervision and assessment of offenders' needs and the risk they pose to the community.

(3) It shall be the responsibility of the probation services office to implement local procedures approved by the court of limited jurisdiction to ensure collection and payment of such fees into the general fund of the city or county treasury.

~~((3))~~ (4) Revenues raised under this section shall be used to fund programs for probation services and shall be in addition to those funds provided in RCW 3.62.050.

**Sec. 7.** RCW 36.01.070 and 1967 c 200 s 9 are each amended to read as follows:

Notwithstanding the provisions of chapter 72.01 RCW or any other provision of law, counties may engage in probation and parole services and employ personnel therefor under such terms and conditions as any such county shall so determine. If a county elects to assume responsibility for the supervision of superior court misdemeanant offenders placed on probation under RCW 9.92.060 or 9.95.210, the county may contract with other counties to receive or provide such probation services. A county may also enter into partnership agreements with the department of corrections under RCW 72.09.300.

## MOTIONS

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 9.95.210, 9.95.214, 9.92.060, 10.64.120, and 36.01.070; and adding new sections to chapter 9.95 RCW."

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 6208 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6208.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6208 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6208, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## NOTICE FOR RECONSIDERATION

Senator Heavey, having voted on the prevailing side, served notice that he would move to reconsider the vote by which Engrossed Second Substitute Senate Bill No. 6249 failed to pass the Senate earlier today.

## SECOND READING

SENATE BILL NO. 6322, by Senator Owen

Adjusting fees used for recreational vehicle sanitary facilities.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 6322 was substituted for Senate Bill No. 6322 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 6322 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6322.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6322 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6322, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6272, by Senators McAuliffe, Long, Fairley, Winsley, Fraser, Kohl, Drew, Smith, Thibaudeau, Prentice, Wojahn, Snyder, Sheldon, Loveland, Bauer, Franklin, Rinehart, Haugen, Rasmussen, Owen, Heavey, Quigley, Oke, Schow and Roach

Requiring school employees with regularly scheduled unsupervised access to children to undergo record checks.

#### MOTIONS

On motion of Senator McAuliffe, Second Substitute Senate Bill No. 6272 was substituted for Senate Bill No. 6272 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Second Substitute Senate Bill No. 6272 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6272.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6272 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SECOND SUBSTITUTE SENATE BILL NO. 6272, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6352, by Senators Goings and Smith

Allowing the association of superior court judges to establish when the annual meeting will be held.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, Senate Bill No. 6352 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6352.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6352 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SENATE BILL NO. 6352, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6205, by Senators Haugen, Winsley, Quigley and Long

Providing procedures for creating new counties.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6205 was substituted for Senate Bill No. 6205 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6205 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Anderson: "Senator Haugen, as you know, Pioneer County folks that are now part of Whatcom County have already gone out and got their signatures on the petitions. They have actually presented those petitions to the House of Representatives and now the Secretary of State. So, their petition gathering is done. How would this affect those people who have already gone through a process on-- currently that they understood was their process? This changes it by outlining a new process and where does that leave them?"

Senator Haugen: "Well, it is my understanding, it really doesn't affect them. It might be a benefit to them, because it calls that they could go back and gather some more signatures if they weren't adequate. But that isn't necessarily effective with this particular bill."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6205.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6205 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Kohl, Long, McAuliffe, McCaslin, Moyer, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, Winsley, Wojahn and Wood - 35.

Voting nay: Senators Anderson, A., Cantu, Fraser, Hochstatter, Johnson, McDonald, Morton, Newhouse, Sellar, Strannigan, Swecker, West and Zarelli - 13.

Absent: Senator Loveland - 1.

SUBSTITUTE SENATE BILL NO. 6205, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6702, by Senators Fraser, McCaslin, Sheldon, West, Winsley and Hale

Clarifying and streamlining of the joint administrative rules review committee.

The bill was read the second time.

#### MOTIONS

On motion of Senator Fraser, the following amendment by Senators Fraser, Sheldon and McCaslin was adopted:

On page 3, after line 8, insert the following:

"Sec. 2. RCW 34.05.610 and 1988 c 288 s 601 are each amended to read as follows:

(1) There is hereby created a joint administrative rules review committee which shall be a bipartisan committee consisting of four senators and four representatives from the state legislature. The senate members of the committee shall be appointed by the president of the senate, and the house members of the committee shall be appointed by the speaker of the house. Not more than two members from each house may be from the same political party. The appointing authorities shall also appoint one alternate member from each caucus of each house. All appointments to the committee are subject to approval by the caucuses to which the appointed members belong.

(2) Members and alternates shall be appointed as soon as possible after the legislature convenes in regular session in an odd-numbered year, and their terms shall extend until their successors are appointed and qualified at the next regular session of the legislature in an odd-numbered year or until such ~~((members))~~ persons no longer serve in the legislature, whichever occurs first. Members and alternates may be reappointed to ~~((a))~~ the committee.

(3) The president of the senate shall appoint the chairperson in even-numbered years and the vice chairperson in odd-numbered years from among committee membership. The speaker of the house shall appoint the chairperson in odd-numbered years and the vice chairperson in even-numbered years from among committee membership. Such appointments shall be made in January of each year as soon as possible after a legislative session convenes.

(4) The chairperson of the committee shall cause all meeting notices and committee documents to be sent to the members and alternates. A vacancy (on the committee) shall be filled by appointment of a legislator from the same political party as the original appointment. The appropriate appointing authority shall make the appointment within thirty days of the vacancy occurring."  
Renumber remaining sections accordingly.

Senator Hale moved that the following amendment be adopted:

On page 7, after line 19, insert the following:

"NEW SECTION. Sec. 7. A new section is added to chapter 34.05 RCW to read as follows:

(1) A person may petition an agency requesting that an existing rule be subject to readoption. The office of financial management shall prescribe by rule the format for such petitions and the procedure for their submission, consideration, and disposition and provide a standard form that may be used to petition any agency. Within sixty days after submission of a petition, the agency shall either (a) deny the petition in writing, stating (i) its reasons for the denial, specifically addressing each item listed in subsection (3) of this section, and (ii) where appropriate, the alternative means by which it will address the concerns raised by the petitioner, or (b) initiate the readoption procedure in accordance with this section.

(2) If an agency denies a petition submitted under subsection (1) of this section, the petitioner, within thirty days of the denial, may appeal the denial to the joint administrative rules review committee. Within sixty days after receiving the appeal, the committee shall, by a majority vote of its members, either (a) deny the appeal in writing, stating its reasons for the denial, or (b) direct the agency to initiate the readoption procedure in accordance with this section. The agency shall initiate the readoption procedure by the date specified by the committee.

(3) An agency's written denial under subsection (1) of this section must address each of the following:

(a) Whether the rule is authorized;

(b) Whether the rule is needed;

(c) Whether the rule conflicts with or duplicates other federal, state, or local laws;

(d) Whether alternatives to the rule exist that will serve the same purpose at less cost;

(e) Whether the rule applies differently to public and private entities;

(f) Whether the rule serves the purposes for which it was adopted;

(g) Whether the benefits of the rule are greater than its costs;

(h) Whether the rule is clearly and simply stated; and

(i) Whether there is adequate justification if the rule is different from a federal law applicable to the same activity or subject matter. Persons are encouraged to address each of these issues in their petition to the agency.

(4) For purposes of this section, "readoption" means that the text of the existing rule is submitted under RCW 34.05.320 as a proposed rule and is then subject to the rule-making process set forth in this chapter. However, an agency need not submit a statement of inquiry under RCW 34.05.310 for an existing rule subject to readoption.

(5) A decision by an agency under subsection (1) of this section to deny a petition for readoption is not subject to judicial review.

(6) The office of financial management shall initiate the rule making required by subsection (1) of this section by July 1, 1996."

#### POINT OF ORDER

Senator Fraser: "A point of order, Mr. President. I believe that the amendment by Senator Hale on page 7, after line 19, expands the scope and object of the bill. The bill very strictly follows the title of the bill, which is An Act relating to clarifying and streamlining procedures of the Joint Administrative Rules Review Committee. It does not create a new roll for that committee; it does not create new duties for state agencies. It doesn't create any new relationships between the Legislature and the Judiciary. The amendment before you creates a new process for the committee--a rule readoption process, a new duty for state agencies, a new rule-making requirement for the office of Financial Management, creates a new roll for JARRC in terms of directing agencies to take certain actions and it creates new statutory language regarding judicial review, in that it creates an exemption. So, I do feel that it exceeds the scope and object."

Further debate ensued.

There being no objection, the President deferred further consideration of the amendment by Senator Hale on page 7, after line 19, to Senate Bill No. 6702.

#### MOTION

Senator Anderson moved that the following amendment by Senators Anderson and Hale be adopted:

On page 7, after line 19, insert the following:

"Sec. 7. RCW 34.05.660 and 1988 c 288 s 606 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, it is the express policy of the legislature that establishment of procedures for review of administrative rules by the legislature and the notice of objection required by RCW 34.05.630(2) and 34.05.640(2) in no way serves to establish a presumption as to the legality or constitutionality of a rule in any subsequent judicial proceedings interpreting such rules.

(2) If the joint administrative rules review committee recommends to the governor that an existing rule be suspended because it does not conform with the intent of the legislature, the recommendation shall establish a rebuttable presumption in any proceeding challenging the validity of the rule that the rule is invalid. The burden of demonstrating the rule's validity is then on the adopting agency."

#### POINT OF ORDER

Senator Fraser: "A point of order, Mr. President. I believe that the amendment by Senators Anderson and Hale on page 7, after line 19, expands the scope and object of the bill. Once again, the underlying bill is an act that clarifies and streamlines procedures of JARRC and it doesn't create any new relationships between the Legislature and the Judiciary. What this amendment does is establish a new relationship in state government between the Legislature acting through JARRC and the Judiciary, in that it creates a rebuttal presumption in court. The magnitude of this is such that many would say to do this might require a constitutional amendment. So, I do feel that this does expand the scope and object of the bill."

Further debate ensued.

There being no objection, the President deferred further consideration of Senate Bill No. 6702.

President Pro Tempore Wojahn assumed the Chair.

#### SECOND READING

SENATE BILL NO. 5049, by Senators Haugen and Winsley

Authorizing a county research service.

#### MOTIONS

On motion of Senator Haugen, Second Substitute Senate Bill No. 5049 was substituted for Senate Bill No. 5049 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Second Substitute Senate Bill No. 5049 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5049.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5049 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Voting nay: Senators Anderson, A., Hochstatter and Morton - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5049, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6170, by Senators Winsley and Haugen

Authorizing consideration of health and environmental regulations in the valuation of real property.

#### MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 6170 was substituted for Senate Bill No. 6170 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the following amendment by Senator Haugen was adopted:

On page 2, after line 29, insert the following:

"NEW SECTION. Sec. 2. This act takes effect January 1, 1997."

#### MOTIONS

On motion of Senator Winsley, the following title amendment was adopted:

On page 1, line 2 of the title, after "property;" strike "and" and on line 3, after "84.40.030" insert "; and providing an effective date"

On motion of Senator Winsley, the rules were suspended, Engrossed Substitute Senate Bill No. 6170 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6170.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6170 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6170, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6594, by Senators Winsley, Haugen, Heavey, Sheldon, Hale, Snyder, Wood, McAuliffe, Finkbeiner, Bauer, Rinehart, Pelz, Franklin, Smith, Drew, Sutherland and Rasmussen

Requiring specific information in notification of property assessment changes.

#### MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 6594 was substituted for Senate Bill No. 6594 and the substitute bill was placed on second reading and read the second time.

Senator Winsley moved that the following amendment by Senators Haugen and Winsley be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.40.045 and 1994 c 301 s 36 are each amended to read as follows:

(1) The assessor shall give notice of any change in the true and fair value of real property for the tract or lot of land and any improvements thereon no later than thirty days after appraisal: PROVIDED, That no such notice shall be mailed during the period from January 15 to February 15 of each year: PROVIDED FURTHER, That no notice need be sent with respect to changes in valuation of forest land made pursuant to chapter 84.33 RCW.

(2) The notice shall:

(a) Contain a statement of both the prior and the new true and fair value and the ratio of the assessed value to the true and fair value on which the assessment of the property is based, stating separately land and improvement values, and a brief statement of the procedure for appeal to the board of equalization and the time, date, and place of the meetings of the board; and

(b) By January 1, 1998, reference the appropriate local and state sources where further information may be obtained regarding zoning and other restrictions on the use of property.

The notice shall be mailed by the assessor to the taxpayer.

(3) If any taxpayer, as shown by the tax rolls, holds solely a security interest in the real property which is the subject of the notice, pursuant to a mortgage, contract of sale, or deed of trust, such taxpayer shall, upon written request of the assessor, supply, within thirty days of receipt of such request, to the assessor the name and address of the person making payments pursuant to the mortgage, contract of sale, or deed of trust, and thereafter such person shall also receive a copy of the notice provided for in this section. Willful failure to comply with such request within the time limitation provided for herein shall make such taxpayer subject to a maximum civil penalty of five thousand dollars. The penalties provided for herein shall be recoverable in an action by the county prosecutor, and when recovered shall be deposited in the county current expense fund. The assessor shall make the request provided for by this section during the month of January.

(4) Any change in the communication and data processing technologies used by any county shall be designed to further the eventual production of a notice of change in valuation that shall:

(a) Inform the taxpayer of the zoning of the property as of the date of the last appraisal;

(b) State that zoning is subject to change;

(c) State that other restrictions of the local, state, and federal governments on the use of the property may apply; and

(d) Reference the appropriate local and state sources where further information may be obtained.

The notice shall be mailed by the assessor to the taxpayer."

#### MOTIONS

On motion of Senator Swecker, the following amendment by Senators Swecker and Winsley to the striking amendment by Senator Haugen and Winsley was adopted:

On page 2, after line 16, insert the following:

"**Sec. 2.** RCW 84.56.050 and 1991 c 245 s 17 are each amended to read as follows:

On receiving the tax rolls the treasurer shall post all real and personal property taxes from the rolls to the treasurer's tax roll, and shall carry forward to the current tax rolls a memorandum of all delinquent taxes on each and every description of property, and enter the same on the property upon which the taxes are delinquent showing the amounts for each year. The treasurer shall notify each taxpayer in the county, at the expense of the county, of the amount of the real and personal property, and the current and delinquent amount of tax due on the same; and the treasurer shall have printed on the notice the name of each tax and the levy made on the same. The name of the state property tax levy for the support of the common schools shall be entitled "state property tax levy" and shall not indicate its use for the support of the common schools. The county treasurer shall be the sole collector of all delinquent taxes and all other taxes due and collectible on the tax rolls of the county: PROVIDED, That the term "taxpayer" as used in this section shall mean any person charged, or whose property is charged, with property tax; and the person to be notified is that person whose name appears on the tax roll herein mentioned: PROVIDED, FURTHER, That if no name so appears the person to be notified is that person shown by the treasurer's tax rolls or duplicate tax receipts of any preceding year as the payer of the tax last paid on the property in question."

On motion of Senator Swecker, the following amendment by Senators Swecker and Winsley to the striking amendment by Senators Haugen and Winsley was adopted:

On page 2, after line 16, insert:

NEW SECTION. Sec. 3. Section 2 of this act applies to taxes levied in 1996 for collection in 1997, and thereafter."

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Haugen and Winsley, as amended, to Substitute Senate Bill No. 6594.

Debate ensued.

The striking amendment, as amended, to Substitute Senate Bill No. 6594 was adopted.

#### MOTIONS

On motion of Senator Winsley, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "changes;" strike the remainder of the title and insert "and amending RCW 84.40.045."

On page 2, line 20 of the title amendment, after "changes;" strike the remainder of the title and insert "amending RCW 84.40.045 and RCW 84.56.050; creating a new section."

On motion of Senator Winsley, the rules were suspended, Engrossed Substitute Senate Bill No. 6594 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6594.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6594 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen,

Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6594, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pritchard assumed the Chair.

#### SECOND READING

SENATE BILL NO. 6595, by Senators Winsley, Haugen, Hale, Heavey, Sheldon, Snyder, Wood, McAuliffe, Finkbeiner, Goings, Rinehart, Pelz, Franklin, Smith, Drew, Sutherland, Bauer and Rasmussen

Affecting the correction of erroneous assessments if there is a change in the property's land use designation.

The bill was read the second time.

#### MOTIONS

On motion of Senator Winsley, the following amendments by Senators Winsley and Haugen were considered simultaneously and were adopted:

On page 1, beginning on line 14, after "made" strike all material through "shorter." on line 16

On page 2, line 14, after "correction" insert ", including a cancellation or correction made due to a definitive change of land use designation."

On motion of Senator Winsley, the rules were suspended, Engrossed Senate Bill No. 6595 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6595.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6595 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

ENGROSSED SENATE BILL NO. 6595, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6173 and the pending amendments by Senators Wojahn and Moyer on page 10, after line 15; page 11, line 16; and page 15, after line 32; deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator McCaslin, the President finds that Substitute Senate Bill No. 6173 is a measure which makes various changes and clarifications to the requirements for motor vehicle dealers and their subagencies to receive and maintain a license.

"The amendments by Senators Wojahn and Moyer would authorize dealers in motor vehicles, snowmobiles, vessels, and personal watercraft to charge a fee for processing any title change. A portion of the fee is to be transferred to the Emergency Medical Services and Trauma Care System Trust Account. The amendments also change the definitions of service charges and sale prices for purposes of retail sales contracts.

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

The amendments by Senators Wojahn and Moyer on page 10, after line 15; page 11, line 16; and page 15, after line 32; to Substitute Senate Bill No. 6173 were ruled out of order.

#### MOTION

Senator Wojahn moved that the following amendments by Senators Wojahn, Deccio, Moyer, Thibaudeau, Pelz, Wood, Schow and Fairley be considered simultaneously and be adopted:

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

"NEW SECTION. Sec. 6. A new section is added to chapter 46.70 RCW to read as follows:

At the time of licensing, registration, title verification, transfer of title, perfecting title, or releasing or satisfying a lien or other security for any motor vehicle, the dealer shall collect a documentary service fee of at least ten dollars and may collect up to fifteen dollars. Ten dollars of the fee shall be transmitted to the department for deposit in the emergency medical services and trauma care system trust account. Subagents shall collect the ten dollar fee when performing any function listed in this section, and such fee shall be transmitted to the department for deposit in the emergency medical services and trauma care system trust account under this section."

Renumber the sections consecutively and correct any internal references accordingly.

On page 11, line 16, after "order." insert "Any documentary service fee charged by a dealer for licensing, registration, title verification, transfer of title, perfecting title, or releasing or satisfying a lien or other security interest in an amount not to exceed a total of

fifteen dollars per vehicle sale or vehicle lease shall not be considered a violation of subsection (1) or (2) of this section. Dealers are required to disclose in any advertisement that a documentary service fee in an amount not to exceed fifteen dollars may be added to the sale price."

On page 15, after line 32, insert the following:

"Sec. 7. RCW 63.14.010 and 1993 sp.s. c 5 s 1 are each amended to read as follows:

In this chapter, unless the context otherwise requires:

(1) "Goods" means all chattels personal when purchased primarily for personal, family, or household use and not for commercial or business use, but not including money or, except as provided in the next sentence, things in action. The term includes but is not limited to merchandise certificates or coupons, issued by a retail seller, to be used in their face amount in lieu of cash in exchange for goods or services sold by such a seller and goods which, at the time of sale or subsequently, are to be so affixed to real property as to become a part thereof, whether or not severable therefrom;

(2) "Lender credit card" means a card or device under a lender credit card agreement pursuant to which the issuer gives to a cardholder residing in this state the privilege of obtaining credit from the issuer or other persons in purchasing or leasing property or services, obtaining loans, or otherwise, and the issuer of which is not: (a) Principally engaged in the business of selling goods; or (b) a financial institution;

(3) "Lender credit card agreement" means an agreement entered into or performed in this state prescribing the terms of retail installment transactions pursuant to which the issuer may, with the buyer's consent, purchase or acquire one or more retail sellers' indebtedness of the buyer under a sales slip or memorandum evidencing the purchase, lease, loan, or otherwise to be paid in accordance with the agreement. The issuer of a lender credit card agreement shall not be principally engaged in the business of selling goods or be a financial institution;

(4) "Financial institution" means any bank or trust company, mutual savings bank, credit union, or savings and loan association organized pursuant to the laws of any one of the United States of America or the United States of America, or the laws of a foreign country if also qualified to conduct business in any one of the United States of America or pursuant to the laws of the United States of America;

(5) "Services" means work, labor, or services of any kind when purchased primarily for personal, family, or household use and not for commercial or business use whether or not furnished in connection with the delivery, installation, servicing, repair, or improvement of goods and includes repairs, alterations, or improvements upon or in connection with real property, but does not include services for which the price charged is required by law to be determined or approved by or to be filed, subject to approval or disapproval, with the United States or any state, or any department, division, agency, officer, or official of either as in the case of transportation services;

(6) "Retail buyer" or "buyer" means a person who buys or agrees to buy goods or obtain services or agrees to have services rendered or furnished, from a retail seller;

(7) "Retail seller" or "seller" means a person engaged in the business of selling goods or services to retail buyers;

(8) "Retail installment transaction" means any transaction in which a retail buyer purchases goods or services from a retail seller pursuant to a retail installment contract, a retail charge agreement, or a lender credit card agreement, as defined in this section, which provides for a service charge, as defined in this section, and under which the buyer agrees to pay the unpaid balance in one or more installments or which provides for no service charge and under which the buyer agrees to pay the unpaid balance in more than four installments;

(9) "Retail installment contract" or "contract" means a contract, other than a retail charge agreement, a lender credit card agreement, or an instrument reflecting a sale made pursuant thereto, entered into or performed in this state for a retail installment transaction. The term "retail installment contract" may include a chattel mortgage, a conditional sale contract, and a contract in the form of a bailment or a lease if the bailee or lessee contracts to pay as compensation for their use a sum substantially equivalent to or in excess of the value of the goods sold and if it is agreed that the bailee or lessee is bound to become, or for no other or a merely nominal consideration, has the option of becoming the owner of the goods upon full compliance with the provisions of the bailment or lease. The term "retail installment contract" does not include: (a) A "consumer lease," heretofore or hereafter entered into, as defined in RCW 63.10.020; (b) a lease which would constitute such "consumer lease" but for the fact that: (i) It was entered into before April 29, 1983; (ii) the lessee was not a natural person; (iii) the lease was not primarily for personal, family, or household purposes; or (iv) the total contractual obligations exceeded twenty-five thousand dollars; or (c) a lease-purchase agreement under chapter 63.19 RCW;

(10) "Retail charge agreement," "revolving charge agreement," or "charge agreement" means an agreement between a retail buyer and a retail seller that is entered into or performed in this state and that prescribes the terms of retail installment transactions with one or more sellers which may be made thereunder from time to time and under the terms of which a service charge, as defined in this section, is to be computed in relation to the buyer's unpaid balance from time to time;

(11) "Service charge" however denominated or expressed, means the amount which is paid or payable for the privilege of purchasing goods or services to be paid for by the buyer in installments over a period of time. It does not include the amount, if any, charged for insurance premiums, delinquency charges, attorneys' fees, court costs, the vehicle dealer documentary service fee as provided in section 5 of this act, or official fees;

(12) "Sale price" means the price for which the seller would have sold or furnished to the buyer, and the buyer would have bought or obtained from the seller, the goods or services which are the subject matter of a retail installment transaction. The sale price may include any taxes, registration and license fees, any vehicle dealer documentary fee as provided for in section 5 of this act and charges for transferring vehicle titles, delivery, installation, servicing, repairs, alterations, or improvements;

(13) "Official fees" means the amount of the fees prescribed by law and payable to the state, county, or other governmental agency for filing, recording, or otherwise perfecting, and releasing or satisfying, a retained title, lien, or other security interest created by a retail installment transaction;

(14) "Time balance" means the principal balance plus the service charge;

(15) "Principal balance" means the sale price of the goods or services which are the subject matter of a retail installment contract less the amount of the buyer's down payment in money or goods or both, plus the amounts, if any, included therein, if a separate identified charge is made therefor and stated in the contract, for insurance, any vehicle dealer documentary service fee, and official fees;

(16) "Person" means an individual, partnership, joint venture, corporation, association, or any other group, however organized;

(17) "Rate" means the percentage which, when multiplied times the outstanding balance for each month or other installment period, yields the amount of the service charge for such month or period.

Sec. 8. RCW 63.14.130 and 1992 c 193 s 1 are each amended to read as follows:

The service charge shall be inclusive of all charges incident to investigating and making the retail installment contract or charge agreement and for the privilege of making the installment payments thereunder and no other fee, expense or charge whatsoever shall be taken, received, reserved or contracted therefor from the buyer, except for any vehicle dealer documentary service fee as provided for in section 5 of this act.

(1) The service charge, in a retail installment contract, shall not exceed the dollar amount or rate agreed to by contract and disclosed under RCW 63.14.040(1)(7)(g).

(2) The service charge in a retail charge agreement, revolving charge agreement, lender credit card agreement, or charge agreement, shall not exceed the schedule or rate agreed to by contract and disclosed under RCW 63.14.120(1). If the service charge so computed is less than one dollar for any month, then one dollar may be charged."

Renumber the sections consecutively and correct any internal references accordingly.

#### POINT OF ORDER

Senator McCaslin: "A point of order, Mr. President. I hate to do this, but I just don't think this is the proper vehicle and in lieu of your previous ruling, I would raise a point of order that these exceed the scope and object of the bill."

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator McCaslin, the President finds that Substitute Senate Bill No. 6173 is a measure which makes various changes and clarifications to the requirements for motor vehicle dealers and their subagencies to receive and maintain a license.

"The amendments by Senators Wojahn, Deccio, Moyer, Thibaudeau, Pelz, Wood, Schow and Fairley would authorize dealers in motor vehicles to charge a fee for processing any title change. A portion of the fee is to be transferred to the Emergency Medical Services and Trauma Care System Trust Account. The amendments also change the definitions of service charges and sale prices for purposes of retail sales contracts.

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

The amendments by Senators Wojahn, Deccio, Moyer, Thibaudeau, Pelz, Wood, Schow and Fairley on page 10, after line 15; page 11, line 16; and page 15, after line 32; to Substitute Senate Bill No. 6173 were ruled out of order.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Substitute Senate Bill No. 6173 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6173.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6173 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Voting nay: Senator Roach - 1.

SUBSTITUTE SENATE BILL NO. 6173, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6702 and the pending amendment by Senator Hale on page 7, after line 19, deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Fraser, the President finds that Senate Bill No. 6702 is a measure which makes various changes to the jurisdiction and procedures of the Joint Administrative Rules Review Committee.

"The amendment by Senator Hale would create a new administrative review process called a petition for re adoption. The process would change the responses of agencies and the Rules Review Committee, and grants new rule making authority to the Office of Financial Management.

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

The amendment by Senator Hale on page 7, after line 19, to Senate Bill No. 6702 was ruled out of order.

There being no objection, the Senate resumed consideration of the pending amendment by Senators Anderson and Hale on page 7, after line 19, deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Fraser, the President finds that Senate Bill No. 6702 is a measure which makes various changes to the jurisdiction and procedures of the Joint Administrative Rules Review Committee.

"The amendment by Senators Anderson and Hale provides that one of the procedures of the committee (recommending suspension of an existing rule) includes the effect of a rebuttable presumption that the rule is invalid.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and the point of order is not well taken."

The amendment by Senators Anderson and Hale on page 7, after line 19, to Senate Bill No. 6702 was ruled in order.

The President declared the question before the Senate to be the adoption of the amendment by Senators Anderson and Hale on page 7, after line 19, to Senate Bill No. 6702.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Anderson and Hale on page 7, after line 19, to Senate Bill No. 6702.

#### ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.  
Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25.  
Voting nay: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau and Wojahn - 24.

#### MOTIONS

On motion of Senator Fraser, the following title amendments were considered simultaneously and were adopted:  
On page 1, line 2 of the title, after "34.05.330," insert "34.05.610,"  
On page 1, line 3 of the title, after "34.05.640," strike "and" and after "34.05.655" insert ", and 34.05.660"  
On motion of Senator Fraser, the rules were suspended, Engrossed Senate Bill No. 6702 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.  
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6702.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6702 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.  
ENGROSSED SENATE BILL NO. 6702, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6598, by Senators Winsley, Sheldon, Haugen, Hale, Snyder, Wood, McAuliffe, Finkbeiner, Bauer, Rinehart, Pelz, Franklin, Smith, Drew, Sutherland and Rasmussen

Providing for local permit assistance.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6598 was substituted for Senate Bill No. 6598 and the substitute bill was placed on second reading and read the second time.  
On motion of Senator Haugen, the following amendments by Senators Haugen and Winsley were considered simultaneously and were adopted:  
On page 1, after line 11, strike all material through "material;" on line 18, and insert the following:  
"(a) Make available to permit applicants all current local government regulations and adopted policies that apply to the subject application. The local government shall provide counter copies thereof and, upon request, provide copies according to chapter 42.17 RCW. The staff shall also publish and keep current one or more handouts containing lists and explanations of all local government regulations and adopted policies;"  
On page 2, line 2, after "the" strike "handbook" and insert "handouts"  
On page 2, after line 2, strike all material through "cases." on line 4, and insert the following:  
"(c) Provide assistance regarding the application of the local government's regulations in particular cases."  
On page 2, line 7, after "the" strike "handbook" and insert "handouts"  
On page 2, line 13, after "of the" strike "handbook" and insert "handouts"  
On page 2, line 19, after "of the" strike "handbook" and insert "handouts"

#### MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 6598 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6598.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6598 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 1; Excused, 0.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.  
Voting nay: Senator Loveland - 1.  
Absent: Senator Sutherland - 1.  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6598, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6600, by Senators McCaslin, Haugen, Winsley, Hale, Sheldon, Snyder, Wood, McAuliffe, Finkbeiner, Rinehart, Pelz, Franklin, Spanel, Smith, Drew, Sutherland, Fraser and Rasmussen

Requiring disclosures by sellers of residential real estate.

## MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6600 was substituted for Senate Bill No. 6600 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6600 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6600.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6600 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, Winsley and Wojahn - 25.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Wood and Zarelli - 24.

SUBSTITUTE SENATE BILL NO. 6600, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6639, by Senators Winsley, Haugen, Sheldon, Hale, Wood and Long

Requiring notice to assessors of land use change and allowing valuation change after the notice.

## MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6639 was substituted for Senate Bill No. 6639 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6639 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6639.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6639 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6639, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6589, by Senators Drew, Haugen, Hale, Spanel, Sheldon, Goings, Winsley, Finkbeiner, Snyder and Rasmussen

Informing owners about restrictions on real estate.

## MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 6589 was substituted for Senate Bill No. 6589 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the following amendments were considered simultaneously and were adopted:

On page 1, line 17, after "changes" insert "currently advertised for public hearing that would be"

On page 2, line 34, after "changes" insert "currently advertised for public hearing that would be"

On page 3, line 33, after "changes" insert "currently advertised for public hearing that would be"

## MOTIONS

On motion of Senator Drew, the following amendments were considered simultaneously and were adopted:  
On page 1, line 18, after "(c)" strike all material through "designation" on line 18 and insert "Any designations made by the city or town pursuant to chapter 36.70A RCW"  
On page 2, line 35, after "(c)" strike all material through "designation" on line 35 and insert "Any designations made by the code city pursuant to chapter 36.70A RCW"  
On page 3, line 34, after "(c)" strike all material through "designation" on line 34 and insert "Any designations made by the county pursuant to chapter 36.70A RCW"

On motion of Senator Drew, the following amendments were considered simultaneously and were adopted:  
On page 2, after line 23, insert the following:  
"Nothing in this section shall be deemed to create any liability on the part of a city or town."  
On page 3, after line 21, insert the following:  
"Nothing in this section shall be deemed to create any liability on the part of a code city."  
On page 4, after line 21, insert the following:  
"Nothing in this section shall be deemed to create any liability on the part of a county."

#### MOTIONS

On motion of Senator Drew, the following amendment was adopted:  
On page 2, after line 29, insert the following:  
"NEW SECTION. Sec. 2. This act takes effect July 1, 1997."  
On motion of Senator Drew, the following title amendment was adopted:  
On page 1, line 3 of the title, after "purposes;" strike the remainder of the title and insert "amending RCW 84.40.030; and providing an effective date."

#### MOTION

On motion of Senator Drew, the rules were suspended, Engrossed Substitute Senate Bill No. 6589 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Snyder, the rules were suspended and Engrossed Substitute Senate Bill No. 6589 was returned to second reading and read the second time.  
On motion of Senator Snyder, and since the amendments were to a different Senate Bill, the Senate will reconsider the vote by which the amendment on page 2, after line 29, and the title amendment were adopted.

#### MOTION

There being no objection, Senator Snyder withdrew the amendment on page 2, after line 29, and the title amendment.

#### MOTION

On motion of Senator Snyder, Engrossed Substitute Senate Bill No. 6589, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6589, under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6589, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.  
Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley, Wjahn, Wood and Zarelli - 46.  
Voting nay: Senators Anderson, A., Johnson and Strannigan - 3.  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6589, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6597, by Senators Haugen, Winsley, Heavey, Sheldon, Hale, Snyder, Wood, McAuliffe, Finkbeiner, Goings, Pelz, Franklin, Loveland, Thibaudeau, Smith, Drew, Kohl, Fraser, Rasmussen, Fairley, Sutherland and Bauer

Adopting development regulations for preapplication and reasonable use exceptions.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6597 was substituted for Senate Bill No. 6597 and the substitute bill was placed on second reading and read the second time.

Senator Hargrove moved that the following amendments by Senators Hargrove, McCaslin, and Owen be considered simultaneously and be adopted:

On page 2, beginning on line 14 strike everything through "~~harmed.~~" on line 30 and insert the following:

"(a) A reasonable use exception is intended for use by the permitting authority in those cases in which the application of development regulations unreasonably restricts the reasonable use of a parcel of land and the restriction cannot be remedied by other authorized techniques or conditions.

(b) A reasonable use exception for a specific use of a parcel shall be granted under the following circumstances:

(i) The inability to derive reasonable use is not the result of the applicant's action; and

(ii) The use sought will pose no threat to the public safety and health; and

(c) The relief granted by a reasonable use exception shall be the minimum necessary to permit the reasonable use of the parcel."

On page 3, beginning on line 18 strike everything through "~~harmed.~~" on line 34 and insert the following:

"(a) A reasonable use exception is intended for use by the permitting authority in those cases in which the application of development regulations unreasonably restricts the reasonable use of a parcel of land and the restriction cannot be remedied by other authorized techniques or conditions.

(b) A reasonable use exception for a specific use of a parcel shall be granted under the following circumstances:

(i) The inability to derive reasonable use is not the result of the applicant's action; and

(ii) The use sought will pose no threat to the public safety and health; and

(c) The relief granted by a reasonable use exception shall be the minimum necessary to permit the reasonable use of the parcel."

On page 4, beginning on line 15 strike everything through "~~harmed.~~" on line 31 and insert the following:

"(2) A reasonable use exception is intended for use by the permitting authority in those cases in which the application of development regulations unreasonably restricts the reasonable use of a parcel of land and the restriction cannot be remedied by other authorized techniques or conditions.

(3) A reasonable use exception for a specific use of a parcel shall be granted under the following circumstances:

(a) The inability to derive reasonable use is not the result of the applicant's action; and

(b) The use sought will pose no threat to the public safety and health; and

(4) The relief granted by a reasonable use exception shall be the minimum necessary to permit the reasonable use of the parcel."

On page 5, beginning on line 13 strike everything through "~~harmed.~~" on line 29 and insert the following:

"(2) A reasonable use exception is intended for use by the permitting authority in those cases in which the application of development regulations unreasonably restricts the reasonable use of a parcel of land and the restriction cannot be remedied by other authorized techniques or conditions.

(3) A reasonable use exception for a specific use of a parcel shall be granted under the following circumstances:

(a) The inability to derive reasonable use is not the result of the applicant's action; and

(b) The use sought will pose no threat to the public safety and health; and

(4) The relief granted by a reasonable use exception shall be the minimum necessary to permit the reasonable use of the parcel."

On page 6, beginning on line 11 strike everything through "~~harmed.~~" on line 27 and insert the following:

"(2) A reasonable use exception is intended for use by the permitting authority in those cases in which the application of development regulations unreasonably restricts the reasonable use of a parcel of land and the restriction cannot be remedied by other authorized techniques or conditions.

(3) A reasonable use exception for a specific use of a parcel shall be granted under the following circumstances:

(a) The inability to derive reasonable use is not the result of the applicant's action; and

(b) The use sought will pose no threat to the public safety and health; and

(4) The relief granted by a reasonable use exception shall be the minimum necessary to permit the reasonable use of the parcel."

On page 7, beginning on line 9 strike everything through "~~harmed.~~" on line 25 and insert the following:

"(2) A reasonable use exception is intended for use by the permitting authority in those cases in which the application of development regulations unreasonably restricts the reasonable use of a parcel of land and the restriction cannot be remedied by other authorized techniques or conditions.

(3) A reasonable use exception for a specific use of a parcel shall be granted under the following circumstances:

(a) The inability to derive reasonable use is not the result of the applicant's action; and

(b) The use sought will pose no threat to the public safety and health; and

(4) The relief granted by a reasonable use exception shall be the minimum necessary to permit the reasonable use of the parcel."

Debate ensued.

#### POINT OF INQUIRY

Senator Heavey: "Senator Hargrove, just at the beginning on line 8, the third word and the following words say, 'unreasonably restricts the reasonable use of a parcel of land.' Can you give me a better feel for what that is supposed to mean?"

Senator Hargrove: "The language in the bill that it is replacing says, 'unreasonably restricts all economic use of a parcel of land,' which would suggest to me that even if you are asking for a reasonable use, all economic value has to be removed. So, if you look at the language of the original bill, it has the same concept in it which is just as confusing to me."

Senator Heavey: "Well, a second question. Are you saying, then, that the reasonable use of the land means there is no economic use of the land? That definition still stays in the underlying bill?"

Senator Hargrove: "I guess what I was trying to remove was the requirement that all economic use be removed before a reasonable use could be granted. That was the intent."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Hargrove, McCaslin and Owen on page 2, beginning on line 14; page 3, beginning on line 18; page 4, beginning on line 15; page 5, beginning on line 13; page 6, beginning on line 11; and page 7, beginning on line 9; to Substitute Senate Bill No. 6597.

#### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Cantu, Deccio, Hargrove, Hochstatter, Johnson, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West and Zarelli - 21.

Voting nay: Senators Bauer, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, Winsley, Wojahn and Wood - 28.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6597 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6597.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6597 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6597, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Sheldon, Senator Quigley was excused.

#### SECOND READING

SENATE BILL NO. 6599, by Senators Haugen, Winsley, Heavey, Sheldon, Hale, Snyder, Wood, McAuliffe, Finkbeiner, Rinehart, Pelz, Franklin and Smith

Adding a mandatory element of county-wide planning policies for interjurisdictional land-use techniques.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6599 was substituted for Senate Bill No. 6599 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6599 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6599.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6599 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Quigley - 1.

SUBSTITUTE SENATE BILL NO. 6599, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6628, by Senators Haugen, Winsley, McCaslin, Heavey, Sheldon, Wood, Hale, Drew, Rasmussen, Loveland and Oke

Providing for property rights dispute resolution.

The bill was read the second time.

#### MOTIONS

On motion of Senator Haugen, the following amendment by Senators Haugen and Winsley was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature recognizes that the resolution of disputes between private property owners and government has a unique character. These disputes are between citizens with limited resources and the government that serves them, which has relatively unlimited resources.

The legislature further recognizes that the availability of a variety of alternative means of dispute resolution is of benefit to the citizens of this state.

The legislature intends to establish and fund a pilot project designed to bridge the transitional period required to develop a long range, public-private partnership for mediated settlement of property rights disputes in the state of Washington.

**Sec. 2.** RCW 90.61.040 and 1995 c 347 s 804 are each amended to read as follows:

The commission shall:

- (1) Consider the effectiveness of state and local government efforts to consolidate and integrate the growth management act, the state environmental policy act, the shoreline management act, and other land use, planning, environmental, and permitting laws.
- (2) Identify the revisions and modifications needed in state land use, planning, and environmental law and practice to adequately plan for growth and achieve economically and environmentally sustainable development, to adequately assess environmental impacts of comprehensive plans, development regulations, and growth, and to reduce the time and cost of obtaining project permits.
- (3) Draft a consolidated land use procedure, following these guidelines:
  - (a) Conduct land use planning through the comprehensive planning process under chapter 36.70A RCW rather than through review of individual projects;
  - (b) Involve diverse sectors of the public in the planning process. Early and informal environmental analysis should be incorporated into planning and decision making;
  - (c) Recognize that different questions need to be answered and different levels of detail applied at each planning phase, from the initial development of plan concepts or plan elements to implementation programs;
  - (d) Integrate and combine to the fullest extent possible the processes, analysis, and documents currently required under chapters 36.70A and 43.21C RCW, so that subsequent plan decisions and subsequent implementation will incorporate measures to promote the environmental, economic, and other goals and to mitigate undesirable or unintended adverse impacts on a community's quality of life;
  - (e) Focus environmental review and the level of detail needed for different stages of plan and project decisions on the environmental considerations most relevant to that stage of the process;
  - (f) Avoid duplicating review that has occurred for plan decisions when specific projects are proposed;
  - (g) Use environmental review on projects to: (i) Review and document consistency with comprehensive plans and development regulations; (ii) provide prompt and coordinated review by agencies, tribes, and the public on compliance with applicable environmental laws and plans, including mitigation for site specific project impacts that have not been considered and addressed at the plan or development regulation level; and (iii) ensure accountability by local government to applicants and the public for requiring and implementing mitigation measures;
  - (h) Maintain or improve the quality of environmental analysis both for plan and for project decisions, while integrating these analyses with improved state and local planning and permitting processes;
  - (i) Examine existing land use and environmental permits for necessity and utility. To the extent possible, existing permits should be combined into fewer permits, assuring that the values and principles intended to be protected by those permits remain protected; and
  - (j) Consolidate local government appeal processes to allow a single appeal of permits at local government levels, a single state level administrative appeal, and a final judicial appeal.
- (4) Monitor instances state-wide of the vesting of project permit applications during the period that an appeal is pending before a growth management hearings board, as authorized under RCW 36.70A.300. The commission shall also review the extent to which such vesting results in the approval of projects that are inconsistent with a comprehensive plan or development regulation provision ultimately found to be in compliance with a board's order or remand. The commission shall analyze the impact of such approvals on ensuring the attainment of the goals and policies of chapter 36.70A RCW, and make recommendations to the governor and the legislature on statutory changes to address any adverse impacts from the provisions of RCW 36.70A.300. The commission shall provide an initial report on its findings and recommendations by November 1, 1995, and submit its further findings and recommendations subsequently in the reports required under RCW 90.61.030.
- (5) Monitor local government consolidated permit procedures and the effectiveness of the timelines established by RCW 36.70B.090. The commission shall include in its report submitted to the governor and the legislature on November 1, 1997, its recommendation about what timelines, if any, should be imposed on the local government consolidated permit process required by chapter 36.70B RCW.
- (6) Evaluate funding mechanisms that will enable local governments to pay for and recover the costs of conducting integrated planning and environmental analysis. The commission shall include its conclusions in its first report to the legislature on November 1, 1995, and include any recommended statutory changes.
- (7) Study, in cooperation with the state board for registration of professional engineers and the state building code council, ways in which state agencies and local governments could authorize professionals with appropriate qualifications to certify a project's compliance with certain state and local land use and environmental requirements. The commission shall report to the legislature on measures necessary to implement such a system of professional certification.
- (8) Consider ways for reducing conflicts over specific development projects, the siting of essential public facilities, and the establishment and revision of local plans and official controls and, for those disputes that do arise, examine how to encourage their settlement through alternative dispute resolution.

These guidelines are intended to guide the work of the commission, without limiting its charge to integrate and consolidate Washington's land use and environmental laws into a single, manageable statutory framework.

**NEW SECTION. Sec. 3.** The land use study commission shall report to the government operations committees of the house of representatives and the senate by July 1, 1997, on RCW 90.61.040(8).

**NEW SECTION. Sec. 4.** Section 2 of this act expires June 30, 1998."

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "resolution," strike the remainder of the title and insert "amending RCW 90.61.040; creating new sections; and providing an expiration date."

#### MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Senate Bill No. 6628 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6628.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6628 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 40.

Voting nay: Senators Anderson, A., Cantu, Johnson, McDonald, Morton, Strannigan and West - 7.

Absent: Senator Schow - 1.

Excused: Senator Quigley - 1.  
ENGROSSED SENATE BILL NO. 6628, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Spanel, the Senate commenced consideration of Senate Bill No. 6479.

#### STATEMENT FOR THE JOURNAL

In error, I voted in favor of Engrossed Substitute Senate Bill No. 6479. I do not support the bill, because it requires businesses that receive state economic development funds to refund money received in the event that they do not create jobs. I believe this bill negatively impacts the business climate in Washington.

SENATOR JEANNETTE WOOD, Twenty-first District

#### SECOND READING

SENATE BILL NO. 6479, by Senators Pelz, Heavey, Franklin, Smith, Quigley, Fraser, Thibaudeau, McAuliffe, Kohl and Goings

Requiring that private business entities receiving public assistance create new jobs.

#### MOTIONS

On motion of Senator Pelz, Substitute Senate Bill No. 6479 was substituted for Senate Bill No. 6479 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pelz, the following amendment by Senators Pelz, Rinehart, Loveland and Snyder was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** 1994 c 302 s 1 (uncodified) is amended to read as follows:

The legislature finds that when public funds are used to support private enterprise, the public may gain through the creation of new jobs, the diversification of the economy, or higher quality jobs for existing workers. The legislature further finds that such returns on public investments are not automatic and that tax-based incentives, in particular, may result in a greater tax burden on businesses and individuals that are not eligible for the public support. It is the purpose of this chapter to ensure that public investment creates a net increase in jobs in the state and to collect information sufficient to allow the legislature and the executive branch to make informed decisions about the merits of ~~((existing))~~ tax-based incentives and loan programs intended to encourage economic development and job creation in the state.

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

(1) "Assistance" means a grant, loan, bond, tax deferral, or tax abatement program administered by the state in which the business receives assistance of more than twenty-five thousand dollars.

(2) "Department" means the department of community, trade, and economic development.

(3) "Director" means the director of the department of community, trade, and economic development.

NEW SECTION. Sec. 3. (1) A private business that receives state assistance for economic development or job growth purposes must create a net increase in jobs in this state within two years of receiving the assistance unless the advisory committee established in section 4(3) of this act finds that this requirement is inconsistent with other economic development goals established for the program providing the assistance. The government agency providing the assistance shall establish goals for wage and benefit levels and job creation or retention that are to be met by the business receiving the assistance. The department shall provide advice and consultation for establishing these goals, with the assistance of the committee created in section 4(3) of this act.

(2) A business that fails to meet the goals established pursuant to subsection (1) of this section must repay the assistance to the government agency.

(3) Each government agency providing assistance to a private business shall report the goals for wage and benefit levels and job creation or retention and the results for each project in achieving those goals to the department. The department shall compile and publish the results of the reports for the previous calendar year by July 1st each year. The reports of the agencies to the department and the compilation report of the department must be made available to the appropriate committees of the legislature and the public.

NEW SECTION. Sec. 4. (1) Beginning with the 1997-1999 biennium and each biennium thereafter, the director shall analyze the effect of all state assistance to private business on the aggregate number of jobs created or retained and wages and benefits paid in those new jobs. Following consultation with the business assistance advisory committee, the director shall report the results of the analysis to the appropriate committees of the legislature.

(2) After the enactment of business-related tax expenditure legislation, the department must establish measurable goals for wage and benefit levels and job creation or retention. The director shall biennially review the merits of continuing the new legislation based on the meeting of the goals set. Following consultation with the business assistance advisory committee, the director shall report the results of the review to the appropriate committees of the legislature.

(3)(a) The business assistance advisory committee is established in the department. Its members shall be appointed by September 1, 1996. The role of the committee shall be to advise the department in establishing goals for wage and benefit levels and job creation or retention, to analyze the effect of state assistance to private business on the established goals, to monitor state economic policy impacts on the economy, and to review drafts of the reports required under this section.

(b) The committee shall consist of eleven members appointed by the governor. Three members of the committee must represent labor, three members must represent business, and five members must represent agencies with one member from each of the following: The department of community, trade, and economic development; the department of revenue; the work force training and education coordinating board; the office of financial management; and the labor market and economic analysis section of the employment security department. The members representing labor must be appointed from a list of names submitted to the governor by an organization, state-wide in scope, that through its affiliates embraces a cross section and a majority of the organized labor of the state. The members representing business must be appointed from a list of names submitted to the governor by a recognized state-wide organization of employers representing a majority of employers. The labor and business members of the committee shall serve for terms of four years, except that for initial appointments, one labor representative and one business representative must be appointed to a two-year term and one labor representative and one business representative appointed to a three-year term.

NEW SECTION. **Sec. 5.** The director shall adopt rules necessary to implement this chapter. The rules shall include a definition of "receipt of assistance" which begins the time frame for the two-year requirement of section 3 of this act after all necessary permits have been obtained.

NEW SECTION. **Sec. 6.** Sections 2 through 5 of this act shall constitute a new chapter in Title 43 RCW."

#### MOTIONS

On motion of Senator Pelz, the following title amendment was adopted:

On page 1, line 1 of the title, after "entities" strike the remainder of the title and insert "supported by state economic development programs; amending 1994 c 302 s 1 (uncodified); and adding a new chapter to Title 43 RCW."

Senator Pelz moved that the rules be suspended and Engrossed Substitute Senate Bill No. 6479 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

#### OBJECTION TO ADVANCE BILL TO THIRD READING

Senator West objected to advancing Engrossed Substitute Senate Bill No. 6479 to third reading.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Pelz to suspend the rules and advance Engrossed Substitute Senate Bill No. 6479 to third reading and final passage.

The motion by Senator Pelz carried on a rising vote and Engrossed Substitute Senate Bill No. 6479 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6479.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6479 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, Winsley, Wojahn and Wood - 26.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Haugen, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West and Zarelli - 23.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6479, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6484, by Senators Smith, Hale and Goings

Regulating real estate appraisers.

#### MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6484 was substituted for Senate Bill No. 6484 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 6484 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6484.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6484 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senators McDonald and Sellar - 2.

SUBSTITUTE SENATE BILL NO. 6484, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6535, by Senators Fraser, Pelz, Deccio, Hale, Rasmussen, McDonald, Prince, McAuliffe, Winsley and Kohl

Promoting international educational, cultural, and business exchanges.

#### MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6535 was substituted for Senate Bill No. 6535 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6535 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6535.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6535 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 47.

Voting nay: Senators Strannigan and Zarelli - 2.

SUBSTITUTE SENATE BILL NO. 6535, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6482, by Senators Winsley, Haugen, Rasmussen and Oke

Providing for veterans' preferences.

The bill was read the second time.

#### MOTION

Senator Swecker moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 19, after "vessel" strike everything through "1945" on page 2 and insert "~~((operated by the war shipping administration, the office of defense transportation, or their agents, during the period of armed conflict, December 7, 1941, to August 15, 1945))~~"

On page 4, after line 12, insert the following:

"Sec. 3. RCW 41.40.170 and 1991 c 35 s 78 are each amended to read as follows:

(1) A member who has served or shall serve on active federal service in the military or naval forces of the United States and who left or shall leave an employer to enter such service shall be deemed to be on military leave of absence if he or she has resumed or shall resume employment as an employee within one year from termination thereof.

(2) If he or she has applied or shall apply for reinstatement of employment, within one year from termination of the military service, and is refused employment for reasons beyond his or her control, he or she shall, upon resumption of service within ten years have such service credited to him or her.

(3) In any event, after completing twenty-five years of creditable service, any member may have service in the armed forces or merchant marines credited to him or her as a member whether or not he or she left the employ of an employer to enter the armed or merchant marine service: PROVIDED, That in no instance, described in this section, shall military service in excess of five years be credited: AND PROVIDED FURTHER, That in each instance the member must restore all withdrawn accumulated contributions, which restoration must be completed within five years of membership service following the first resumption of employment or complete twenty-five years of creditable service: AND PROVIDED FURTHER, That this section will not apply to any individual, not a veteran within the meaning of RCW 41.04.005(~~(, as now or hereafter amended)~~): AND PROVIDED FURTHER, That in no instance, described in this section, shall military or merchant marine service be credited to any member who is receiving full military retirement benefits pursuant to Title 10 United States Code."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Swecker on page 1, line 19, and page 4, after line 12, to Senate Bill No. 6482.

The motion by Senator Swecker failed and the amendments were not adopted.

#### MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 6482 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6482.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6482 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Absent: Senator McDonald - 1.

SENATE BILL NO. 6482, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

Senator Spanel: "Mr. President, I move that the Senate now adjourn until 8:00 a.m.--"

RESPONSE BY PRESIDENT PRITCHARD

President Pritchard: "8:00 a.m.?"

Senator Spanel: "Tuesday, February 13."

President Pritchard: "One minute. Senator Wood."

NOTICE FOR RECONSIDERATION

Senator Wood: "Mr. President, having voted on the prevailing side on Engrossed Substitute Senate Bill No. 6479, I give notice that I intend to move for reconsideration on the next working day."

RESPONSE BY PRESIDENT PRITCHARD

President Pritchard: "All right. Message received. All right. Senator Snyder."

PARLIAMENTARY INQUIRY

Senator Snyder: "Just a couple points of inquiry here. Doesn't a motion to adjourn take precedence over any other motion?"

REPLY BY PRESIDENT PRITCHARD

President Pritchard: "She didn't make a motion to adjourn; wait a minute. You are probably correct."

Senator Snyder: "I would think a motion to adjourn precludes any other motion or notice."

REMARKS BY SENATOR WEST

Senator West: "Mr. President, Senator Wood did not make a motion, there is no interceding motion. Often times after a motion to adjourn is made, announcements are made as to when we may come in before we actually take the vote on adjournment. There are other kinds of things. She did not make a motion. She simply gave notice to the body that she intends to make a motion tomorrow, just like any other announcement might be."

REPLY BY PRESIDENT PRITCHARD

President Pritchard: "Well, she was standing at the same time that Senator Spanel was standing. They were both standing at that time and the question, of course, is whether the motion by Senator Spanel cuts off her attempt and if you want me to, I will check with the lawyers. Senator Snyder."

REMARKS BY SENATOR SNYDER

Senator Snyder: "Well, I was just going to point out that I think Senator West is right, that often times there is intervening notices or motions given, but also nobody, in those cases, raised the point. I think there is a little difference here; I raised the point that there can be no more business or no more notices or no more motions made after a motion to adjourn is made."

REMARKS BY SENATOR MORTON

Senator Morton: "Mr. President, I would raise the question about the gavel which had not been sounded for adjournment yet and, therefore, all was still pending."

REPLY BY PRESIDENT PRITCHARD

President Pritchard: "Let me discuss this with my legal eagles here."

RULING BY THE PRESIDENT

President Pritchard: "All right, the Chair is prepared to rule on this. While it is true, I did not accept the motion to adjourn--I did not say, 'Therefore, we are adjourned,' and turned to Senator Wood, but we have to--if we don't--it is a nondebateable motion, so if we are trying to do business after this, then you have to move to dispute the vote and on that basis--and since I did not close the--I have not said, 'Yes, we are adjourned.' I did not recognize it, but it is the motion before us, so it is still before us, because, in turning to you, I didn't know whether you were making an announcement or what, so we still have the motion to adjourn before us, so the question is whether we will, at this time, adjourn. All in favor will say--. Senator West."

Senator West: "Roll call."

President Pritchard: "A roll call has been demanded on whether we are going to adjourn. All right, the clerk will call the roll on the adjournment."

ROLL CALL

The Secretary call the roll and the motion to adjourn until 8:00 a.m., Tuesday, February 13, 1996, carried by the following vote:  
Yeas, 25; Nays, 23; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau and Wojahn - 25.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 23.

Absent: Senator Hochstatter - 1.

At 11:20 p.m., the Senate adjourned until 8:00 a.m., Tuesday, January 13, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-SIXTH DAY, FEBRUARY 12, 1996

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**THIRTY-SEVENTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Tuesday, February 13, 1996  
The Senate was called to order at 8:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cantu, Finkbeiner, Franklin, Heavey, Owen, Rasmussen and Rinehart. On motion of Senator Anderson, Senators Cantu and Finkbeiner were excused. On motion of Senator Thibaudeau, Senators Franklin, Heavey, Owen, Rasmussen and Rinehart were excused.

The Sergeant at Arms Color Guard, consisting of Pages Karen Kuhling and Jessie Rinell, presented the Colors. Jim Cammack, representing the Baha'is, of Shelton, offered the prayer.

MOTION

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

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

February 8, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Erika Hennings, appointed February 8, 1996, for a term ending September 30, 1999, as a member of the Board of Trustees for Big Bend Community College District No. 18.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

February 12, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mary Helen Roberts, to be appointed February 16, 1996, for a term ending September 30, 1998, as a member of the Board of Trustees for Edmonds Community College District No. 23.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

MESSAGES FROM THE HOUSE

February 9, 1996

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2219, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 10, 1996

MR. PRESIDENT:

The House has passed:

FOURTH SUBSTITUTE HOUSE BILL NO. 2009,  
SUBSTITUTE HOUSE BILL NO. 2158,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2214,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2264,  
HOUSE BILL NO. 2341,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2406,  
SUBSTITUTE HOUSE BILL NO. 2447,  
SUBSTITUTE HOUSE BILL NO. 2533, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 10, 1996

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2262, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 10, 1996

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2222,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2261,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2302,  
SUBSTITUTE HOUSE BILL NO. 2607,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2627,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2654,  
SUBSTITUTE HOUSE BILL NO. 2689, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 10, 1996

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2226, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 12, 1996

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 2721,  
SUBSTITUTE HOUSE BILL NO. 2739,  
SUBSTITUTE HOUSE BILL NO. 2743,  
SUBSTITUTE HOUSE BILL NO. 2778,  
HOUSE BILL NO. 2789,  
HOUSE BILL NO. 2822, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

4SHB 2009 by House Committee on Appropriations (originally sponsored by Representatives Casada, Huff, Campbell, Clements, Goldsmith, Elliot, Pelesky, Backlund, Reams, Smith, Delvin, Blanton and Beeksma)

Eliminating the state energy office.

Referred to Committee on Energy, Telecommunications and Utilities.

SHB 2158 by House Committee on Law and Justice (originally sponsored by Representatives Benton, Pelesky, Koster, Goldsmith, McMahan, Huff, Buck, Hargrove, Pennington, Thompson and Stevens)

Revising provisions relating to felonies and homicides.

Referred to Committee on Law and Justice.

ESHB 2214 by House Committee on Finance (originally sponsored by Representatives Van Luven, B. Thomas, Schoesler, Pennington, Mastin, Sheldon, Radcliff, Koster, Smith, Huff, Sheahan, Morris, Thompson, Cooke, Goldsmith, Backlund, Benton and Dyer)

Exempting research and development machinery and equipment from sales and use taxes.

Referred to Committee on Ways and Means.

E2SHB 2219 by House Committee on Appropriations (originally sponsored by Representatives Foreman, Sheahan, Ballasiotes, Schoesler, Pennington, Mastin, Chandler, Delvin, Robertson, Campbell, Huff, Hickel, Thompson, Blanton, McMahan, Hargrove and Stevens)

Changing provisions relating to offenders.

Referred to Committee on Law and Justice.

E2SHB 2222 by House Committee on Appropriations (originally sponsored by Representatives Backlund, Huff, Foreman, B. Thomas, Smith, Horn, Hymes, Honeyford, Fuhrman, Lambert, Thompson and McMahan)

Strengthening legislative oversight of government programs.

Referred to Committee on Ways and Means.

ESHB 2226

by House Committee on Government Operations (originally sponsored by Representatives Reams, Mulliken, D. Sommers, Carrell, Campbell, Horn, L. Thomas, Sheahan, D. Schmidt, Elliot, Johnson, Thompson, Stevens, Goldsmith and Backlund)

Creating the department of children and family services.

Referred to Committee on Human Services and Corrections.

ESHB 2261 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Thompson, Chandler, McMorris, Mulliken, Sheahan, Buck, McMahan, Schoesler, Pelesky, Mastin, Goldsmith and Johnson)

Extending the dates related to safety standards for agriculture.

Referred to Committee on Labor, Commerce and Trade.

ESHB 2262 by House Committee on Law and Justice (originally sponsored by Representatives Thompson, Koster, Carrell, Hargrove, Stevens, Mulliken, Fuhrman, Hymes, Crouse, Sterk, Backlund, L. Thomas, McMahan, Beeksma, Pelesky, Johnson and Casada)

Prohibiting marriages between two persons of the same gender.

Referred to Committee on Law and Justice.

ESHB 2264 by House Committee on Law and Justice (originally sponsored by Representatives McMahan, Johnson, Hargrove, Goldsmith, Sheahan, Hymes, Buck, Benton, Mulliken, Koster, Pelesky, Sterk, Lambert, Campbell, Smith, Stevens, McMorris, Mitchell, Talcott, Thompson, Mastin, Backlund, Honeyford, D. Sommers, Hankins, Lisk, Carrell, Robertson and Casada)

Prohibiting censorship of materials relating to United States history or heritage in schools.

Referred to Committee on Education.

E2SHB 2302 by House Committee on Appropriations (originally sponsored by Representatives Carlson, Jacobsen, Mason and Patterson)

Establishing the Washington state student scholarship partnership program.

Referred to Committee on Higher Education.

HB 2341 by Representatives Cooke, Appelwick and L. Thomas

Relating to the use of credit cards in state liquor stores.

Referred to Committee on Labor, Commerce and Trade.

ESHB 2406 by House Committee on Law and Justice (originally sponsored by Representatives Sterk, Chappell, Delvin, Hickel, Smith and Hymes)

Regulating interception of communications.

Referred to Committee on Law and Justice.

SHB 2447 by House Committee on Finance (originally sponsored by Representatives Robertson, Cairnes, L. Thomas, Silver, Mulliken and Carrell)

Providing business and occupation tax exemptions for auctions and wholesale transactions involving motor vehicles.

Referred to Committee on Ways and Means.

SHB 2533 by House Committee on Law and Justice (originally sponsored by Representatives Hickel, Sheahan, Cody, Sterk, Smith, Morris and Dellwo)

Revising misdemeanor probation programs.

Referred to Committee on Human Services and Corrections.

SHB 2607 by House Committee on Health Care (originally sponsored by Representatives Dyer, L. Thomas, D. Sommers, Cairnes, Pelesky, Huff, Beeksmas, Smith, B. Thomas, Fuhrman, Backlund, Campbell and Hymes)  
Establishing a study utilizing vouchers for basic health plan enrollees.

Referred to Committee on Health and Long-Term Care.

E2SHB 2627 by House Committee on Appropriations (originally sponsored by Representatives Elliot and Sheldon)

Regulating surface mining.

Referred to Committee on Natural Resources.

ESHB 2654 by House Committee on Commerce and Labor (originally sponsored by Representatives Clements, McMorris, Chandler, Backlund, Thompson and Johnson)

Limiting WISHA citations when employers maintain adequate safety training, equipment, rules, and monitoring.

Referred to Committee on Labor, Commerce and Trade.

SHB 2689 by House Committee on Health Care (originally sponsored by Representatives Dyer, Cody, Campbell and Conway)

Defining the practice of oral and maxillofacial surgery.

Referred to Committee on Health and Long-Term Care.

SHB 2721 by House Committee on Education (originally sponsored by Representatives Beeksmas, Quall, McMorris, Brumsickle, Mulliken, Pelesky, Hymes, Talcott, B. Thomas, Stevens, Huff, Silver, McMahan, Sherstad, Cooke, Blanton, Thompson, Elliot and Costa)

Authorizing advertising on school buses.

Referred to Committee on Education.

SHB 2739 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives L. Thomas, Pelesky, Benton, Huff, Dyer, D. Sommers, Dellwo, Blanton, Grant, Kessler, Hankins and Scheurman)

Insuring credit unions.

Referred to Committee on Financial Institutions and Housing.

SHB 2743 by House Committee on Health Care (originally sponsored by Representatives Honeyford, Backlund, Silver and Lisk)

Revising requirements for retired active licenses for health care practitioners.

Referred to Committee on Health and Long-Term Care.

SHB 2778 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Mastin, Chappell, Chandler, Honeyford, Foreman, Mulliken, Lisk, Clements, Sheldon and Thompson) (by request of Department of Health and Department of Agriculture)

Providing sales and use tax exemptions for agricultural employee housing.

Referred to Committee on Financial Institutions and Housing.

HB 2789 by Representatives Van Luven, Sheldon, Schoesler, Morris, Silver, Ogden, Thompson, Blanton, Patterson, Tokuda, Romero, Conway, Cole and Poulsen (by request of Governor Lowry)

Simplifying tax reporting and registration requirements for small businesses.

Referred to Committee on Ways and Means.

HB 2822 by Representatives Honeyford, Benton, Boldt, Mastin, Scott, Schoesler, Lisk, Sheldon, Elliot and Mulliken

Limiting Columbia River Gorge commission authority to prohibit property development.

Referred to Committee on Government Operations.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Snyder, Gubernatorial Appointment No. 9220, Chang M. Sohn, as a member of the Higher Education Coordinating Board, was confirmed.  
Senators Snyder and McDonald spoke to the confirmation of Chang M. Sohn as a member of the Higher Education Coordinating Board.

APPOINTMENT OF CHANG M. SOHN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7. Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 42.

Excused: Senators Cantu, Finkbeiner, Franklin, Heavey, Owen, Rasmussen and Rinehart - 7.

SECOND READING

SENATE BILL NO. 6379, by Senators Bauer, Wood and Deccio

Adding a representative of private career schools to the work force training and education coordinating board.

MOTIONS

On motion of Senator Bauer, Substitute Senate Bill No. 6379 was substituted for Senate Bill No. 6379 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bauer, the rules were suspended, Substitute Senate Bill No. 6379 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Sellar, Senator Wood was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6379.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6379 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45.

Excused: Senators Franklin, Owen, Rasmussen and Wood - 4.

SUBSTITUTE SENATE BILL NO. 6379, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6257, by Senators Franklin, Hargrove, Goings, Long, Sheldon, Fairley, Wojahn, Prentice, Thibaudeau, Fraser and Heavey

Improving guardian and guardian ad litem systems to protect minors and incapacitated persons.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6257 was substituted for Senate Bill No. 6257 and the substitute bill was placed on second reading and read the second time.

Senator Hargrove moved that the following amendment by Senators Haugen, Franklin, Long, Prince, Goings, Zarelli, Owen, Hargrove, Kohl, Schow and Fairley be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** It is the intent of this act to make improvements to the guardian and guardian ad litem systems currently in place for the protection of minors and incapacitated persons.

**Sec. 2.** RCW 2.56.030 and 1994 c 240 s 1 are each amended to read as follows:

The administrator for the courts shall, under the supervision and direction of the chief justice:

(1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same;

(2) Examine the state of the dockets of the courts and determine the need for assistance by any court;

(3) Make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance;

(4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;

(5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;

(6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;

(7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;

(8) Act as secretary of the judicial conference referred to in RCW 2.56.060;

(9) Formulate and submit to the judicial council of this state recommendations of policies for the improvement of the judicial system;

(10) Submit annually, as of February 1st, to the chief justice and the judicial council, a report of the activities of the administrator's office for the preceding calendar year;

(11) Administer programs and standards for the training and education of judicial personnel;

(12) Examine the need for new superior court and district judge positions under a weighted caseload analysis that takes into account the time required to hear all the cases in a particular court and the amount of time existing judges have available to hear cases in that court. The results of the weighted caseload analysis shall be reviewed by the board for judicial administration and the judicial council, both of which shall make recommendations to the legislature ((by January 1, 1989)). It is the intent of the legislature that weighted caseload analysis become the basis for creating additional district court positions, and recommendations should address that objective;

(13) Provide staff to the judicial retirement account plan under chapter 2.14 RCW;

(14) Attend to such other matters as may be assigned by the supreme court of this state;

(15) Within available funds, develop a curriculum for a general understanding of child development, placement, and treatment resources, as well as specific legal skills and knowledge of relevant statutes including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules, interviewing skills, and special needs of the abused or neglected child. This curriculum shall be completed and made available to all juvenile court judges, court personnel, and service providers ((by July 1, 1988. The curriculum shall)) and be updated yearly to reflect changes in statutes, court rules, or case law;

(16) Develop, in consultation with the entities set forth in section 3(3) of this act, a comprehensive state-wide curriculum for all persons who act as guardians ad litem under Title 13 or 26 RCW. The curriculum shall be made available July 1, 1997, and include specialty sections on child development, child sexual abuse, child physical abuse, child neglect, clinical and forensic investigative and interviewing techniques, and relevant statutory and legal requirements. The curriculum shall be made available to all superior court judges, court personnel, and all persons who act as guardians ad litem;

(17) Develop a curriculum for a general understanding of crimes of malicious harassment, as well as specific legal skills and knowledge of RCW 9A.36.080, relevant cases, court rules, and the special needs of malicious harassment victims. This curriculum shall be ((completed and)) made available to all superior court and court of appeals judges and to all justices of the supreme court ((by July 1, 1989));

((17)) (18) Develop, in consultation with the criminal justice training commission and the commissions established under chapters 43.113, 43.115, and 43.117 RCW, a curriculum for a general understanding of ethnic and cultural diversity and its implications for working with youth of color and their families. The curriculum shall be ((completed and made)) available to all superior court judges and court commissioners assigned to juvenile court, and other court personnel ((by October 1, 1993)). Ethnic and cultural diversity training shall be provided annually so as to incorporate cultural sensitivity and awareness into the daily operation of juvenile courts state-wide;

((18)) (19) Authorize the use of closed circuit television and other electronic equipment in judicial proceedings. The administrator shall promulgate necessary standards and procedures and shall provide technical assistance to courts as required.

NEW SECTION. Sec. 3. A new section is added to chapter 2.56 RCW to read as follows:

(1) The administrator for the courts shall review the advisability of the state-wide mandatory use of court-appointed special advocates as described in RCW 26.12.175 to act as guardians ad litem in appropriate cases under Titles 13 and 26 RCW. The review shall include recommendations regarding the increase of court fees or assessments as necessary to fully fund implementation and continuation of the possible state-wide use of court-appointed special advocates.

(2) The administrator shall also conduct a study on the feasibility and desirability of requiring all persons who act as guardians ad litem under Titles 11, 13, and 26 RCW to be certified as qualified guardians ad litem prior to their eligibility for appointment.

(3) In conducting the review and study the administrator shall consult with: (a) The presidents or directors of all public benefit nonprofit corporations that are eligible to receive state funds under RCW 43.330.135; (b) the attorney general, or a designee; (c) the secretary of the department of social and health services, or a designee; (d) the superior court judges association; (e) the Washington state bar association; (f) public defenders who represent children under Title 13 or 26 RCW; (g) private attorneys who represent parents under Title 13 or 26 RCW; (h) professionals who evaluate families for the purposes of determining the custody or placement decisions of children; (i) the office of financial management; (j) persons who act as volunteer or compensated guardians ad litem; and (k) parents who have dealt with guardians ad litem in court cases. For the purposes of studying the feasibility of a certification requirement for guardians ad litem acting under Title 11 RCW the administrator shall consult with the advisory group formed under RCW 11.88.090.

NEW SECTION. Sec. 4. The review and study required under section 3 of this act shall be presented to the governor and to the legislature no later than December 1, 1996.

Sec. 5. RCW 4.08.060 and 1899 c 91 s 1 are each amended to read as follows:

When an ((insane)) incapacitated person, as defined in RCW 11.88.010, is a party to an action in the superior courts he or she shall appear by guardian, or if he or she has no guardian, or in the opinion of the court the guardian is an improper person, the court shall appoint one to act as guardian ad litem. Said guardian shall be appointed as follows:

(1) When the ((insane)) incapacitated person is plaintiff, upon the application of a relative or friend of the ((insane)) incapacitated person.

(2) When the ((insane)) incapacitated person is defendant, upon the application of a relative or friend of such ((insane)) incapacitated person, such application shall be made within thirty days after the service of summons if served in the state of Washington, and if served out of the state or service is made by publication, then such application shall be made within sixty days after the first publication of summons or within sixty days after the service out of the state. If no such application be made within the time above limited, application may be made by any party to the action.

Sec. 6. RCW 8.25.270 and 1977 ex.s. c 80 s 12 are each amended to read as follows:

When it ((shall)) appears in any petition or otherwise at any time during the proceedings for condemnation brought pursuant to chapters 8.04, 8.08, 8.12, 8.16, 8.20, and 8.24 RCW((, each as now or hereafter amended,)) that any ((infant)) minor, or ((allegedly incompetent or disabled)) alleged incapacitated person, as defined in RCW 11.88.010, is interested in any property that is to be taken or

damaged, the court shall appoint a guardian ad litem for ~~((such infant))~~ the minor or ~~((allegedly incompetent or disabled))~~ alleged incapacitated person to appear and assist in ~~((his, her or their))~~ the person's defense, unless a guardian or limited guardian has previously been appointed, in which case the duty to appear and assist shall be delegated to the properly qualified guardian or limited guardian. The court shall make such orders or decrees as it shall deem necessary to protect and secure the interest of the ~~((infant))~~ minor or ~~((allegedly incompetent or disabled))~~ alleged incapacitated person ~~((in the property sought to be condemned or the compensation which shall be awarded therefore)).~~

**Sec. 7.** RCW 11.16.083 and 1977 ex.s. c 234 s 1 are each amended to read as follows:

Notwithstanding any other provision of this title, no notice of any hearing in probate or probate proceeding need be given to any legally competent person who is interested in any hearing in any probate as an heir, legatee, or devisee of the decedent who has in person or by attorney waived in writing notice of such hearing or proceeding. Such waiver of notice may apply to either a specific hearing or proceeding, or to any and all hearings and proceedings to be held during the administration of the estate in which event such waiver of notice shall be of continuing effect unless subsequently revoked by the filing of a written notice of revocation of the waiver and the mailing of a copy thereof to the personal representative and his or her attorney. Unless notice of a hearing is required to be given by publication, if all persons entitled to notice thereof shall have waived such notice, the court may hear the matter forthwith. A guardian of the estate or a guardian ad litem may make such waivers on behalf of ~~((his incompetent))~~ an incapacitated person, as defined in RCW 11.88.010, and a trustee may make such waivers on behalf of any competent or ~~((incompetent))~~ incapacitated beneficiary of his or her trust. A consul or other representative of a foreign government, whose appearance has been entered as provided by law on behalf of any person residing in a foreign country, may make such waiver of notice on behalf of such person. Any person who submits to the jurisdiction of the court in any hearing shall be deemed to have waived notice thereof.

**Sec. 8.** RCW 11.88.030 and 1995 c 297 s 1 are each amended to read as follows:

(1) Any person or entity may petition for the appointment of a qualified person, trust company, national bank, or nonprofit corporation authorized in RCW 11.88.020 ~~((as now or hereafter amended))~~ as the guardian or limited guardian of an incapacitated person. No liability for filing a petition for guardianship or limited guardianship shall attach to a petitioner acting in good faith and upon reasonable basis. A petition for guardianship or limited guardianship shall state:

- (a) The name, age, residence, and post office address of the alleged incapacitated person;
- (b) The nature of the alleged incapacity in accordance with RCW 11.88.010;
- (c) The approximate value and description of property, including any compensation, pension, insurance, or allowance, to which the alleged incapacitated person may be entitled;
- (d) Whether there is, in any state, a guardian or limited guardian, or pending guardianship action for the person or estate of the alleged incapacitated person;
- (e) The residence and post office address of the person whom petitioner asks to be appointed guardian or limited guardian;
- (f) The names and addresses, and nature of the relationship, so far as known or can be reasonably ascertained, of the persons most closely related by blood or marriage to the alleged incapacitated person;
- (g) The name and address of the person or facility having the care and custody of the alleged incapacitated person;
- (h) The reason why the appointment of a guardian or limited guardian is sought and the interest of the petitioner in the appointment, and whether the appointment is sought as guardian or limited guardian of the person, the estate, or both ~~((and why no alternative to guardianship is appropriate));~~
- (i) A description of any alternate arrangements previously made by the alleged incapacitated person, such as trusts or powers of attorney, including identifying any guardianship nominations contained in a power of attorney, and why a guardianship is nevertheless necessary;

(j) The nature and degree of the alleged incapacity and the specific areas of protection and assistance requested and the limitation of rights requested to be included in the court's order of appointment;

~~((j))~~ (k) The requested term of the limited guardianship to be included in the court's order of appointment;

~~((k))~~ (l) Whether the petitioner is proposing a specific individual to act as guardian ad litem and, if so, the individual's knowledge of or relationship to any of the parties, and why the individual is proposed.

(2)(a) The attorney general may petition for the appointment of a guardian or limited guardian in any case in which there is cause to believe that a guardianship is necessary and no private party is able and willing to petition.

(b) Prepayment of a filing fee shall not be required in any guardianship or limited guardianship brought by the attorney general. Payment of the filing fee shall be ordered from the estate of the incapacitated person at the hearing on the merits of the petition, unless in the judgment of the court, such payment would impose a hardship upon the incapacitated person, in which case the filing shall be waived.

(3) No filing fee shall be charged by the court for filing either a petition for guardianship or a petition for limited guardianship if the petition alleges that the alleged incapacitated person has total assets of a value of less than three thousand dollars.

(4)(a) Notice that a guardianship proceeding has been commenced shall be personally served upon the alleged incapacitated person and the guardian ad litem along with a copy of the petition for appointment of a guardian. Such notice shall be served not more than five court days after the petition has been filed.

(b) Notice under this subsection shall include a clear and easily readable statement of the legal rights of the alleged incapacitated person that could be restricted or transferred to a guardian by a guardianship order as well as the right to counsel of choice and to a jury trial on the issue of incapacity. Such notice shall be in substantially the following form and shall be in capital letters, double-spaced, and in a type size not smaller than ten-point type:

IMPORTANT NOTICE  
PLEASE READ CAREFULLY

A PETITION TO HAVE A GUARDIAN APPOINTED FOR YOU HAS BEEN FILED IN THE . . . . . COUNTY SUPERIOR COURT BY . . . . . IF A GUARDIAN IS APPOINTED, YOU COULD LOSE ONE OR MORE OF THE FOLLOWING RIGHTS:

- (1) TO MARRY OR DIVORCE;
- (2) TO VOTE OR HOLD AN ELECTED OFFICE;
- (3) TO ENTER INTO A CONTRACT OR MAKE OR REVOKE A WILL;
- (4) TO APPOINT SOMEONE TO ACT ON YOUR BEHALF;
- (5) TO SUE AND BE SUED OTHER THAN THROUGH A GUARDIAN;
- (6) TO POSSESS A LICENSE TO DRIVE;
- (7) TO BUY, SELL, OWN, MORTGAGE, OR LEASE PROPERTY;
- (8) TO CONSENT TO OR REFUSE MEDICAL TREATMENT;
- (9) TO DECIDE WHO SHALL PROVIDE CARE AND ASSISTANCE;
- (10) TO MAKE DECISIONS REGARDING SOCIAL ASPECTS OF YOUR LIFE.

UNDER THE LAW, YOU HAVE CERTAIN RIGHTS.

YOU HAVE THE RIGHT TO BE REPRESENTED BY A LAWYER OF YOUR OWN CHOOSING. THE COURT WILL APPOINT A LAWYER TO REPRESENT YOU IF YOU ARE UNABLE TO PAY OR PAYMENT WOULD RESULT IN A SUBSTANTIAL HARDSHIP TO YOU.

YOU HAVE THE RIGHT TO ASK FOR A JURY TO DECIDE WHETHER OR NOT YOU NEED A GUARDIAN TO HELP YOU. YOU HAVE THE RIGHT TO BE PRESENT IN COURT AND TESTIFY WHEN THE HEARING IS HELD TO DECIDE WHETHER OR NOT YOU NEED A GUARDIAN.

(5) All petitions filed under the provisions of this section shall be heard within sixty days unless an extension of time is requested by a party or the guardian ad litem within such sixty day period and granted for good cause shown. If an extension is granted, the court shall set a new hearing date.

**Sec. 9.** RCW 11.88.045 and 1995 c 297 s 3 are each amended to read as follows:

(1)(a) Alleged incapacitated individuals shall have the right to be represented by counsel of their choosing at any stage in guardianship proceedings. The court shall provide counsel to represent any alleged incapacitated person at public expense when either: (i) The individual is unable to afford counsel, or (ii) the expense of counsel would result in substantial hardship to the individual, or (iii) the individual does not have practical access to funds with which to pay counsel. If the individual can afford counsel but lacks practical access to funds, the court shall provide counsel and may impose a reimbursement requirement as part of a final order. When, in the opinion of the court, the rights and interests of an alleged or adjudicated incapacitated person cannot otherwise be adequately protected and represented, the court on its own motion shall appoint an attorney at any time to represent such person. Counsel shall be provided as soon as practicable after a petition is filed and long enough before any final hearing to allow adequate time for consultation and preparation. Absent a convincing showing in the record to the contrary, a period of less than three weeks shall be presumed by a reviewing court to be inadequate time for consultation and preparation.

(b) Counsel for an alleged incapacitated individual shall act as an advocate for the client and shall not substitute counsel's own judgment for that of the client on the subject of what may be in the client's best interests. Counsel's role shall be distinct from that of the guardian ad litem, who is expected to promote the best interest of the alleged incapacitated individual, rather than the alleged incapacitated individual's expressed preferences.

(c) If an alleged incapacitated person is represented by counsel and does not communicate with counsel, counsel may ask the court for leave to withdraw for that reason. If satisfied, after affording the alleged incapacitated person an opportunity for a hearing, that the request is justified, the court may grant the request and allow the case to proceed with the alleged incapacitated person unrepresented.

(2) During the pendency of any guardianship, any attorney purporting to represent a person alleged or adjudicated to be incapacitated shall petition to be appointed to represent the incapacitated or alleged incapacitated person. Fees for representation described in this section shall be subject to approval by the court pursuant to the provisions of RCW 11.92.180.

(3) The alleged incapacitated person is further entitled to testify and present evidence and, upon request, entitled to a jury trial on the issues of his or her alleged incapacity. The standard of proof to be applied in a contested case, whether before a jury or the court, shall be that of clear, cogent, and convincing evidence.

(4) In all proceedings for appointment of a guardian or limited guardian, the court must be presented with a written report from a physician licensed to practice under chapter 18.71 or 18.57 RCW or licensed or certified psychologist selected by the guardian ad litem. If the alleged incapacitated person opposes the health care professional selected by the guardian ad litem to prepare the medical report, then the guardian ad litem must either use the health care professional selected by the alleged incapacitated person or obtain court approval, following a hearing, for the guardian ad litem's selection. The physician or psychologist shall have personally examined and interviewed the alleged incapacitated person within thirty days of preparation of the report to the court and shall have expertise in the type of disorder or incapacity the alleged incapacitated person is believed to have. The report shall contain the following information and shall be set forth in substantially the following format:

- (a) The name and address of the examining physician or psychologist;
  - (b) The education and experience of the physician or psychologist pertinent to the case;
  - (c) The dates of examinations of the alleged incapacitated person;
  - (d) A summary of the relevant medical, functional, neurological, psychological, or psychiatric history of the alleged incapacitated person as known to the examining physician or psychologist;
  - (e) The findings of the examining physician or psychologist as to the condition of the alleged incapacitated person;
  - (f) Current medications;
  - (g) The effect of current medications on the alleged incapacitated person's ability to understand or participate in guardianship proceedings;
  - (h) Opinions on the specific assistance the alleged incapacitated person needs;
  - (i) Identification of persons with whom the physician or psychologist has met or spoken regarding the alleged incapacitated person.
- The court shall not enter an order appointing a guardian or limited guardian until a medical or psychological report meeting the above requirements is filed.

The requirement of filing a medical report is waived if the basis of the guardianship is minority.

**Sec. 10.** RCW 11.88.090 and 1995 c 297 s 4 are each amended to read as follows:

(1) Nothing contained in RCW 11.88.080 through 11.88.120, 11.92.010 through 11.92.040, 11.92.060 through 11.92.120, 11.92.170, and 11.92.180(~~as now or hereafter amended,~~) shall affect or impair the power of any court to appoint a guardian ad litem to defend the interests of any incapacitated person interested in any suit or matter pending therein, or to commence and prosecute any suit in his or her behalf.

(2) Upon receipt of a petition for appointment of guardian or limited guardian, except as provided herein, the court shall appoint a guardian ad litem to represent the best interests of the alleged incapacitated person, who shall be a person found or known by the court to:

- (a) Be free of influence from anyone interested in the result of the proceeding; and
- (b) Have the requisite knowledge, training, or expertise to perform the duties required by this section.

The guardian ad litem shall within five days of receipt of notice of appointment file with the court and serve each party with a statement including: His or her background and qualifications; his or her hourly rate, if compensated; and whether or not he or she is or has been a guardian or attorney in another action under Title 11, 13, or 26 RCW in which any of the attorneys for the parties were involved. Upon receipt of such statement, any party or the court may, within three days, move for substitution of the guardian ad litem upon a showing of lack of expertise necessary for the proceeding, an hourly rate higher than what is reasonable for the particular proceeding, or a conflict of interest.

No guardian ad litem need be appointed when a parent is petitioning for a guardian or a limited guardian to be appointed for his or her minor child and the minority of the child, as defined by RCW 11.92.010, is the sole basis of the petition. The order appointing the guardian ad litem shall recite the duties set forth in subsection ((5)) (4) of this section. The appointment of a guardian ad litem shall have no effect on the legal competency of the alleged incapacitated person and shall not overcome the presumption of competency or full legal and civil rights of the alleged incapacitated person.

(3)(a) The superior court of each county shall develop ~~((by September 1, 1991,))~~ and maintain a registry of persons who are willing and qualified to serve as guardians ad litem in guardianship matters. The court shall choose as guardian((s)) ad litem ~~((only))~~ a person((s)) whose name((s)) appears on the registry in a system of consistent rotation, except in extraordinary circumstances such as the need for particular expertise. The court shall develop procedures for periodic review of the persons on the registry and for probation, suspension, or

removal of persons on the registry for failure to perform properly their duties as guardian ad litem. In the event the court does not select the person next on the list, it shall include in the order of appointment a written reason for its decision.

(b) To be eligible for the registry a person shall:

(i) Present a written statement ~~((of))~~ outlining his or her background and qualifications ~~((describing))~~. The background statement shall include, but is not limited to, the following information:

~~(A) Level of formal education;~~

~~(B) Training related to the guardian's duties;~~

~~(C) Number of years' experience as a guardian ad litem;~~

~~(D) Number of appointments as a guardian ad litem and the county or counties of appointment;~~

~~(E) Criminal history, as defined in RCW 9.94A.030; and~~

~~(F) Evidence of the person's knowledge, training, and experience in each of the following: Needs of impaired elderly people, physical disabilities, mental illness, developmental disabilities, and other areas relevant to the needs of incapacitated persons, legal procedure, and the requirements of chapters 11.88 and 11.92 RCW.~~

The written statement of qualifications shall include a statement of the number of times the guardian ad litem has been removed for failure to perform his or her duties as guardian ad litem; and

(ii) Complete ~~((a training program adopted by the court, or, in the absence of a locally adopted program, a candidate for inclusion upon the registry shall have completed a))~~ the model training program as described in (d) of this subsection.

~~(c) ((The superior court of each county shall approve training programs designed to:~~

~~(i) Train otherwise qualified human service professionals in those aspects of legal procedure and the requirements of chapters 11.88 and 11.92 RCW with which a guardian ad litem should be familiar;~~

~~(ii) Train otherwise qualified legal professionals in those aspects of medicine, social welfare, and social service delivery systems with which a guardian ad litem should be familiar.))~~ The background and qualification information shall be updated annually.

~~(d) ((The superior court of each county may approve a guardian ad litem training program on or before June 1, 1991.))~~ The department of social and health services ~~((, aging and adult services administration,))~~ shall convene an advisory group to develop a model guardian ad litem training program and shall update the program biennially. The advisory group shall consist of representatives from consumer, advocacy, and professional groups knowledgeable in developmental disabilities, neurological impairment, physical disabilities, mental illness, aging, legal, court administration, the Washington state bar association, and other interested parties.

~~(e) ((Any))~~ The superior court ~~((that has not adopted a guardian ad litem training program by September 1, 1991,))~~ shall require utilization of ~~((a))~~ the model program developed by the advisory group as described in (d) of this subsection, to assure that candidates applying for registration as a qualified guardian ad litem shall have satisfactorily completed training to attain these essential minimum qualifications to act as guardian ad litem.

~~(4) ((The guardian ad litem's written statement of qualifications required by RCW 11.88.090(3)(b)(i) shall be made part of the record in each matter in which the person is appointed guardian ad litem.~~

~~(5))~~ The guardian ad litem appointed pursuant to this section shall have the following duties:

(a) To meet and consult with the alleged incapacitated person as soon as practicable following appointment and explain, in language which such person can reasonably be expected to understand, the substance of the petition, the nature of the resultant proceedings, the person's right to contest the petition, the identification of the proposed guardian or limited guardian, the right to a jury trial on the issue of his or her alleged incapacity, the right to independent legal counsel as provided by RCW 11.88.045, and the right to be present in court at the hearing on the petition;

(b) To obtain a written report according to RCW 11.88.045; and such other written or oral reports from other qualified professionals as are necessary to permit the guardian ad litem to complete the report required by this section;

(c) To meet with the person whose appointment is sought as guardian or limited guardian and ascertain:

(i) The proposed guardian's knowledge of the duties, requirements, and limitations of a guardian; and

(ii) The steps the proposed guardian intends to take or has taken to identify and meet the needs of the alleged incapacitated person;

(d) To consult as necessary to complete the investigation and report required by this section with those known relatives, friends, or other persons the guardian ad litem determines have had a significant, continuing interest in the welfare of the alleged incapacitated person;

~~(e) To investigate alternate arrangements made, or which might be created, by or on behalf of the alleged incapacitated person, such as revocable or irrevocable trusts, or durable powers of attorney; whether good cause exists for any such arrangements to be discontinued; and why such arrangements should not be continued or created in lieu of a guardianship;~~

~~(f) To provide the court with a written report which shall include the following:~~

~~(i) A description of the nature, cause, and degree of incapacity, and the basis upon which this judgment was made;~~

~~(ii) A description of the needs of the incapacitated person for care and treatment, the probable residential requirements of the alleged incapacitated person and the basis upon which these findings were made;~~

~~(iii) An evaluation of the appropriateness of the guardian or limited guardian whose appointment is sought and a description of the steps the proposed guardian has taken or intends to take to identify and meet current and emerging needs of the incapacitated person;~~

~~(iv) A description of any alternative arrangements previously made by the alleged incapacitated person or which could be made, and whether and to what extent such alternatives should be used in lieu of a guardianship, and if the guardian ad litem is recommending discontinuation of any such arrangements, specific findings as to why such arrangements are contrary to the best interest of the alleged incapacitated person;~~

~~(v) A description of the abilities of the alleged incapacitated person and a recommendation as to whether a guardian or limited guardian should be appointed. If appointment of a limited guardian is recommended, the guardian ad litem shall recommend the specific areas of authority the limited guardian should have and the limitations and disabilities to be placed on the incapacitated person;~~

~~((+))~~ ~~(vi)~~ An evaluation of the person's mental ability to rationally exercise the right to vote and the basis upon which the evaluation is made;

~~((+))~~ ~~(vii)~~ Any expression of approval or disapproval made by the alleged incapacitated person concerning the proposed guardian or limited guardian or guardianship or limited guardianship;

~~((+))~~ ~~(viii)~~ Identification of persons with significant interest in the welfare of the alleged incapacitated person who should be advised of their right to request special notice of proceedings pursuant to RCW 11.92.150; and

~~((+))~~ ~~(ix)~~ Unless independent counsel has appeared for the alleged incapacitated person, an explanation of how the alleged incapacitated person responded to the advice of the right to jury trial, to independent counsel and to be present at the hearing on the petition.

Within forty-five days after notice of commencement of the guardianship proceeding has been served upon the guardian ad litem, and at least ~~((ten))~~ fifteen days before the hearing on the petition, ~~((unless an extension or reduction of time has been granted by the court for good cause.))~~ the guardian ad litem shall file its report and send a copy to the alleged incapacitated person and his or her counsel, spouse, all children not residing with a notified person, those persons described in ~~((e))~~ ~~(viii)~~ ~~(f)~~ ~~(viii)~~ of this subsection, and persons who have filed a request for special notice pursuant to RCW 11.92.150. If the guardian ad litem needs additional time to finalize his or her report, then the guardian ad litem shall petition the court for a postponement of the hearing or, with the consent of all other parties, an extension or reduction of time for filing the report. If the hearing does not occur within sixty days of filing the petition, then upon the two-month anniversary of filing the petition and on or before the same day of each following month until the hearing, the guardian ad litem shall file interim reports summarizing his or her activities on the proceeding during that time period as well as fees and costs incurred;

~~((f))~~ (g) To advise the court of the need for appointment of counsel for the alleged incapacitated person within five court days after the meeting described in (a) of this subsection unless (i) counsel has appeared, (ii) the alleged incapacitated person affirmatively communicated a wish not to be represented by counsel after being advised of the right to representation and of the conditions under which court-provided counsel may be available, or (iii) the alleged incapacitated person was unable to communicate at all on the subject, and the guardian ad litem is satisfied that the alleged incapacitated person does not affirmatively desire to be represented by counsel.

~~((6))~~ (5) If the petition is brought by an interested person or entity requesting the appointment of some other qualified person or entity and a prospective guardian or limited guardian cannot be found, the court shall order the guardian ad litem to investigate the availability of a possible guardian or limited guardian and to include the findings in a report to the court pursuant to ~~((RCW 11.88.090(5)(e) as now or hereafter amended))~~ subsection (4)(f) of this section.

(6) The parties to the proceeding may file responses to the guardian ad litem report with the court and deliver such responses to the other parties and the guardian ad litem at any time up to the second day prior to the hearing. If a guardian ad litem fails to file his or her report in a timely manner, the hearing shall be continued to give the court and the parties at least fifteen days before the hearing to review the report. At any time during the proceeding upon motion of any party or on the court's own motion, the court may remove the guardian ad litem for failure to perform his or her duties as specified in this chapter, provided that the guardian ad litem shall have five days' notice of any motion to remove before the court enters such order. In addition, the court in its discretion may reduce a guardian ad litem's fee for failure to carry out his or her duties.

(7) The court appointed guardian ad litem shall have the authority, in the event that the alleged incapacitated person is in need of emergency life-saving medical services, and is unable to consent to such medical services due to incapacity pending the hearing on the petition to give consent for such emergency life-saving medical services on behalf of the alleged incapacitated person.

(8) Any alternative arrangement executed prior to filing the petition shall remain effective unless the court, following notice and a hearing at which all parties directly affected by the arrangement are provided an opportunity to be heard, based on clear, cogent, and convincing evidence, orders otherwise.

(9) The guardian ad litem shall receive a fee determined by the court. The fee shall be charged to the alleged incapacitated person unless the court finds that such payment would result in substantial hardship upon such person, in which case the county shall be responsible for such costs: PROVIDED, That if no guardian or limited guardian is appointed the court may charge such fee to the petitioner or the alleged incapacitated person, or divide the fee, as it deems just; and if the petition is found to be frivolous or not brought in good faith, the guardian ad litem fee shall be charged to the petitioner. The court shall not be required to provide for the payment of a fee to any salaried employee of a public agency.

~~((9))~~ (10) Upon the presentation of the guardian ad litem report and the entry of an order either dismissing the petition for appointment of guardian or limited guardian or appointing a guardian or limited guardian, the guardian ad litem shall be dismissed and shall have no further duties or obligations unless otherwise ordered by the court. If the court orders the guardian ad litem to perform further duties or obligations, they shall not be performed at county expense.

(11) The guardian ad litem shall appear in person at the final hearing on the petition unless all parties provide a written waiver of the requirement to appear.

(12) At any hearing the court may consider whether or not any person who acts as a fiduciary has breached a statutory or fiduciary duty or is unable to continue.

**Sec. 11.** RCW 11.92.190 and 1977 ex.s. c 309 s 14 are each amended to read as follows:

No residential treatment facility which provides nursing or other care may detain a person within such facility against their will. Any court order, other than an order issued in accordance with the involuntary treatment provisions of chapters 10.77, 71.05, and 72.23 RCW, which purports to authorize such involuntary detention or purports to authorize a guardian or limited guardian to consent to such involuntary detention on behalf of an ~~((incompetent or disabled))~~ incapacitated person shall be void and of no force or effect. This section does not apply to the detention of a minor as provided in chapter 70.96A or 71.34 RCW.

Nothing in this section shall be construed to require a court order authorizing placement of an ~~((incompetent or disabled))~~ incapacitated person in a residential treatment facility if such order is not otherwise required by law: PROVIDED, That notice of any residential placement of an ~~((incompetent or disabled))~~ incapacitated person shall be served, either before or after placement, by the guardian or limited guardian on such person, the guardian ad litem of record, and any attorney of record.

**NEW SECTION. Sec. 12.** A new section is added to chapter 2.08 RCW to read as follows:

Except in judicial districts of less than one hundred thousand population, no attorney may serve as a superior court judge pro tempore in the same judicial district while serving as a guardian ad litem for compensation under Title 11, 13, or 26 RCW.

**Sec. 13.** RCW 13.34.100 and 1994 c 110 s 2 are each amended to read as follows:

(1) The court shall appoint a guardian ad litem for a child who is the subject of an action under this chapter, unless a court for good cause finds the appointment unnecessary. The requirement of a guardian ad litem may be deemed satisfied if the child is represented by independent counsel in the proceedings.

(2) If the court does not have available to it a guardian ad litem program with a sufficient number of volunteers, the court may appoint a suitable person to act as guardian ad litem for the child under this chapter. Another party to the proceeding or the party's employee or representative shall not be so appointed.

(3) Each guardian ad litem program shall maintain a background information record for each guardian ad litem in the program. The background file shall include, but is not limited to, the following information:

- (a) Level of formal education;
- (b) Training related to the guardian's duties;
- (c) Number of years' experience as a guardian ad litem;
- (d) Number of appointments as a guardian ad litem and the county or counties of appointment; and
- (e) Criminal history, as defined in RCW 9.94A.030. The background statement shall not include identifying information that may be used to harm a guardian ad litem, such as home addresses and home telephone numbers, and for volunteer guardians ad litem the court may allow the use of maiden names or pseudonyms as necessary for their safety.

The background information report shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court, and immediately provided to the parties or their attorneys. If the appointed guardian ad litem is not a member of a guardian ad litem program the person shall provide the background information to the court and to the parties.

(4) The appointment of the guardian ad litem shall remain in effect until the court discharges the appointment or no longer has jurisdiction, whichever comes first. The guardian ad litem may also be discharged upon entry of an order of guardianship.

(5) A guardian ad litem through counsel, or as otherwise authorized by the court, shall have the right to present evidence, examine and cross-examine witnesses, and to be present at all hearings. A guardian ad litem shall receive copies of all pleadings and other documents filed or submitted to the court, and notice of all hearings according to court rules. The guardian ad litem shall receive all notice contemplated for a parent or other party in all proceedings under this chapter.

(6) If the child requests legal counsel and is age twelve or older, or if the guardian ad litem or the court determines that the child needs to be independently represented by counsel, the court may appoint an attorney to represent the child's position.

(7) For the purposes of child abuse prevention and treatment act (42 U.S.C. Secs. 5101 et seq.) grants to this state under P.L. 93-247, or any related state or federal legislation, a person appointed pursuant to RCW 13.34.100 shall be deemed a guardian ad litem to represent the best interests of the minor in proceedings before the court.

(8) When a court-appointed special advocate is requested on a case, the program shall give the court and the parties the name of the person it recommends. The court shall appoint the person recommended by the program. If a party in a case reasonably believes the court-appointed special advocate is not competent, the party may request a review of the appointment by the program. The program shall complete the review within five judicial days. If the party seeking the review is not satisfied with the outcome of the review, the party may file a motion with the court for the removal of the court-appointed special advocate.

**Sec. 14.** RCW 13.34.120 and 1994 c 288 s 2 are each amended to read as follows:

(1) To aid the court in its decision on disposition, a social study, consisting of a written evaluation of matters relevant to the disposition of the case, shall be made by the person or agency filing the petition. The study shall include all social records and may also include facts relating to the child's cultural heritage, and shall be made available to the court. The court shall consider the social file, social study, guardian ad litem report, the court-appointed special advocate's report, if any, and any reports filed by a party at the disposition hearing in addition to evidence produced at the fact-finding hearing. At least ten working days before the disposition hearing, the department shall mail to the parent and his or her attorney a copy of the agency's social study and proposed service plan, which shall be in writing or in a form understandable to the parents or custodians. In addition, the department shall provide an opportunity for parents to review and comment on the plan at the community service office. If the parents disagree with the agency's plan or any part thereof, the parents shall submit to the court at least twenty-four hours before the hearing, in writing, or signed oral statement, an alternative plan to correct the problems which led to the finding of dependency. This section shall not interfere with the right of the parents or custodians to submit oral arguments regarding the disposition plan at the hearing.

(2) In addition to the requirements set forth in subsection (1) of this section, a predisposition study to the court in cases of dependency alleged pursuant to RCW ((13.34.030(2))) 13.34.030(4) (b) or (c) shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific programs, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such programs are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs which have been considered and rejected; the preventive services that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal. This section should include an exploration of the nature of the parent-child attachment and the meaning of separation and loss to both the parents and the child;

(e) A description of the steps that will be taken to minimize harm to the child that may result if separation occurs; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

**Sec. 15.** RCW 26.12.175 and 1993 c 289 s 4 are each amended to read as follows:

(1)(a) The court may appoint a guardian ad litem to represent the interests of a minor or dependent child when the court believes the appointment of a guardian ad litem is necessary to protect the best interests of the child in any proceeding under this chapter. The family court services professionals may also make a recommendation to the court regarding whether a guardian ad litem should be appointed for the child. The court may appoint a guardian ad litem from the court-appointed special advocate program, if that program exists in the county.

(b) Unless otherwise ordered, the guardian ad litem's role is to investigate and report to the court concerning parenting arrangements for the child, and to represent the child's best interests. The court may require the guardian ad litem to provide periodic reports to the parties regarding the status of his or her investigation. The guardian ad litem shall file his or her report at least sixty days prior to trial.

(c) The court shall enter an order for costs, fees, and disbursements to cover the costs of the guardian ad litem. The court may order either or both parents to pay for the costs of the guardian ad litem, according to their ability to pay. If both parents are indigent, the county shall bear the cost of the guardian, subject to appropriation for guardians' ad litem services by the county legislative authority. Guardians ad litem who are not volunteers shall provide the parties with an itemized accounting of their time and billing for services each month.

(2)(a) If the guardian ad litem appointed is from the county court-appointed special advocate program, the program shall supervise any guardian ad litem assigned to the case. The court-appointed special advocate program shall be entitled to notice of all proceedings in the case.

(b) The legislative authority of each county may authorize creation of a court-appointed special advocate program. The county legislative authority may adopt rules of eligibility for court-appointed special advocate program services.

(3) Each guardian ad litem program shall maintain a background information record for each guardian ad litem in the program. The background file shall include, but is not limited to, the following information:

(a) Level of formal education;

(b) Training related to the guardian's duties;

(c) Number of years' experience as a guardian ad litem;

(d) Number of appointments as a guardian ad litem and county or counties of appointment; and

(e) Criminal history, as defined in RCW 9.94A.030. The background statement shall not include identifying information that may be used to harm a guardian ad litem, such as home addresses and home telephone numbers, and for volunteer guardians ad litem the court may allow the use of maiden names or pseudonyms as necessary for their safety.

The background information report shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court, and immediately provided to the parties or their attorneys. If the appointed guardian ad litem is not a member of a guardian ad litem program the person shall provide the background information to the court and to the parties.

(4) When a court-appointed special advocate is requested on a case, the program shall give the court and the parties the name of the person it recommends. The court shall appoint the person recommended by the program. If a party in a case reasonably believes the court-appointed special advocate is not competent, the party may request a review of the appointment by the program. The program shall complete the review within five judicial days. If the party seeking the review is not satisfied with the outcome of the review, the party may file a motion with the court for the removal of the court-appointed special advocate.

**Sec. 16.** RCW 26.44.053 and 1994 c 110 s 1 are each amended to read as follows:

(1) In any judicial proceeding under this chapter or chapter 13.34 RCW in which it is alleged that a child has been subjected to child abuse or neglect, the court shall appoint a guardian ad litem for the child as provided in chapter 13.34 RCW. The requirement of a guardian ad litem may be deemed satisfied if the child is represented by counsel in the proceedings.

(2) At any time prior to or during a hearing in such a case, the court may, on its own motion, or the motion of the guardian ad litem, or other parties, order the examination by a physician, psychologist, or psychiatrist, of any parent or child or other person having custody of the child at the time of the alleged child abuse or neglect, if the court finds such an examination is necessary to the proper determination of the case. The hearing may be continued pending the completion of such examination. The physician, psychologist, or psychiatrist conducting such an examination may be required to testify concerning the results of such examination and may be asked to give his or her opinion as to whether the protection of the child requires that he or she not be returned to the custody of his or her parents or other persons having custody of him or her at the time of the alleged child abuse or neglect. Persons so testifying shall be subject to cross-

examination as are other witnesses. No information given at any such examination of the parent or any other person having custody of the child may be used against such person in any subsequent criminal proceedings against such person or custodian concerning the abuse or neglect of the child.

(3) A parent or other person having legal custody of a child alleged to be abused or neglected shall be a party to any proceeding that may impair or impede such person's interest in and custody or control of the child.

**NEW SECTION. Sec. 17.** A new section is added to chapter 13.34 RCW to read as follows:

(1) All guardians ad litem appointed under this chapter, after January 1, 1998, shall have completed the comprehensive state-wide curriculum developed by the office of the administrator for the courts, under RCW 2.56.030(16), prior to their appointment.

(2)(a) Each guardian ad litem program for compensated guardians ad litem shall establish a rotational registry system for the appointment of guardians ad litem. If a judicial district does not have a program the court shall establish the rotational registry system. Guardians ad litem shall be selected from the registry except in exceptional circumstances as determined and documented by the court. The parties may make a joint recommendation for the appointment of a guardian ad litem from the registry.

(b) In judicial districts with a population over one hundred thousand, a list of three names shall be selected from the registry and given to the parties along with the background information as specified in RCW 13.34.100(3), including their hourly rate for services. Each party may, within three judicial days, strike one name from the list. If more than one name remains on the list, the court shall make the appointment from the names on the list. In the event all three names are stricken the person whose name appears next on the registry shall be appointed.

(c) If a party reasonably believes that the appointed guardian ad litem lacks the necessary expertise for the proceeding, charges an hourly rate higher than what is reasonable for the particular proceeding, or has a conflict of interest, the party may, within three judicial days from the appointment, move for substitution of the appointed guardian ad litem by filing a motion with the court.

(3) The rotational registry system shall not apply to court-appointed special advocate programs.

**NEW SECTION. Sec. 18.** A new section is added to chapter 26.12 RCW to read as follows:

(1) All guardians ad litem appointed under this chapter, after January 1, 1998, shall have completed the comprehensive state-wide curriculum developed by the office of the administrator for the courts, under RCW 2.56.030(16), prior to their appointment.

(2)(a) Each guardian ad litem program for compensated guardians ad litem shall establish a rotational registry system for the appointment of guardians ad litem. If a judicial district does not have a program the court shall establish the rotational registry system. Guardians ad litem shall be selected from the registry except in exceptional circumstances as determined and documented by the court. The parties may make a joint recommendation for the appointment of a guardian ad litem from the registry.

(b) In judicial districts with a population over one hundred thousand, a list of three names shall be selected from the registry and given to the parties along with the background information as specified in RCW 26.12.175(3), including their hourly rate for services. Each party may, within three judicial days, strike one name from the list. If more than one name remains on the list, the court shall make the appointment from the names on the list. In the event all three names are stricken the person whose name appears next on the registry shall be appointed.

(c) If a party reasonably believes that the appointed guardian ad litem lacks the necessary expertise for the proceeding, charges an hourly rate higher than what is reasonable for the particular proceeding, or has a conflict of interest, the party may, within three judicial days from the appointment, move for substitution of the appointed guardian ad litem by filing a motion with the court.

(3) The rotational registry system shall not apply to court-appointed special advocate programs."

#### MOTION

Senator Fairley moved that the following amendments to the striking amendment be considered simultaneously and be adopted:

On page 19, at the beginning of line 20 of the amendment, strike "immediately provided to the parties or their attorneys" and insert "shall be made available to all parties"

On page 23, at the beginning of line 7 of the amendment, strike "immediately provided to the parties or their attorneys" and insert "shall be made available to all parties"

The President declared the question before the Senate to be the adoption of the amendments by Senator Fairley on page 19, at the beginning of line 20, and page 23, at the beginning of line 7, to the striking amendment by Senators Haugen, Franklin, Long, Prince, Goings, Zarelli, Owen, Hargrove, Kohl, Schow and Fairley to Substitute Senate Bill No. 6257.

The motion by Senator Fairley failed and the amendments to the striking amendment were not adopted on a rising vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Haugen, Franklin, Long, Prince, Goings, Zarelli, Owen, Hargrove, Kohl, Schow and Fairley to Substitute Senate Bill No. 6257.

The motion by Senator Hargrove carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 2 of the title, after "persons;" strike the remainder of the title and insert "amending RCW 2.56.030, 4.08.060, 8.25.270, 11.16.083, 11.88.030, 11.88.045, 11.88.090, 11.92.190, 13.34.100, 13.34.120, 26.12.175, and 26.44.053; adding a new section to chapter 2.56 RCW; adding a new section to chapter 2.08 RCW; adding a new section to chapter 13.34 RCW; adding a new section to chapter 26.12 RCW; and creating new sections."

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 6257 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6257.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6257 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Zarelli - 45.

Voting nay: Senators Fairley and Thibaudeau - 2.

Absent: Senator McAuliffe - 1.

Excused: Senator Wood - 1.  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6257, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6348, by Senators Oke, Owen, Prince, Wood, Loveland, McCaslin, Moyer, Hochstatter, Johnson and Hale  
Facilitating smoother flow of traffic.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 6348 was substituted for Senate Bill No. 6348 and the substitute bill was placed on second reading and read the second time.  
Senator Heavey moved that the following amendment be adopted:  
On page 2, line 16, after "call," insert "A high-occupancy vehicle lane is not considered the left-hand lane of a roadway."  
Debate ensued.  
The President declared the question before the Senate to be the adoption of the amendment by Senator Heavey on page 2, line 16, to Substitute Senate Bill No. 6348.  
The motion by Senator Heavey carried and the amendment was adopted.

#### MOTION

On motion of Senator Owen, the rules were suspended, Engrossed Substitute Senate Bill No. 6348 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.  
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6348.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6348 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48.  
Excused: Senator Wood - 1.  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6348, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6285, by Senators Zarelli, Roach, Schow, Long, McCaslin, Morton, Hochstatter, Swecker, Hargrove, Hale, Strannigan, Oke, Wood, Finkbeiner, Deccio, Johnson, A. Anderson, Cantu, Moyer and West

Providing for disclosure of offenders' HIV test results to department of corrections and jail staff.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6285 was substituted for Senate Bill No. 6285 and the substitute bill was placed on second reading and read the second time.  
On motion of Senator Kohl, the following amendments by Senators Kohl, Long, Zarelli and Hargrove were considered simultaneously and adopted:  
On page 2, line 14, after "chapter," insert "However, the legislature recognizes that the mandatory disclosure of the HIV status of individual offenders may cause some corrections and jail staff to use more precautions with those offenders and detained people they know to be HIV positive. The legislature also recognizes the risk exists that some corrections and jail staff may correspondingly use fewer precautions with those offenders and detained people they are not informed are HIV positive. The legislature finds, however, that the system of universal precautions required under federal and state law in all settings where risk of occupational exposure to communicable diseases exists remains the most effective way to reduce the risk of communicable disease transmission. The legislature does not intend to discourage the use of universal precautions but to provide supplemental information for corrections and jail staff to utilize as part of their universal precautions with all offenders and detained people."  
On page 6, after line 4, insert the following:  
"(d) The receipt by any individual of any information disclosed pursuant to this subsection shall be utilized only for disease prevention or control and for protection of the safety and security of the staff, offenders, detainees, and the public. Use of this information for any other purpose, including harassment or discrimination, may result in disciplinary action, in addition to the penalties prescribed in RCW 70.24.080 or any other penalties as may be prescribed by law."

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 6285 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6285.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6285 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wood and Zarelli - 41.

Voting nay: Senators Fairley, Kohl, Pelz, Rinehart, Sheldon, Smith, Thibaudeau and Wojahn - 8.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6285, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6230, by Senators Kohl, Fairley and Thibaudeau

Requiring reporting of actions taken against out-of-home care providers.

#### MOTION

Senator Hargrove moved that Second Substitute Senate Bill No. 6230 be substituted for Senate Bill No. 6230 and the second substitute bill be placed on second reading and read the second time.

#### POINT OF ORDER

Senator West: "A point of order. I challenge the scope and object of the second substitute bill. The original bill, Senate Bill No. 6230, addressed action that the Department of Social and Health Services must take when denying, revoking or nonrenewing the licenses of out-of-home providers. It added two new sections to RCW 74.15, the statute that it addresses--licensure of out-of-home providers. The first new section requires the Secretary of DSHS to report to a targeting group of individuals and organizations of the denial of the license or a suspension, revocation or nonrenewable of license.

"If later, the facts permit otherwise, the Secretary is required to then notify the public of the exoneration of the provider. The second new section requires that the department compile quarterly reports, summarizing complaints filed against family day-care providers and day-care centers and specifies what the report should contain and who may receive a copy. The underlying bill also amended RCW 74.13.090, the statute creating the child care coordinating committee to add a new responsibility.

"The second substitute changes the bill substantially. It delves into new areas that were not addressed in the underlying bill. It makes sufficient amendments to RCW 43.43, which was not in the original bill. That's the RCW dealing with the State Patrol. It also required the committee to amend the title in order to bring this new section of law in. It permits the State Patrol to release criminal background information to specific groups, permits discretionary background checks of employees, licensees and volunteers. It expands the scope of the bill to encompass all organizations who interact with children. It also addresses whether or not people who have access to this or people who are subject to these background checks are paid or volunteers. The added portions do not address licensing as in the original bill and therefore, Mr. President, the second substitute greatly broadens the scope of the original bill."

#### PARLIAMENTARY INQUIRY

Senator Hargrove: "I have a point of parliamentary inquiry, I guess, right now. Can more than one make a rebuttal to this or is--?"

#### REPLY BY THE PRESIDENT

President Pritchard: "Well, anybody that has a--"

Senator Hargrove: "A comment, okay."

President Pritchard: "If it gets clear out of line, I will--"

Senator Hargrove: "I just wanted to make sure that my comments did not preclude Senator Kohl's comments on this."

President Pritchard: "You want to include, Senator who?"

Senator Hargrove: "I said that I did not want my comments to preclude Senator Kohl's comments on the scope ruling, if I spoke. I want to make sure that is clear."

President Pritchard: "Well, this chairman is going to be a little different than some you have had around here. If somebody wants to comment on it, I'll let it--if it doesn't get out of line."

Senator Hargrove: "It's very brief."

Further debate ensued.

There being no objection, the President deferred further consideration of Senate Bill No. 6230.

President Pro Tempore Wojahn assumed the Chair.

#### SECOND READING

SENATE BILL NO. 6635, by Senators Morton and Drew

Concerning application permits for small public works projects mines.

The bill was read the second time.

#### MOTIONS

On motion of Senator Drew, the following amendment by Senators Morton and Drew was adopted:

On page 1, line 18, after "area" insert "per mine"

On motion of Senator Drew, the rules were suspended, Engrossed Senate Bill No. 6635 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6635.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6635 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Absent: Senator McAuliffe - 1.

ENGROSSED SENATE BILL NO. 6635, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5700, by Senators Owen, Prince, Heavey, Wood, Kohl and Deccio

Requiring replacement of old license plates.

#### MOTIONS

On motion of Senator Owen, Second Substitute Senate Bill No. 5700 was substituted for Senate Bill No. 5700 and the second substitute bill was placed on second reading and read the second time.

Senator Thibaudeau moved that the following amendment by Senators Thibaudeau and Owen be adopted:

On page 2, line 32, after "required." insert the following:

"Sec. 3. RCW 46.16.313 and 1995 3rd sp.s. c 1 s 103 are each amended to read as follows:

(1) ~~If the requesting party chooses not to set an additional fee as provided in subsection (3) of this section, the department may establish a fee for each type of special license plates issued under RCW 46.16.301((1)(a), (b), or (c)))~~ in an amount calculated to offset the cost of production of the special license plates and the administration of this program. The fee shall not exceed thirty-five dollars and is in addition to all other fees required to register and license the vehicle for which the plates have been requested. All such additional special license plate fees collected by the department shall be deposited in the state treasury and credited to the motor vehicle fund.

(2) ~~((In addition to all fees and taxes required to be paid upon application, registration, and renewal registration of a motor vehicle, the holder of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.~~

(3) ~~In addition to all fees and taxes required to be paid upon application, registration, and renewal registration of a motor vehicle, the holder of a special baseball stadium license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.))~~ The department shall estimate its costs, both direct and indirect, to create, design, and procure the first minimum order for materials and production of special license plates authorized under RCW 46.16.301. The requesting party shall pay the department the estimated costs associated with the first minimum order and maintenance of a minimum inventory for additional sales upon the department authorizing the special license plate series. Payments from the requesting parties shall be deposited in a dedicated special license plate account within the motor vehicle fund. Payments deposited in the dedicated special license plate account are earmarked for production of the requested license plate series and are to be returned to the department's current biennium operating budget. The department shall develop a form to facilitate the presale of special license plates by requesting parties.

(3) The department may collect, in addition to all fees and taxes required to be paid upon application, registration, and renewal registration of a motor vehicle, an additional fee from the holder of a special license plate. The additional fee will be set by the party requesting issuance of the special license plate series. If the requesting party chooses not to set an additional fee, the fee authorized in subsection (1) of this section applies. The state treasurer, upon request of the department, may create accounts for deposit of the additional fees. The department shall remit the additional fees to the state treasurer with a proper identifying report. The state treasurer shall credit the funds to the appropriate account and remit the proceeds to the requesting party on a quarterly basis. No appropriations are required for expenditures from the accounts created under this subsection.

NEW SECTION. Sec. 4. Section 3 of this act takes effect January 1, 1997, but the department of licensing and the state treasurer shall take all steps necessary before that date in order that this act may be fully implemented upon that date."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Thibaudeau and Owen on page 2, line 32, to Second Substitute Senate Bill No. 5700.  
The motion by Senator Thibaudeau carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Owen, the following title amendment was adopted:  
On page 1, line 2 of the title, after "46.16.270" strike "; and adding a new section to chapter 46.16 RCW" and insert "and 46.16.313; adding a new section to chapter 46.16 RCW; and providing an effective date"  
On motion of Senator Owen, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5700 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5700.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5700 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 1; Excused, 0.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.  
Voting nay: Senators Loveland and McCaslin - 2.  
Absent: Senator Moyer - 1.  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5700, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pritchard assumed the Chair.

#### SECOND READING

SENATE BILL NO. 6107, by Senators Winsley, Sheldon and Haugen

Harmonizing various election procedures.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6107 was substituted for Senate Bill No. 6107 and the substitute bill was placed on second reading and read the second time.  
On motion of Senator Haugen, the following amendment by Senators Haugen and Wood was adopted:  
On page 4, after line 18, insert the following:  
"Sec. 5. RCW 85.38.110 and 1991 c 349 s 13 are each amended to read as follows:  
A list of presumed eligible voters shall be prepared and maintained by each special district. The list shall include the assessor's tax number for each lot or parcel in the district, the name or the names of the owners of such lots and parcels and their mailing address, the extent of the ownership interest of such persons, and if such persons are natural persons, whether they are known to be registered voters in the state of Washington. Whenever such a list is prepared, the district shall attempt to notify each owner of the requirements necessary to establish voting authority to vote. Whenever lots or parcels in the district are sold, the district shall attempt to notify the purchasers of the requirements necessary to establish voting authority. Each special district shall provide a copy of this list, and any revised list, to the auditor of the county within which all or the largest portion of the special district is located. The special district must compile the list of eligible voters and provide it to the county auditor by the first day of November preceding the special district general election. In the event the special district does not provide the county auditor with the list of qualified voters by this date, the county auditor shall compile the list and charge the special district for the costs required for its preparation. ~~((The county auditor shall not be held responsible for any errors in the list.))"~~

#### MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:  
On page 1, line 2 of the title, after "29.30.101," strike "and" and after "29.36.013" insert ", and 85.38.110"  
On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 6107 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6107.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6107 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6107, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6423, by Senators Sutherland, Finkbeiner and Sheldon (by request of Secretary of State Munro)

Creating the Washington electronic authentication act.

The bill was read the second time.

## MOTIONS

On motion of Senator Sutherland, the following Committee on Energy, Telecommunications and Utilities amendment was adopted:  
On page 1, line 6, after "Washington" strike "digital signature" and insert "electronic authentication"  
On motion of Senator Sutherland, the following amendment by Senators Sutherland, Rinehart and West was adopted:  
On page 7, line 16, strike "secretary of state's revolving fund" and insert "state general fund"

## MOTION

On motion of Senator Sutherland, the rules were suspended, Engrossed Senate Bill No. 6423 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6423.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6423 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 48.

Voting nay: Senator Zarelli - 1.

ENGROSSED SENATE BILL NO. 6423, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6669, by Senators Thibaudeau, Drew, Pelz, Smith and Kohl

Prohibiting excessive charges for products and services because of the customer's sex.

## MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 6669 was substituted for Senate Bill No. 6669 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the following amendment by Senators Thibaudeau, Pelz and Anderson was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that sex discrimination in any form is unjust and intolerable, and should be eliminated wherever it occurs. There is concern, however, that persons in this state are required to pay more for certain services solely because of their gender. It is the intent of the legislature to identify whether and to what extent such discrimination occurs in this state so that these concerns can be appropriately addressed.

**NEW SECTION. Sec. 2.** The senate labor, commerce and trade committee shall conduct an interim study to identify any services for which consumers in Washington are charged different prices based solely on the gender of the person purchasing the service. For each service identified, the study shall determine how frequently this practice occurs, and the average amount of the price difference in each occurrence. Price differences based specifically upon the amount of time, difficulty, or cost of providing a particular service shall not be considered."

## MOTIONS

On motion of Senator Thibaudeau, the following title amendment was adopted:

On page 1, line 2 of the title, after "sex;" strike the remainder of the title and insert "and creating new sections."

On motion of Senator Thibaudeau, the rules were suspended, Engrossed Substitute Senate Bill No. 6669 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

## MOTION

On motion of Senator Sheldon, Senator Rinehart was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6669.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6669 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Drew, Fairley, Franklin, Fraser, Hale, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, Owen, Pelz, Prentice, Prince, Quigley, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, Winsley, Wojahn and Wood - 26.

Voting nay: Senators Bauer, Cantu, Deccio, Finkbeiner, Goings, Hargrove, Hochstatter, Johnson, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Rasmussen, Roach, Schow, Sellar, Strannigan, Swecker, West and Zarelli - 22.

Excused: Senator Rinehart - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6669, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6524, by Senators Deccio, Prince, Newhouse, Sellar, Morton, Hochstatter, Hale, Owen and Loveland

Adjusting tire factors for vehicle maximum gross weights.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 6524 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6524.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6524 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator Bauer - 1.

Excused: Senator Rinehart - 1.

SENATE BILL NO. 6524, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 6230 and the pending motion by Senator Hargrove to second substitute the bill, deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator West to the motion by Senator Hargrove to second substitute Senate Bill No. 6230, the President finds that Senate Bill No. 6230 is a measure which, among other things, defines a procedure to be followed by the Department of Social and Health Services for dissemination and publication of actions which deny, suspend, or revoke licenses of out-of-home care providers.

"Second Substitute Senate Bill No. 6230 would, in addition, authorize the State Patrol to release criminal background information on a broad group of defined employees and volunteers to specified businesses and organizations.

"The President, therefore, finds that the proposed second substitute bill does change the scope and object of the bill and the point of order is well taken."

The motion by Senator Hargrove to second substitute Senate Bill No. 6230 was ruled out of order.

#### MOTION

On motion of Senator Spanel, further consideration of Senate Bill No. 6230 was deferred.

#### MOTION

At 10:05 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:13 p.m. by President Pritchard.

#### MOTION

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

## SENATE RESOLUTION 1996-8692

By Senators Rasmussen, Goings, McAuliffe, Sutherland, Johnson, Sheldon, Snyder, Bauer, Spanel and Kohl

WHEREAS, The economy of the state of Washington is comprised of diverse activities engaged in by people of varying interests and talents from all walks of life; and

WHEREAS, Vocational education is vital to the success of our state as an economic leader; and

WHEREAS, Vocational education is not relegated solely to the higher education system, but begins in Washington's secondary schools; and

WHEREAS, High school vocational education in Washington is ably represented by Vocational Student Organizations; and

WHEREAS, Vocational Student Organizations is comprised of VICA (Vocational Industrial Clubs of America), FFA, FBLA (Future Business Leaders of America), FHA-HERO (Future Homemakers of America), and DECA (Distributive Education Clubs of America); and

WHEREAS, These organizations represent more than 27,000 students from all corners of our state; and

WHEREAS, Through their involvement in their vocational activities, these students are learning skills not necessarily available to them in the conventional classroom setting; and

WHEREAS, They are training to become better workers, better leaders, better problem-solvers and decision-makers, as well as better citizens; and

WHEREAS, Their activities are supported by true public/private partnerships that allow private enterprise to become more fully involved with public schools in shaping the future of our economy and its entrepreneurs and workforce; and

WHEREAS, These active, forward-thinking, and creative young people are blazing the trail into the future for our state; and

WHEREAS, Their initiative and leadership today will no doubt inspire many others tomorrow and in the years ahead; and

WHEREAS, Their example of personal responsibility and of creating opportunity is one that all citizens would do well to emulate;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Senate of the state of Washington do hereby recognize and honor the hard work and dedication of the state officers of VIA, DECA, FHA, FFA, and FBLA here present and the more than 27,000 members they represent, as well as Vocational Student Organizations and its chairperson, Charlotte Crimmins, who is also the state director of VIA, and thank them all for their efforts on behalf of themselves and their future, as well as the future of the great state of Washington; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate do hereby immediately transmit copies of this resolution to each of the aforementioned organizations.

Senators Rasmussen and McAuliffe spoke to Senate Resolution 1996-8692.

### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the members of the vocational student organizations, who were seated in the gallery.

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

### SECOND READING

SUBSTITUTE SENATE BILL NO. 5053, by Senate Committee on Government Operations (originally sponsored by Senators Haugen and Winsley)

Modifying real estate disclosure provisions.

### MOTIONS

On motion of Senator Sheldon, Second Substitute Senate Bill No. 5053 was substituted for Substitute Senate Bill No. 5053 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Second Substitute Senate Bill No. 5053 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

### MOTION

On motion of Senator Hochstatter, Senator Cantu was excused.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5053.

### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5053 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yeas: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator Hargrove - 1.

Excused: Senator Cantu - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5053, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

### SECOND READING

SENATE BILL NO. 6614, by Senators Pelz, Sutherland and Heavey

Modifying provisions that concern builders and contractors.

#### MOTIONS

On motion of Senator Pelz, Substitute Senate Bill No. 6614 was substituted for Senate Bill No. 6614 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pelz, the rules were suspended, Substitute Senate Bill No. 6614 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6614.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6614 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Voting nay: Senators Heavey and McDonald - 2.

Excused: Senator Anderson, A. - 1.

SUBSTITUTE SENATE BILL NO. 6614, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6516, by Senators McAuliffe, Rinehart, Drew and Winsley (by request of Joint Select Committee on Education Restructuring, Board of Education and Commission on Student Learning)

Changing the timelines for development and implementation of the student assessment system.

#### MOTION

Senator McAuliffe moved that Substitute Senate Bill No. 6516 be substituted for Senate Bill No. 6516 and the substitute bill be placed on second reading and read the second time.

#### POINT OF ORDER

Senator Johnson: "A point of order, Mr. President. I would like to challenge the scope and object of the substitute bill--6516. The original bill, brought to the committee, dealt only with modifying the timelines of assessments for reading, writing, communications and math. The original bill did not speak to the development of the essential academic learning requirements or whether the assessment system should be voluntary, but rather only extending those deadlines and providing the Commission on Student Learning with certain responsibilities.

"The substitute bill, on the other hand, covers not only those subjects, but also provides that the assessments be voluntary, which is an entirely new issue and subject and provides that the Commission may modify the essential academic learning requirements, which, again, is entirely new to the bill. And furthermore, it directs that the academic learning requirements be modified and the timelines in other areas extended."

Further debate ensued.

There being no objection, the President deferred further consideration of Senate Bill No. 6516.

#### SECOND READING

SENATE BILL NO. 6544, by Senators Smith and McCaslin

Regulating bail bond agency branch offices.

The bill was read the second time.

#### MOTION

Senator Pelz moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.185.010 and 1993 c 260 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of licensing.

(2) "Director" means the director of licensing.

(3) "Collateral or security" means property of any kind given as security to obtain a bail bond.

(4) "Bail bond agency" means a business that sells and issues corporate surety bail bonds or that provides security in the form of personal or real property to insure the appearance of a criminal defendant before the courts of this state or the United States.

(5) "Qualified agent" means an owner, sole proprietor, partner, manager, officer, or chief operating officer of a corporation who meets the requirements set forth in this chapter for obtaining a bail bond agency license.

(6) "Bail bond agent" means a person who is employed by a bail bond agency and engages in the sale or issuance of bail bonds, but does not mean a clerical, secretarial, or other support person who does not participate in the sale or issuance of bail bonds.

(7) "Licensee" means a bail bond agency or a bail bond agent or both.

(8) "Branch office" means any location physically separated from the principal place of business of the licensee from which the licensee or an employee or agents conduct any activity meeting the criteria of bail bond agency.

**NEW SECTION. Sec. 2.** A new section is added to chapter 18.185 RCW to read as follows:

A branch office may not operate under a business name other than the name of the principal bail bond agency and must have a qualified bail bond agent as manager of the office. The qualified agent shall comply with the provisions of RCW 18.185.100.

**Sec. 3.** RCW 18.185.100 and 1993 c 260 s 11 are each amended to read as follows:

(1) Every qualified agent shall keep adequate records for three years of all collateral and security received, all trust accounts required by this section, and all bail bond transactions handled by the bail bond agency, as specified by rule. The records shall be open to inspection without notice by the director or authorized representatives of the director.

(2) Every qualified agent who receives collateral or security is a fiduciary of the property and shall keep adequate records for three years of the receipt, safekeeping, and disposition of the collateral or security. Every qualified agent shall maintain a trust account in a federally insured financial institution located in this state. All moneys, including cash, checks, money orders, wire transfers, and credit card sales drafts, received as collateral or security or otherwise held for a bail bond agency's client shall be deposited in the trust account not later than the third banking day following receipt of the funds or money. A qualified agent shall not in any way encumber the corpus of the trust account or commingle any other moneys with moneys properly maintained in the trust account. Each qualified agent required to maintain a trust account shall report annually under oath to the director the account number and balance of the trust account, and the name and address of the institution that holds the trust account, and shall report to the director within ten business days whenever the trust account is changed or relocated or a new trust account is opened.

(3) Whenever a bail bond is exonerated by the court, the ((bail bond agency)) qualified agent shall, within five business days after written notification of exoneration and upon written demand, return all collateral or security to the person entitled thereto.

**NEW SECTION. Sec. 4.** A new section is added to chapter 18.185 RCW to read as follows:

If a licensee maintains a branch office, the licensee shall not operate that branch office until a branch office license has been received from the director. A bail bond agency may apply to the director for authority to establish one or more branch offices under the same name as the main office upon the payment of a fee as prescribed by the director by rule. The director shall issue a duplicate license for each branch office showing the location of each branch which shall be prominently displayed in the office for which it is issued. A corporation, partnership, or sole proprietorship shall not establish more than one principal office within this state."

#### POINT OF INQUIRY

Senator Morton: "Senator Pelz, as I look at this, I shudder a little bit. I don't know of any of these being in many of our remote counties. Do you know how this would affect, for example, the counties that do not have any bonding people within them?"

Senator Pelz: "I have had this explained to me a couple of times, but I am not sure I can give you a quick answer. The proponents have encouraged me that it does not affect access to bail bonds in rural counties. I am afraid I can't state it any more specifically. Apparently, there are two kinds of bail bonds that are dealt with. There are those that a consumer can get out of the Yellow Pages and there are those that are referred by the county officers. This is dealing more with the bail bonds that are in the Yellow Pages. It does not affect the availability of the bail bonds that are referred by the county."

Senator Morton: "Thank you, Senator."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Pelz to Senate Bill No. 6544.

The motion by Senator Pelz carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Pelz, the following title amendment was adopted:

On page 1, line 1 of the title, after "offices;" strike the remainder of the title and insert "amending RCW 18.185.010 and 18.185.100; and adding new sections to chapter 18.185 RCW."

On motion of Senator Pelz, the rules were suspended, Engrossed Senate Bill No. 6544 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6544.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6544 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Voting nay: Senators Morton and Newhouse - 2.

ENGROSSED SENATE BILL NO. 6544, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6701, by Senators Fraser and Wood

Improving public transportation connections.

## MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 6701 was substituted for Senate Bill No. 6701 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the following amendment by Senators Owen and Fraser was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature declares it to be of significant benefit to citizens of the state to improve public transportation connections among the major activity centers in the central Puget Sound area. The activity centers include major transportation centers, major work and commercial sites, cultural and sports facilities, and political centers, including the state capital.

The legislature finds that there are many public transportation services being provided in the region that, if better coordinated and if more information were readily attainable, mobility would be enhanced for persons traveling in the region. This would occur not only for those using public transportation systems but for those who would benefit in terms of reduced congestion on highways and other modes.

It is the intent of the legislature, through this act and other supporting activities to enhance the coordination of existing public transportation services in the region as well as to provide for new initiatives to enhance service levels, improve cross-jurisdictional services, facilitate the travel on public conveyances throughout the region and reduce impediments to travel among areas in the region. It is the legislature's intent to provide better information to the traveling public, to include the private sector in the enhanced mobility approaches, and to facilitate the use of new technologies for fare collection and information to the extent practical.

**NEW SECTION. Sec. 2.** A new section is added to chapter 47.26 RCW to read as follows:

(1) The transportation improvement board, in consultation with the department of transportation, shall develop a grant process for projects and programs by public and private agencies to enhance mobility on public conveyance in the four most populous contiguous counties connected by an interstate highway. (2) The purpose of the grants is to enhance the information available regarding public transportation services in the region along corridors where there is a significant state interest.

(3) The transportation improvement board shall develop requirements for matching grants issued under this section with the intent of encouraging participation of other agencies or parties. However, for public agencies applying for such grants, those agencies must have a local minimum matching requirement of twenty percent.

**NEW SECTION. Sec. 3.** A new section is added to chapter 47.08 RCW to read as follows:

The intercity passenger account is created in the transportation fund. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to enhance the connectivity of passenger services in the four most populous contiguous counties connected by an interstate highway in the state, between and among transportation providers serving corridors where there is significant state interest.

**Sec. 4.** RCW 35.58.250 and 1965 c 7 s 35.58.250 are each amended to read as follows:

(1) Except in accordance with an agreement made as provided herein, upon the effective date on which the metropolitan municipal corporation commences to perform the metropolitan transportation function, no person or private corporation shall operate a local public passenger transportation service within the metropolitan area with the exception of:

(a) Taxis(~~(-busses)~~);

(b) Buses owned or operated by a school district or private school(~~(-and busses)~~);

(c) Buses owned or operated by any corporation or organization solely for the purposes of the corporation or organization and for the use of which no fee or fare is charged ; and

(d) Buses owned or operated by another municipality, as defined in RCW 35.58.272, operating along regional bus routes that cross one or more jurisdictional boundaries between municipalities located in the four most populous contiguous counties connected by an interstate highway, that may include stops in the routes to embark and disembark passengers, if those routes emanate or terminate within that municipality's boundaries.

(2) An agreement may be entered into between the metropolitan municipal corporation and any person or corporation legally operating a local public passenger transportation service wholly within or partly within and partly without the metropolitan area and on said effective date under which such person or corporation may continue to operate such service or any part thereof for such time and upon such terms and conditions as provided in such agreement. Where any such local public passenger transportation service will be required to cease to operate within the metropolitan area, the commission may agree with the owner of such service to purchase the assets used in providing such service, or if no agreement can be reached, the commission shall condemn such assets in the manner provided herein for the condemnation of other properties.

(3) Wherever a privately owned public carrier operates wholly or partly within a metropolitan municipal corporation, the Washington utilities and transportation commission shall continue to exercise jurisdiction over such operation as provided by law.

**Sec. 5.** RCW 35.92.060 and 1995 c 42 s 1 are each amended to read as follows:

A city or town may also construct, condemn and purchase, purchase, acquire, add to, alter, maintain, operate, or lease cable, electric, and other railways, automobiles, motor cars, motor buses, auto trucks, and any and all other forms or methods of transportation of freight or passengers within the corporate limits of the city or town, and a first class city may also construct, purchase, acquire, add to, alter, maintain, operate, or lease cable, electric, and other railways beyond those corporate limits only within the boundaries of the county in which the city is located and of any adjoining county, for the transportation of freight and passengers above, upon, or underneath the ground. It may also fix, alter, regulate, and control the fares and rates to be charged therefor; and fares or rates may be adjusted or eliminated for any distinguishable class of users including, but not limited to, senior citizens, handicapped persons, and students. Without the payment of any license fee or tax, or the filing of a bond with, or the securing of a permit from, the state, or any department thereof, the city or town may engage in, carry on, and operate the business of transporting and carrying passengers or freight for hire by any method or combination of methods that the legislative authority of any city or town may by ordinance provide, with full authority to regulate and control the use and operation of vehicles or other agencies of transportation used for such business except for buses owned or operated by another municipality, as defined in RCW 35.58.272, operating along regional bus routes that cross one or more jurisdictional boundaries between municipalities located in the four most populous contiguous counties connected by an interstate highway, that may include stops in the routes to embark and disembark passengers, if those routes emanate or terminate within that municipality's boundaries.

**Sec. 6.** RCW 36.57A.100 and 1977 ex.s. c 44 s 4 are each amended to read as follows:

(1) Except in accordance with an agreement made as provided in this section or in accordance with the provisions of RCW 36.57A.090(3) (~~(as now or hereafter amended)~~), upon the effective date on which the public transportation benefit area commences to perform the public transportation service, no person or private corporation shall operate a local public passenger transportation service within the public transportation benefit area with the exception of:

(a) Taxis(~~(-)~~);

(b) Buses owned or operated by a school district or private school(~~(-and)~~);

(c) Buses owned or operated by any corporation or organization solely for the purposes of the corporation or organization and for the use of which no fee or fare is charged ; and

(d) Buses owned or operated by another municipality, as defined in RCW 35.58.272, operating along regional bus routes that cross one or more jurisdictional boundaries between municipalities located in the four most populous contiguous counties connected by an interstate highway, that may include stops in the routes to embark and disembark passengers, if those routes emanate or terminate within that municipality's boundaries.

(2) An agreement may be entered into between the public transportation benefit area authority and any person or corporation legally operating a local public passenger transportation service wholly within or partly within and partly without the public transportation benefit area and on said effective date under which such person or corporation may continue to operate such service or any part thereof for such time and upon such terms and conditions as provided in such agreement. Such agreement shall provide for a periodic review of the terms and conditions contained therein. Where any such local public passenger transportation service will be required to cease to operate within the public transportation benefit area, the public transportation benefit area authority may agree with the owner of such service to purchase the assets used in providing such service, or if no agreement can be reached, the public transportation benefit area authority shall condemn such assets in the manner and by the same procedure as is or may be provided by law for the condemnation of other properties for cities of the first class, except insofar as such laws may be inconsistent with the provisions of this chapter.

(3) Wherever a privately owned public carrier operates wholly or partly within a public transportation benefit area, the Washington utilities and transportation commission shall continue to exercise jurisdiction over such operation as provided by law.

**Sec. 7.** RCW 81.112.090 and 1992 c 101 s 9 are each amended to read as follows:

Except in accordance with an agreement made as provided in this section, upon the date an authority begins high capacity transportation service, no person or private corporation may operate a high capacity transportation service within the authority boundary with the exception of: (1) Services owned or operated by any corporation or organization solely for the purposes of the corporation or organization and for the use of which no fee or fare is charged; and (2) buses owned or operated by a municipality, as defined in RCW 35.58.272, operating along regional bus routes that cross one or more jurisdictional boundaries between municipalities located in the four most populous contiguous counties connected by an interstate highway, that may include stops in the routes to embark and disembark passengers, if those routes emanate or terminate within that municipality's boundaries, and if any part of the service area of the municipality is not included in the boundaries of the authority.

The authority and any person or corporation legally operating a high capacity transportation service wholly within or partly within and partly without the authority boundary on the date an authority begins high capacity transportation service may enter into an agreement under which such person or corporation may continue to operate such service or any part thereof for such time and upon such terms and conditions as provided in such agreement. Such agreement shall provide for a periodic review of the terms and conditions contained therein. Where any such high capacity transportation service will be required to cease to operate within the authority boundary, the authority may agree with the owner of such service to purchase the assets used in providing such service, or if no agreement can be reached, an authority shall condemn such assets in the manner and by the same procedure as is or may be provided by law for the condemnation of other properties for cities of the first class, except insofar as such laws may be inconsistent with this chapter.

Wherever a privately owned public carrier operates wholly or partly within an authority boundary, the Washington utilities and transportation commission shall continue to exercise jurisdiction over such operation as provided by law.

**NEW SECTION. Sec. 8.** Municipalities in the state, as defined in RCW 35.58.272, that are located in the four most populous contiguous counties connected by an interstate highway, shall prepare and distribute by July 1, 1997, a brochure providing scheduling information that shall address methods to travel among the counties on public conveyances. This document shall address, at minimum, interconnecting bus schedules operated by those municipalities, intercity bus operations, airporter services, passenger trains, and ferry system connections. This document shall be made available to the public in order to facilitate the use of those providers in the travel of persons throughout the region.

**NEW SECTION. Sec. 9.** The department of transportation in cooperation with the department of general administration and other appropriate jurisdictions shall evaluate the feasibility of establishment of a pilot project to provide shuttle services connecting the state capitol with major state government destination sites and other appropriate facilities in the central Puget Sound region. The department of transportation shall report back to the legislature its findings by December 1, 1996.

**NEW SECTION. Sec. 10.** It is the intent of the legislature that municipalities, as defined in RCW 35.58.272 and located within the four most populous contiguous counties connected by an interstate highway, work together to develop policies and joint operating agreements to facilitate transportation between and among those jurisdictions and to facilitate opportunity for travel by public transportation within the region. These policies and agreements shall address, but not be limited to: (1) Improved transit connections among those municipalities; (2) improved transit connections with other transportation providers including the state ferry system; (3) reduction in the use of nonproductive resources such as empty backhauls and closed door service necessitated by another jurisdiction; (4) adoption of fare collection policies designed to facilitate interjurisdictional regional travel; and (5) improved information for riders connecting between systems.

Should those municipalities described in this section develop policies consistent with the intent of this section, it is further the intent of the legislature to delay the effective date of sections 4 through 7 of this act.

**NEW SECTION. Sec. 11.** Sections 4 through 7 of this act take effect July 1, 1997.

**NEW SECTION. Sec. 12.** If specific funding for the purposes of this act, referring to this act by bill or chapter number, is not provided for in a transportation appropriations act in 1996 that is enacted, this act is null and void."

## MOTIONS

On motion of Senator Owen, the following title amendment was adopted:

On page 1, line 1 of the title, after "transportation;" strike the remainder of the title and insert "amending RCW 35.58.250, 35.92.060, and 36.57A.100, and 81.112.090; adding a new section to chapter 47.26 RCW; adding a new section to chapter 47.08 RCW; creating new sections; and providing an effective date."

On motion of Senator Owen, the rules were suspended, Engrossed Substitute Senate Bill No. 6701 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6701.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6701 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6701, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5530, by Senate Committee on Law and Justice (originally sponsored by Senators Smith, Roach, Rasmussen and Winsley)

Authorizing the use of automated traffic enforcement systems.

#### MOTIONS

On motion of Senator Smith, Second Substitute Senate Bill No. 5530 was substituted for Engrossed Substitute Senate Bill No. 5530 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the rules were suspended, Second Substitute Senate Bill No. 5530 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

#### POINT OF INQUIRY

Senator Morton: "Senator Smith, I am not at all familiar with these devices. Is there a way to accurately determine the driver of the vehicle, rather than just the vehicle itself? I can see where the driver is the one responsible and I am wondering if that is clear as to the identity of the driver?"

Senator Smith: "The way we handle that in this bill is, essentially, if you say you were not the person driving it, then you don't get the ticket. You sign an affidavit and send it back in saying, 'It wasn't me.' That is the end of the story.

"Now, the way the pictures are taken, you can't be guaranteed in every incident, that you are going to be able to get the identity. Most of the time you are. The police enforcing this will randomly check to see if, in fact, they do have the picture of the person who says it wasn't them and enforce it that way. But, if you sign an affidavit saying it wasn't you--that protection was put in by Senator Hargrove in committee--to try and protect those people under that circumstance. That is what we tried to do in that situation."

Further debate ensued.

#### MOTION

On motion of Senator Hochstatter, Senator Anderson was excused.  
The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5530.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5530 and the bill failed to pass the Senate by the following vote: Yeas, 24; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Fairley, Fraser, Goings, Hargrove, Haugen, Long, Loveland, McDonald, Moyer, Newhouse, Oke, Owen, Prince, Quigley, Rasmussen, Smith, Snyder, Spanel, Strannigan, Sutherland, Winsley and Wojahn - 24.

Voting nay: Senators Cantu, Deccio, Finkbeiner, Franklin, Hale, Heavey, Hochstatter, Johnson, Kohl, McAuliffe, McCaslin, Morton, Pelz, Prentice, Rinehart, Roach, Schow, Sellar, Sheldon, Swecker, Thibaudeau, West, Wood and Zarelli - 24.

Excused: Senator Anderson, A. - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5530, having failed to receive the constitutional majority, was declared lost.

#### SECOND READING

SENATE BILL NO. 6507, by Senators Drew, Bauer, Wood, Loveland, Prince, Sheldon, Hale, McAuliffe, Snyder, Finkbeiner, Rinehart, West, Rasmussen, Winsley, Kohl and Goings

Creating the Washington higher education loan program.

#### MOTIONS

On motion of Senator Drew, Second Substitute Senate Bill No. 6507 was substituted for Senate Bill No. 6507 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the rules were suspended, Second Substitute Senate Bill No. 6507 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

#### MOTION

On motion of Senator Sheldon, Senator Goings was excused.  
The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6507.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6507 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice,

Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Anderson, A. and Goings - 2.

SECOND SUBSTITUTE SENATE BILL NO. 6507, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6684, by Senators McAuliffe, Johnson, Goings, Finkbeiner, Pelz, Rasmussen, Fairley, Hochstatter, Bauer and Winsley

Authorizing student transportation funding for students living within one mile of the school.

The bill was read the second time.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Senate Bill No. 6684 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6684.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6684 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senators Pelz and Prince - 2.

Excused: Senator Anderson, A. - 1.

SENATE BILL NO. 6684, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 12:18 p.m., on motion of Senator Spanel, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:10 p.m. by President Pritchard.

#### SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5159, by Senate Committee on Ways and Means (originally sponsored by Senators Owen, Oke, Haugen and Hochstatter)

Creating the warm water game fish enhancement program.

#### MOTIONS

On motion of Senator Drew, Fourth Substitute Senate Bill No. 5159 was substituted for Second Substitute Senate Bill No. 5159 and the fourth substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the rules were suspended, Fourth Substitute Senate Bill No. 5159 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTIONS

On motion of Senator Thibaudeau, Senator Rasmussen was excused.

On motion of Senator Anderson, Senators Finkbeiner, McCaslin and Prince were excused.

The President declared the question before the Senate to be the roll call on the final passage of Fourth Substitute Senate Bill No. 5159.

#### ROLL CALL

The Secretary called the roll on the final passage of Fourth Substitute Senate Bill No. 5159 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 3; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice,

Quigley, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 42.

Absent: Senators Rinehart, Snyder and Wojahn - 3.

Excused: Senators Finkbeiner, McCaslin, Prince and Rasmussen - 4.

FOURTH SUBSTITUTE SENATE BILL NO. 5159, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6753, by Senators Oke, Prince, Prentice, Sheldon, Swecker, Wojahn, Deccio, Schow, A. Anderson, Sellar, Winsley, Strannigan, Finkbeiner, Moyer, McDonald, Haugen, Wood and Rasmussen

Improving the Tacoma Narrows bridge.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 6753 was substituted for Senate Bill No. 6753 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Oke, the following amendment by Senators Owen and Oke was adopted:

On page 6, beginning on line 19, strike all of section 2

#### MOTIONS

On motion of Senator Oke, the following title amendment was adopted:

On page 1, line 3 of the title, after "program;" strike the remainder of the title and insert "and amending RCW 47.46.030."

On motion of Senator Oke, the rules were suspended, Engrossed Substitute Senate Bill No. 6753 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTIONS

On motion of Senator Sheldon, Senators Rinehart and Snyder were excused.

On motion of Senator Anderson, Senator Wood was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6753.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6753 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senator Newhouse - 1.

Excused: Senators Finkbeiner, McCaslin, Rinehart, Snyder and Wood - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6753, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6390, by Senators Smith, Johnson, Haugen, Schow, Long, Fairley, Wood, Prince and Heavey

Regulating interception of communications.

#### MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 6390 was substituted for Senate Bill No. 6390 and the substitute bill was placed on second reading and read the second time.

Senator Smith moved that the following amendment by Senators Smith and Hargrove be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.73.070 and 1994 c 49 s 1 are each amended to read as follows:

(1) The provisions of this chapter shall not apply to any activity in connection with services provided by a common carrier pursuant to its tariffs on file with the Washington utilities and transportation commission or the Federal Communication Commission and any activity of any officer, agent or employee of a common carrier who performs any act otherwise prohibited by this law in the construction, maintenance, repair and operations of the common carrier's communications services, facilities, or equipment or incident to the use of such services, facilities or equipment, and shall not apply to the use of a pen register or a trap and trace device by such common carrier:

(a) Relating to the operation, maintenance, and testing of a wire or electronic communication service or to the protection of the rights or property of such common carrier, or to the protection of users of the common carrier's service from abuse of service or unlawful use of service;

(b) To record the fact that a wire or electronic communication was initiated or completed in order to protect such common carrier, another common carrier furnishing service toward the completion of the wire communication, or a user of that service, from fraudulent, unlawful, or abusive use of service; or

(c) Where the consent of the user of that service has been obtained.

(2) "Common carrier" as used in this section means any person engaged as a common carrier or public service company for hire in intrastate, interstate or foreign communication by wire or radio or in intrastate, interstate or foreign radio transmission of energy.

((2)) (3) The provisions of this chapter shall not apply to:

(a) Any common carrier automatic number, caller, or location identification service that has been approved by the Washington utilities and transportation commission; or

(b) A 911 or enhanced 911 emergency service as defined in RCW 82.14B.020, for purposes of aiding public health or public safety agencies to respond to calls placed for emergency assistance.

**NEW SECTION. Sec. 2.** A new section is added to chapter 9.73 RCW to read as follows:

(1) As used in this section:

(a) "Wire communication" means any aural transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception, including the use of such connection in a switching station, furnished or operated by any person engaged in providing or operating such facilities for the transmission of intrastate, interstate, or foreign communications, and such term includes any electronic storage of such communication.

(b) "Electronic communication" means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system, but does not include:

(i) Any wire or oral communication;

(ii) Any communication made through a tone-only paging device; or

(iii) Any communication from a tracking device.

(c) "Electronic communication service" means any service that provides to users thereof the ability to send or receive wire or electronic communications.

(d) "Pen register" means a device that records or decodes electronic or other impulses that identify the numbers dialed or otherwise transmitted on the telephone line to which such device is attached, but such term does not include any device used by a provider or customer of a wire or electronic communication service for billing, or recording as an incident to billing, for communications services provided by such provider or any device used by a provider or customer of a wire communication service for cost accounting or other like purposes in the ordinary course of its business.

(e) "Trap and trace device" means a device that captures the incoming electronic or other impulses that identify the originating number of an instrument or device from which a wire or electronic communication was transmitted.

(2) No person may install or use a pen register or trap and trace device without a prior court order issued under this section except as provided under subsection (6) of this section or section 1 of this act.

(3) A law enforcement officer may apply for and the superior court may issue orders and extensions of orders authorizing the installation and use of pen registers and trap and trace devices as provided in this section. The application shall be under oath and shall include the identity of the officer making the application and the identity of the law enforcement agency conducting the investigation. The applicant must certify that the information likely to be obtained is relevant to an ongoing criminal investigation being conducted by that agency.

(4) If the court finds that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation and finds reason to believe that the pen register or trap and trace device will lead to obtaining evidence of a crime, contraband, fruits of crime, things criminally possessed, weapons, or other things by means of which a crime has been committed or reasonably appears about to be committed, or will lead to learning the location of a person who is unlawfully restrained or reasonably believed to be a witness in a criminal investigation or for whose arrest there is probable cause, the court shall enter an ex parte order authorizing the installation and use of a pen register or a trap and trace device. The order shall specify:

(a) The identity, if known, of the person to whom is leased or in whose name is listed the telephone line to which the pen register or trap and trace device is to be attached;

(b) The identity, if known, of the person who is the subject of the criminal investigation;

(c) The number and, if known, physical location of the telephone line to which the pen register or trap and trace device is to be attached and, in the case of a trap and trace device, the geographic limits of the trap and trace order; and

(d) A statement of the offense to which the information likely to be obtained by the pen register or trap and trace device relates.

The order shall direct, if the applicant has requested, the furnishing of information, facilities, and technical assistance necessary to accomplish the installation of the pen register or trap and trace device. An order issued under this section shall authorize the installation and use of a pen register or a trap and trace device for a period not to exceed sixty days. Extensions of such an order may be granted, but only upon a new application for an order under subsection (3) of this section and upon the judicial findings required by this subsection. The period of extension shall be for a period not to exceed sixty days.

An order authorizing or approving the installation and use of a pen register or a trap and trace device shall direct that the order be sealed until otherwise ordered by the court and that the person owning or leasing the line to which the pen register or trap and trace device is attached, or who has been ordered by the court to provide assistance to the applicant, not disclose the existence of the pen register or trap and trace device or the existence of the investigation to the listed subscriber or to any other person, unless or until otherwise ordered by the court.

(5) Upon the request of an officer of a law enforcement agency authorized to install and use a pen register under this chapter, a provider of wire or electronic communication service, landlord, custodian, or other person shall furnish such law enforcement officer forthwith all information, facilities, and technical assistance necessary to accomplish the installation of the pen register unobtrusively and with a minimum of interference with the services that the person so ordered by the court accords the party with respect to whom the installation and use is to take place, if such assistance is directed by a court order as provided in subsection (4) of this section.

Upon the request of an officer of a law enforcement agency authorized to receive the results of a trap and trace device under this chapter, a provider of a wire or electronic communication service, landlord, custodian, or other person shall install such device forthwith on the appropriate line and shall furnish such law enforcement officer all additional information, facilities, and technical assistance including installation and operation of the device unobtrusively and with a minimum of interference with the services that the person so ordered by the court accords the party with respect to whom the installation and use is to take place, if such installation and assistance is directed by a court order as provided in subsection (4) of this section. Unless otherwise ordered by the court, the results of the trap and trace device shall be furnished to the officer of a law enforcement agency, designated in the court order, at reasonable intervals during regular business hours for the duration of the order.

A provider of a wire or electronic communication service, landlord, custodian, or other person who furnishes facilities or technical assistance pursuant to this subsection shall be reasonably compensated by the law enforcement agency that requests the facilities or assistance for such reasonable expenses incurred in providing such facilities and assistance.

No cause of action shall lie in any court against any provider of a wire or electronic communication service, its officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with the terms of a court order under this section. A good faith reliance on a court order under this section, a request pursuant to this section, a legislative authorization, or a statutory authorization is a complete defense against any civil or criminal action brought under this chapter or any other law.

(6) Notwithstanding any other provision of this chapter, a law enforcement officer and a prosecuting attorney or deputy prosecuting attorney who jointly and reasonably determine that an emergency situation exists that involves immediate danger of death or serious bodily injury to any person that requires the installation and use of a pen register or a trap and trace device before an order authorizing such installation and use can, with due diligence, be obtained, and there are grounds upon which an order could be entered under this chapter to authorize such installation and use, may have installed and use a pen register or trap and trace device if, within forty-eight hours after the installation has occurred, or begins to occur, an order approving the installation or use is issued in accordance with subsection (4) of this section. In the absence of an authorizing order, such use shall immediately terminate when the information sought is obtained, when the application for the order is denied or when forty-eight hours have lapsed since the installation of the pen register or trap and trace device, whichever is earlier. If an order approving the installation or use is not obtained within forty-eight hours, any information obtained is not admissible as evidence in any legal proceeding. The knowing installation or use by any law enforcement officer of a pen register or trap and trace device pursuant to this subsection without application for the authorizing order within forty-eight hours of the installation shall constitute a violation of this chapter and be punishable as a gross misdemeanor. A provider of a wire or electronic service, landlord, custodian, or other person who furnished facilities or technical assistance pursuant to this subsection shall be reasonably compensated by the law enforcement agency that requests the facilities or assistance for such reasonable expenses incurred in providing such facilities and assistance."

#### POINT OF INQUIRY

Senator Heavey: "Senator Smith, the bill requires the police or prosecutorial authorities to proceed to court to get a duly authorized warrant prior to these devices being put in place. Is that what you are saying?"

Senator Smith: "Not in all cases."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Smith and Hargrove to Substitute Senate Bill No. 6390.

The motion by Senator Smith carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Smith, the following title amendment was adopted:

On page 1, line 2 of the title, after "communications;" strike the remainder of the title and insert "amending RCW 9.73.070; adding a new section to chapter 9.73 RCW; and prescribing penalties."

On motion of Senator Smith, the rules were suspended, Engrossed Substitute Senate Bill No. 6390 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Prince: "Senator Smith, one of the complaints that I was given about this piece of legislation is that it only takes a phone number that calls. Is this correct?"

Senator Smith: "Well, there are two parts to it. There is what is called a pen register and a trap and trace. One of them, what it will tell, is it can tell what numbers are being dialed out on the phone. I forget which is which. I think the trap and trace is coming in. The other one they can tell just a number. It doesn't record the substance of the conversation."

Senator Prince: "Okay, this is where their concern was. If you put a tap on somebody's phone and you listen to what is being said, you know if somebody is involved, but if you only know who called, by their phone number, a lot of people get drug into the net and get investigated that were very innocent and they are touching these. Now, why does the police not want to just use the conventional and know what is being said?"

Senator Smith: "Because the courts have found that to be more intrusive and there are greater limits and you would need to give probable cause and it is more intrusive. As far as the investigatory--"

Senator Prince: "But, it doesn't intrude into the innocent."

Senator Smith: "Well, I will have to say in the police investigation, occasionally, you intrude into the innocent. As I like to tell people, I once, briefly, was a suspect in a homicide when I was going to school back in New York. All they said was that they got a brief description and the police came by and asked me a few questions and gave me a card. I realize that it was mildly inconvenient, but if the police are going to be able to investigate, they are going to have to be able to investigate. They don't know who is guilty before they investigate. This, I think, places sufficient limits and forces them to go to court to do that sort of searching, but that is part of an investigation."

Senator Prince: "Thank you."

Further debate ensued.

#### POINT OF INQUIRY

Senator Franklin: "Just for reassurance again from Senator Smith, and wanting to really support this bill, that the innocent will not be entrapped. Having a daughter who is a police officer, I would not vote against her. I need to be reassured."

Senator Smith: "I assume that is a question. You want me to reassure you that the innocent will never be entrapped? I suppose we should--well--that is a difficult reassurance to give. I will tell you that within this piece of legislation, it does not expand the ability for the innocent to be entrapped. That, I feel very comfortable of; I think this strikes a proper balance and helps give the police officers the tools they need to convict and find the guilty without unduly burdening the innocent. I do feel strongly that it strikes that balance and will not further cause problems in that area."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6390.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6390 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Winsley, Wojahn and Wood - 40.

Voting nay: Senators Fairley, Finkbeiner, Heavey, Hochstatter, Prentice, Thibaudeau, West and Zarelli - 8.  
Excused: Senator Rinehart - 1.  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6390, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6413, by Senators Pelz, Newhouse and Winsley (by request of Employment Security Department)

Revising provisions for successor unemployment compensation contribution rates.

The bill was read the second time.

#### MOTIONS

On motion of Senator Pelz, the following amendments by Senators Pelz and Deccio were considered simultaneously and were adopted:

On page 2, beginning on line 3, after "year" strike all material through "successor)" on line 6, and insert "~~((and continuing until the successor qualifies for a different rate in its own right))~~". Any experience relating to the assignment of that rate class attributable to the predecessor is transferred to the successor. For transfers on or after January 1, 1997, and beginning with the January 1 following the transfer, the successor's contribution rate shall be based on the transferred experience of the acquired business and the successor's experience after the transfer"

On page 2, line 22, after "acquisition" insert ", but not less than one percent"

On motion of Senator Pelz, the rules were suspended, Engrossed Senate Bill No. 6413 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6413.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6413 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Absent: Senator Fraser - 1.

ENGROSSED SENATE BILL NO. 6413, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6596, by Senators Drew, Haugen, Winsley, Sheldon, Hale, Snyder, Wood, McAuliffe, Finkbeiner, Goings, Pelz, Franklin, Smith, Sutherland, Bauer, Rasmussen and Oke

Using the most probably and most reasonable use as the basis of calculating property value.

The bill was read the second time.

#### MOTIONS

On motion of Senator Drew, the following amendment was adopted:

On page 2, after line 29, insert the following:

"NEW SECTION. Sec. 2. This act takes effect July 1, 1997."

On motion of Senator Drew, the following title amendment was adopted:

On page 1, line 3 of the title, after "purposes;" strike the remainder of the title and insert "amending RCW 84.40.030; and providing an effective date."

#### MOTION

On motion of Senator Drew, the rules were suspended, Engrossed Senate Bill No. 6596 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6596.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6596 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

ENGROSSED SENATE BILL NO. 6596, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6306, by Senators Rinehart, Snyder and McAuliffe

Issuing school district bonds.

The bill was read the second time.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Senate Bill No. 6306 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6306.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6306 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, West, Winsley, Wojahn and Wood - 41.

Voting nay: Senators Anderson, A., Cantu, Hochstatter, McDonald, Roach, Strannigan, Swecker and Zarelli - 8.

SENATE BILL NO. 6306, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6496, by Senator Heavey

Authorizing open space protection districts for the purpose of acquiring development rights.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6496 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6496.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6496 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 40.

Voting nay: Senators Cantu, Hale, Johnson, McCaslin, Newhouse, Roach, Schow, Strannigan and Zarelli - 9.

SENATE BILL NO. 6496, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6673, by Senators Owen and Wood

Combatting fuel tax evasion.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 6673 was substituted for Senate Bill No. 6673 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 6673 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6673.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6673 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6673, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6336, by Senators Rasmussen, Winsley, Haugen, Swecker, Morton and Sutherland

Establishing the water resources board.

## MOTIONS

On motion of Senator Rasmussen, Second Substitute Senate Bill No. 6336 was substituted for Senate Bill No. 6336 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Second Substitute Senate Bill No. 6336 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6336.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6336 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Voting nay: Senator Newhouse - 1.

SECOND SUBSTITUTE SENATE BILL NO. 6336, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6637, by Senators Haugen, Sheldon, Winsley, Hale, Wood and Long

Limiting growth management hearings board discretion.

## MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6637 was substituted for Senate Bill No. 6637 and the substitute bill was placed on second reading and read the second time.

Senator Anderson moved that the following amendment by Senators Anderson, Owen and Oke be adopted:

On page 2, after line 8, insert the following:

"**Sec. 2.** RCW 36.70A.300 and 1995 c 347 s 110 are each amended to read as follows:

(1) The board shall issue a final order within one hundred eighty days of receipt of the petition for review, or, when multiple petitions are filed, within one hundred eighty days of receipt of the last petition that is consolidated. Such a final order shall be based exclusively on whether or not a state agency, county, or city is in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to adoption or amendment of shoreline master programs, or chapter 43.21C RCW as it relates to plans, development regulations, and amendments thereto, adopted under RCW 36.70A.040 or chapter 90.58 RCW. In the final order, the board shall either: (a) Find that the state agency, county, or city is in compliance with the requirements of this chapter or chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs, in which case the board shall remand the matter to the affected state agency, county, or city and specify a reasonable time not in excess of one hundred eighty days within which the state agency, county, or city shall comply with the requirements of this chapter.

(2) A finding of noncompliance and an order of remand shall not affect the validity of comprehensive plans and development regulations during the period of remand( ~~unless the board's final order also:~~

~~(a) Includes a determination, supported by findings of fact and conclusions of law, that the continued validity of the plan or regulation would substantially interfere with the fulfillment of the goals of this chapter; and~~

~~(b) Specifies the particular part or parts of the plan or regulation that are determined to be invalid, and the reasons for their invalidity.~~

~~(3) A determination of invalidity shall:~~

~~(a) Be prospective in effect and shall not extinguish rights that vested under state or local law before the date of the board's order;~~  
and

~~(b) Subject any development application that would otherwise vest after the date of the board's order to the local ordinance or resolution that both is enacted in response to the order of remand and determined by the board pursuant to RCW 36.70A.330 to comply with the requirements of this chapter.~~

~~(4) If the ordinance that adopts a plan or development regulation under this chapter includes a savings clause intended to revive prior policies or regulations in the event the new plan or regulations are determined to be invalid, the board shall determine under subsection (2) of this section whether the prior policies or regulations are valid during the period of remand. All development permits shall vest under such comprehensive plan or development regulations until new comprehensive plan or development regulations are adopted.~~

~~((5)) (3) Any party aggrieved by a final decision of the hearings board may appeal the decision to superior court as provided in RCW 34.05.514 or 36.01.050 within thirty days of the final order of the board.~~

**Sec. 3.** RCW 36.70A.330 and 1995 c 347 s 112 are each amended to read as follows:

(1) After the time set for complying with the requirements of this chapter under RCW 36.70A.300(1)(b) has expired, or at an earlier time upon the motion of a county or city ~~((subject to a determination of invalidity under RCW 36.70A.300)),~~ the board shall set a hearing for the purpose of determining whether the state agency, county, or city is in compliance with the requirements of this chapter.

(2) The board shall conduct a hearing and issue a finding of compliance or noncompliance with the requirements of this chapter. A person with standing to challenge the legislation enacted in response to the board's final order may participate in the hearing along with the petitioner and the state agency, city, or county. A hearing under this subsection shall be given the highest priority of business to be conducted by the board, and a finding shall be issued within forty-five days of the filing of the motion under subsection (1) of this section with the board.

(3) If the board finds that the state agency, county, or city is not in compliance, the board shall transmit its finding to the governor. The board may recommend to the governor that the sanctions authorized by this chapter be imposed.

~~((4) The board shall also reconsider its final order and decide:~~

~~(a) If a determination of invalidity has been made, whether such a determination should be rescinded or modified under the standards in RCW 36.70A.300(2); or~~

~~(b) If no determination of invalidity has been made, whether one now should be made under the standards in RCW 36.70A.300(2). The board shall schedule additional hearings as appropriate pursuant to subsections (1) and (2) of this section.)~~

**NEW SECTION. Sec. 4.** It is the intent of the legislature that the authority given to growth management hearings boards in chapter 347, Laws of 1995 to determine that a plan or regulation is invalid is null and void. Any such determination of invalidity made at any time is null, void, and of no effect. The legislature intends that this act have retroactive application and apply to determinations made before, on, and after the effective date of this act."

#### POINT OF ORDER

Senator Fraser: "A point of order, Mr. President. I feel that the amendment before us exceeds the scope and object of the bill. The underlying bill addresses the standard of review to be used by a growth management hearing's board in determining whether a local government plan or other action under the Growth Management Act is in compliance with the act and it has an emphasis on looking at balancing of goals and relationship between goals. Each of the provisions deal with clarification.

"The amendment that is before us goes much further than this and adds provisions addressing what is the legal effect of a finding of noncompliance by the board. It addresses the continuing validity of plans or development regulations following a finding of noncompliance and it even gets into the issue of vesting of development permits in such cases.

"Finally, it includes a legislative statement of the effect to be given previous findings of validity. So, I think the amendment clearly changes the scope and object of the bill."

Further debate ensued.

There being no objection, the President deferred further consideration of Substitute Senate Bill No. 6637.

#### SECOND READING

SENATE BILL NO. 6638, by Senators Haugen, Sheldon, Winsley, Hale, Wood and Long

Prescribing standards for development regulations.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6638 was substituted for Senate Bill No. 6638 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the following amendment was adopted:

On page 3, after line 5, strike all material through "practices," on line 11, and insert the following:

"(5) The regulations required by this section shall not apply to the following activities when such activities are undertaken pursuant to best management practices:

(a) Normal and routine maintenance or repair, replacement, or expansion of existing utilities; or

(b) Relocation or installation of utilities in existing utility corridors or improved public or private rights of way.

For the purposes of this section, "best management practices" means physical, structural, or managerial practices that when used singly or in combination minimize adverse environmental impacts and comply with all construction safety standards otherwise required by law. However, this definition of "best management practices" shall not have the effect of superseding any definition of "best management practices" that was adopted by a local government before the effective date of this act."

#### MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 6638 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Anderson: "Senator Haugen, I can't find which of these books that this bill is in to actually read the language, so I am going to have to ask you this question. From the summary, and I apologize, for not finding the language, part of the substitute says, 'As of

July 1, 1996, the critical areas enacted by counties and cities planning under GMA must result in the protection of the functions and values of the critical areas.' 'Functions and values,' isn't that new language from the GMA listing of the goals?"

Senator Haugen: "I don't see that language and I don't know what you are reading from."

Senator Anderson: "I'm reading from the summary--I think Senator Long just answered my question."

Senator Haugen: "Okay."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6638.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6638 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wood and Zarelli - 43.

Voting nay: Senators Fairley, Fraser, Kohl, Smith, Thibaudeau and Wojahn - 6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6638, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6121, by Senators Quigley, Smith, Fairley, Kohl, Bauer, Drew, Thibaudeau, Sheldon, Snyder, Rinehart, Franklin, Wojahn and Pelz

Providing premium offsets for medicare supplemental insurance policies.

#### MOTIONS

On motion of Senator Quigley, Second Substitute Senate Bill No. 6121 was substituted for Senate Bill No. 6121 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Quigley, the rules were suspended, Second Substitute Senate Bill No. 6121 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6121.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6121 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 6; Absent, 4; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, Moyer, Owen, Prentice, Prince, Quigley, Rasmussen, Roach, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 39.

Voting nay: Senators Cantu, McDonald, Morton, Newhouse, Oke and Schow - 6.

Absent: Senators Loveland, Pelz, Rinehart and Snyder - 4.

SECOND SUBSTITUTE SENATE BILL NO. 6121, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6231, by Senators Kohl, Long, Fairley, Strannigan, Wojahn, Hargrove, Haugen, Winsley, Bauer, Prentice and Rasmussen

Protecting victims from sexually aggressive youth.

#### MOTIONS

On motion of Senator Kohl, Second Substitute Senate Bill No. 6231 was substituted for Senate Bill No. 6231 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Kohl, the following amendment by Senators Kohl, Long and Hargrove was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the placement of children and youth in state-operated or state-funded residential facilities must be done in such a manner as to protect children who are vulnerable to sexual victimization from youth who are sexually aggressive. To achieve this purpose, the legislature intends that the department of social and health services develop a policy for assessing sexual aggressiveness and vulnerability to sexual victimization of children and youth who are placed in state-operated or state-funded residential facilities.

**NEW SECTION. Sec. 2.** A new section is added to chapter 13.40 RCW to read as follows:

(1) The department shall implement a policy for protecting children placed in state-operated or state-funded residential facilities who are vulnerable to sexual victimization by other youth placed in those facilities who are sexually aggressive. The policy shall include, at a minimum, the following elements:

(a) Development and use of an assessment process for determining when a youth is sexually aggressive for the purposes of this section. The assessment process need not require that every youth who is adjudicated or convicted of a sex offense as defined in RCW 9.94A.030 be determined to be sexually aggressive, nor shall a sex offense adjudication or conviction be required in order to determine a youth is sexually aggressive. Instead, the assessment process shall consider the individual circumstances of the youth, including his or her age, physical size, mental and emotional condition, and other factors relevant to sexual aggressiveness. The definition of "sexually aggressive youth" in RCW 74.13.075 does not apply to this section to the extent that it conflicts with this section.

(b) Development and use of an assessment process for determining when a child may be vulnerable to victimization by a sexually aggressive youth for the purposes of this section. The assessment process shall consider the individual circumstances of the child, including his or her age, physical size, mental and emotional condition, and other factors relevant to vulnerability.

(c) Development and use of placement criteria to avoid assigning youth who are assessed as sexually aggressive to the same sleeping quarters as children assessed as vulnerable to sexual victimization, except that they may be assigned to the same multiple-person dormitory if the dormitory is regularly monitored by visual surveillance equipment or staff checks.

(d) Development and use of procedures for minimizing, within available funds, unsupervised contact in state-operated or state-funded residential facilities between youth assessed as sexually aggressive and children assessed as vulnerable to sexual victimization. The procedures shall include prohibiting any youth committed under this chapter who is assessed as sexually aggressive from entering any sleeping quarters other than the one to which he or she is assigned, unless accompanied by an authorized supervisor.

(2) For the purposes of this section, the following terms have the following meanings:

(a) "Sleeping quarters" means the bedrooms or other rooms within a larger home or residential facility where youth are assigned to sleep.

(b) "Unsupervised contact" means contact occurring outside the sight or hearing of a responsible adult for more than a reasonable period of time under the circumstances.

**NEW SECTION. Sec. 3.** The department of social and health services shall report to the legislature by December 1, 1996, on the following: (1) Development of the assessment process for determining when a youth is sexually aggressive for the purposes of this act; (2) development of the assessment process for determining when a child may be vulnerable to victimization by a sexually aggressive youth for the purposes of this act; (3) development of the placement criteria and procedures required under section 2(1)(c) and (d) of this act; and (4) the operational and fiscal impacts of extending the requirements of section 2 of this act to all state-funded or state-operated residential facilities where children are placed by the department pursuant to chapters 13.32A, 13.34, 70.96A, and 71.34 RCW.

**NEW SECTION. Sec. 4.** The policy developed under section 2 of this act shall be implemented within the juvenile rehabilitation administration by January 1, 1997."

#### MOTIONS

On motion of Senator Kohl, the following title amendment was adopted:

On page 1, line 1 of the title, after "youth;" strike the remainder of the title and insert "adding a new section to chapter 13.40 RCW; and creating new sections."

On motion of Senator Kohl, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6231 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6231.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6231 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Absent: Senator Moyer - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6231, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6466, by Senators Spanel, Swecker, Sutherland, Morton, Bauer, A. Anderson and Fraser

Allowing construction that has a minor impact on air quality to proceed without a notice of construction or review approval from the department of ecology.

#### MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6466 was substituted for Senate Bill No. 6466 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6466 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Swecker: "Senator Fraser, Substitute Senate Bill No. 6466 creates an exemption for 'de minimis new sources' and defines them as new sources with trivial levels of emissions that do not pose a threat to human health or the environment. Could you clarify the process for defining de minimis new sources?"

Senator Fraser: "Thank you, I would be pleased to. New sources includes two concepts--construction of brand new facilities and modifications to existing facilities that increase emissions. The Department of Ecology is directed by this bill to identify de minimis new sources in its rules and may classify new sources by category, size, quantity of emissions, or a combination of approaches.

"The department will be using an advisory committee of affected and interested parties to develop these categories, activities and equipment, including, where appropriate, size and emission thresholds. These will be adopted by the department in rules and will complete the implementation of de minimis new source exemptions. The entire process will allow the Department of Ecology to focus resources on regulating air emissions of consequence."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6466.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6466 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6466, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6495, by Senators Smith and Sellar (by request of Administrator for the Courts)

Creating two additional superior court positions for Chelan and Douglas counties jointly.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, Senate Bill No. 6495 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6495.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6495 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SENATE BILL NO. 6495, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 6516 and the pending motion by Senator McAuliffe to substitute the bill, deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Johnson to the motion by Senator McAuliffe to substitute Senate Bill No. 6516, the President finds that Senate Bill No. 6516 is a measure which extends the deadlines for development of the assessment system and provides that initial implementation will be accomplished by the Commission on Student Learning, rather than the State Board of Education.

"The proposed substitute includes not only these subjects, but also provides that the assessments will be voluntary, in part; provides that the Commission may modify the essential learning requirements; and directs that the Commission and the State Board accomplish certain tasks concerning the development of the essential academic learning requirements and the requirements for the certificate of mastery.

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

The motion by Senator McAuliffe to substitute Senate Bill No. 6516 was ruled out of order.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Senate Bill No. 6516 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6516.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6516 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 46.

Voting nay: Senators Morton, Schow and Zarelli - 3.

SENATE BILL NO. 6516, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6508, by Senators McAuliffe, Bauer, Goings, Wood, Drew, Loveland, Prince, Sheldon, Hale, Snyder, Finkbeiner, Rinehart, West, Rasmussen, Winsley and Kohl

Establishing the advance college payment program.

#### MOTIONS

On motion of Senator Bauer, Second Substitute Senate Bill No. 6508 was substituted for Senate Bill No. 6508 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Bauer, the rules were suspended, Second Substitute Senate Bill No. 6508 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6508.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6508 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Thibaudeau, West, Winsley, Wojahn and Wood - 41.

Voting nay: Senators Cantu, Hochstatter, Johnson, McCaslin, Schow, Sellar, Swecker and Zarelli - 8.

SECOND SUBSTITUTE SENATE BILL NO. 6508, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Thibaudeau, Senator Fairley was excused.

#### SECOND READING

SENATE BILL NO. 6704, by Senator Sutherland

Relating to the use of telecommunications in the medical industry.

The bill was read the second time.

#### MOTION

On motion of Senator Sutherland, the rules were suspended, Senate Bill No. 6704 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6704.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6704 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Fairley - 1.

SENATE BILL NO. 6704, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6210, by Senators Fraser, Swecker, Drew, Owen, Oke, Prentice, A. Anderson, Strannigan, Haugen, Bauer and Rasmussen

Allowing advanced compensation for wetlands development.

#### MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6210 was substituted for Senate Bill No. 6210 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the following amendment by Senators Spanel, Fraser and Swecker was adopted:

On page 4, line 6, after "parties." insert the following: "(5) Any decision by the department of fish and wildlife or the department of ecology regarding an advanced compensatory mitigation proposal may be appealed to the pollution control hearings board pursuant to RCW 43.21B.110."

#### MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute Senate Bill No. 6210 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6210.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6210 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6210, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

#### SECOND READING

SENATE BILL NO. 6181, by Senator Smith

Clarifying the waiver of jury trial rights upon acceptance of a deferred prosecution.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, Senate Bill No. 6181 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6181.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6181 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Absent: Senator Schow - 1.

SENATE BILL NO. 6181, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Wood, Senator Schow was excused.

#### SECOND READING

SENATE BILL NO. 6302, by Senators Haugen, A. Anderson, Owen, Snyder, Swecker, Fraser, Morton and Hargrove

Revising provision for appointment of a county legislative authority member of the forest practices board.

The bill was read the second time.

#### MOTION

On motion of Senator Drew, the rules were suspended, Senate Bill No. 6302 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6302.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6302 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senators Loveland and Rinehart - 2.

Excused: Senator Schow - 1.

SENATE BILL NO. 6302, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6626, by Senators Hargrove and Winsley

Raising the amount that must be exceeded by the cost of dock construction for the construction to be considered substantial development under the Shoreline Management Act of 1971.

#### MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6626 was substituted for Senate Bill No. 6626 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6626 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6626.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6626 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator Rinehart - 1.

Excused: Senator Schow - 1.

SUBSTITUTE SENATE BILL NO. 6626, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pritchard assumed the Chair.

There being no objection, the Senate resumed consideration of Senate Bill No. 6230, deferred earlier today on second reading, after the motion by Senator Hargrove to second substitute the bill was ruled out of order.

#### MOTION

Senator Kohl moved that the following amendment by Senators Kohl, Hargrove, Long and Johnson be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that consumers of child care services have a legitimate interest in receiving timely information about complaints against child care service providers in order to make meaningful choices regarding the facilities and people who provide care for their children. The legislature further finds that as a result of improvements in information management systems, the state's ability to provide relevant information to child care service consumers has also improved.

The legislature intends to utilize the state's improved ability to collect and manage information about complaints against child care service providers by requiring the department of social and health services to report all relevant licensing actions and complaints alleging serious issues affecting the health and safety of children to appropriate individuals and organizations in a timely manner. The legislature further intends to authorize the department to report such information to the general public when necessary and appropriate for the health and safety of children.

**NEW SECTION. Sec. 2.** A new section is added to chapter 74.15 RCW to read as follows:

(1) The department shall report any adverse licensing actions against a child day-care center or family day-care provider taken under this chapter as a result of serious issues affecting the health and safety of children as follows: (a) Within two business days of taking the action, by posting for at least two weeks a prominent notice of the licensing action at the facility; and (b) within two business days of taking the action, by notifying the referent and appropriate public or private child care resource and referral agencies. Upon request, a center or provider subject to an adverse licensing action under this chapter shall provide the department, within two business days, a complete list of the names, addresses, and telephone numbers of its current clients. The report shall include a description of the grounds for the adverse licensing action.

(2) The department shall report any complaints against a child day-care center or family day-care provider alleging serious issues affecting the health and safety of children that are determined to be well-founded or valid as follows: (a) Within two business days of making the determination, by posting for at least two weeks a prominent notice of the determination at the facility; and (b) within two business days of making the determination, by notifying the referent and appropriate public or private child care resource and referral agencies. Upon request, a center or provider subject to a complaint that must be reported under this subsection shall provide the department, within two business days, a complete list of the names, addresses, and telephone numbers of its current clients. The report shall include a description of the well-founded or valid allegations and a summary of the resolution of the complaint or the follow-up actions taken by the department and the center or provider in response to the complaint.

(3) The department is authorized to report to the general public and counterpart licensing departments in other states, as may be necessary and appropriate to protect the health or safety of children, any information that is required to be reported under subsection (1) or (2) of this section.

(4) If the child day-care center or family day-care provider is later found to have not committed the acts or conduct justifying the adverse licensing action or alleged in a complaint reported under subsection (1), (2), or (3) of this section, the department shall forthwith prepare a notice of public exoneration. The department shall report the public exoneration to the same people and entities, and in the same manner, who received a report under subsections (2) and (3) of this section. Such notice shall also be maintained as part of the department's permanent record of the licensing action or complaint.

(5) The department shall disclose, upon request, the receipt, general nature, and resolution or current status of all complaints on record with the department after the effective date of this act against a child day-care center or family day-care provider alleging serious issues affecting the health and safety of children, regardless of whether an investigation is pending or the complaint has been determined to be invalid, inconclusive, or unfounded.

(6) This section shall not be construed to require the reporting of any information that is exempt from public disclosure under chapter 42.17 RCW.

**NEW SECTION. Sec. 3.** A new section is added to chapter 74.15 RCW to read as follows:

At any time during a pending adverse licensing action, a pending investigation of a complaint alleging serious issues affecting the health and safety of children, or an ongoing corrective action plan, the department may, as necessary and appropriate to protect the health or safety of children, (1) place a child day-care center or family day-care provider on nonreferral status, and (2) notify appropriate public and private child care resource and referral agencies of the department's investigation and decision to place the center or provider on nonreferral status. If the department determines, at the conclusion of the investigation of a proceeding under this section, that no adverse licensure action is appropriate, a complaint is not well founded or valid, or a corrective action plan has been successfully concluded, the department shall remove the provider from nonreferral status and provide appropriate notice to the public and private child care resource and referral agencies.

**NEW SECTION. Sec. 4.** A new section is added to chapter 74.15 RCW to read as follows:

(1) The department shall compile an annual report summarizing all investigations for the previous fiscal year relating to serious issues affecting the health or safety of children in the care of child day-care centers and family day-care providers. The report shall be provided to the legislature, the child care coordinating committee, and child care resource and referral agencies by August 1st of each year beginning in 1997.

(2) The report shall include, at a minimum, (a) an analysis of the volume and general nature of all reports and disclosures made by the department as required or authorized under section 2 of this act; (b) an analysis of the volume and general nature of the pending adverse licensing actions, pending complaint investigations, and ongoing corrective action plans for which the department placed centers and providers on nonreferral status under section 3 of this act; (c) an analysis of the volume and general nature of complaints determined to be invalid, inconclusive, or unfounded; and (d) information about the average length of time required by the department to complete investigations determined to be valid or well-founded, inconclusive, and invalid or unfounded.

**Sec. 5.** RCW 74.15.020 and 1995 c 311 s 18 and 1995 c 302 s 3 are each reenacted and amended to read as follows:

For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) ("~~Department~~") means the state department of social and health services;

(2) ("~~Secretary~~") means the secretary of social and health services;

(~~3~~) ("~~Adverse licensing action~~") means a denial, suspension, revocation, or nonrenewal of a license authorized under this chapter.

(2) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(b) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(c) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(d) "Child day-care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours;

(e) "Family day-care provider" means a child day-care provider who regularly provides child day care for not more than twelve children in the provider's home in the family living quarters;

(f) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(g) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036.

(~~(4)~~) (3) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disabilities in the following ways:

(i) Any blood relative, including those of half blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection, even after the marriage is terminated; or

(v) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where: (i) The person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care; or (ii) the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(f) Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(g) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(h) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(i) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(j) Licensed physicians or lawyers;

(k) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(l) Facilities approved and certified under chapter 71A.22 RCW;

(m) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(n) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(o) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(p) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(4) "Department" means the state department of social and health services.

(5) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(6) "Referent" means a person or agency who brings to the attention of the department a complaint or information resulting in an investigation or adverse licensing action.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

~~((6))~~ "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(8) "Secretary" means the secretary of social and health services.

(9) "Serious issues affecting the health and safety of children" means allegations, which if true, place children at imminent serious risk of harm. Such allegations may include, but are not limited to, allegations of child abuse or neglect or allegations of licensing violations related to safety or health hazards, supervision problems, accidental injuries, or excessive discipline or mistreatment of a child.

**NEW SECTION. Sec. 6.** The department of social and health services shall adopt rules as necessary to implement RCW 74.15.020 and sections 2 through 4 of this act.

**Sec. 7.** RCW 74.13.090 and 1995 c 399 s 204 are each amended to read as follows:

(1) There is established a child care coordinating committee to provide coordination and communication between state agencies responsible for child care and early childhood education services. The child care coordinating committee shall be composed of not less than ~~(seventeen)~~ twenty-three nor more than thirty-three members who shall include:

(a) One representative each from the department of social and health services, the department of community, trade, and economic development, the office of the superintendent of public instruction, and any other agency having responsibility for regulation, provision, or funding of child care services in the state;

(b) One representative from the department of labor and industries;

(c) One representative from the department of revenue;

(d) One representative from the employment security department;

(e) One representative from the department of personnel;

(f) One representative from the department of health;

(g) One representative from the higher education coordinating board;

(h) One representative from the state board of education;

(i) One representative from the state board for community and technical colleges;

(j) At least one representative of family home child care providers and one representative of center care providers;

~~((h))~~ (k) At least one representative of early childhood development experts;

~~((i))~~ (l) At least one representative of school districts and teachers involved in the provision of child care and preschool programs;

~~((j))~~ (m) At least one parent education specialist;

~~((k))~~ (n) At least one representative of resource and referral programs;

~~((l))~~ (o) One pediatric or other health professional;

~~((m))~~ (p) At least one representative of college or university child care providers;

~~((n))~~ (q) At least one representative of a citizen group concerned with child care;

~~((o))~~ (r) At least one representative of a labor organization;

~~((p))~~ (s) At least one representative of a head start - early childhood education assistance program agency;

~~((q))~~ (t) At least one employer who provides child care assistance to employees;

~~((r))~~ (u) Parents of children receiving, or in need of, child care, half of whom shall be parents needing or receiving subsidized child care and half of whom shall be parents who are able to pay for child care.

The named state agencies shall select their representative to the child care coordinating committee. The department of social and health services shall select the remaining members, considering recommendations from lists submitted by professional associations and other

interest groups until such time as the committee adopts a member selection process. The department shall use any federal funds which may become available to accomplish the purposes of RCW 74.13.085 through 74.13.095.

The committee shall elect officers from among its membership and shall adopt policies and procedures specifying the lengths of terms, methods for filling vacancies, and other matters necessary to the ongoing functioning of the committee. The secretary of social and health services shall appoint a temporary chair until the committee has adopted policies and elected a chair accordingly. Child care coordinating committee members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(2) To the extent possible within available funds, the child care coordinating committee shall:

(a) Serve as an advisory coordinator for all state agencies responsible for early childhood or child care programs for the purpose of improving communication and interagency coordination;

(b) Annually review state programs and make recommendations to the agencies and the legislature which will maximize funding and promote furtherance of the policies set forth in RCW 74.13.085. Reports shall be provided to all appropriate committees of the legislature by December 1 of each year. At a minimum the committee shall:

~~(i) ((Review and propose changes to the child care subsidy system in its December 1989 report;~~  
~~(iii))~~ Review alternative models for child care service systems, in the context of the policies set forth in RCW 74.13.085, and recommend to the legislature a new child care service structure; and

~~((iii))~~ (ii) Review options and make recommendations on the feasibility of establishing an allocation for day care facilities when constructing state buildings;

(c) Review department of social and health services administration of the child care expansion grant program described in RCW 74.13.095;

(d) Review rules regarding child care facilities and services for the purpose of identifying those which unnecessarily obstruct the availability and affordability of child care in the state;

(e) Advise and assist the office of child care policy in implementing his or her duties under RCW 74.13.0903;

(f) Perform other functions to improve the quantity and quality of child care in the state, including compliance with existing and future prerequisites for federal funding; ~~(and)~~

(g) Advise and assist the department of personnel in its responsibility for establishing policies and procedures that provide for the development of quality child care programs for state employees; and

(h) Review the department's annual reports required under section 4 of this act. The committee shall make recommendations to the legislature as necessary to improve the availability of information in the department's possession that is relevant to making meaningful choices regarding child day-care centers and family day-care providers."

#### POINT OF INQUIRY

Senator Anderson: "Senator Kohl, I have been trying to read through this and you have two different trains of thought. One, the procedures for adverse licensing actions--against--and that has a set of procedures and then you have a set of procedures that are complaints against the family, day-care center or provider, alleging serious issues affecting the health and safety of the children that are determined to be well-founded or valid."

Senator Kohl: "Yes."

Senator Anderson: "Are those two procedures the same? Are they the same procedures for license violation and then allegations?"

Senator Kohl: "They are very similar. The procedure for licensing violations requires that the department report to the general public and to parents by posting a prominent notice of the licensing action at the facility, for at least two weeks, within two business days of taking the action. In the case of those actions involving serious issues brought forward in the form of complaints, there would have to be a determination made that the complaints were well-founded and valid, involving potential eminent serious harm to the child's health and well-being."

Senator Anderson: "So, that is the piece that would be different?"

Senator Kohl: "The deliberation would have to be made. In terms of the licensing action, that is cut and dried."

Senator Anderson: "Okay, right. On the deliberations and determinations, who makes those? Would it be through DSHS?"

Senator Kohl: "Yes, the department."

Senator Anderson: "Okay, and is there a current procedure that they already follow on how to make those determinations?"

Senator Kohl: "No, there is not. This is why we have introduced the bill, so that parents and the public can be informed when there are serious complaints."

Senator Anderson: "So, then, does the department have rule-writing authority under this bill?"

Senator Kohl: "Yes, it does--"

Senator Anderson: "To make those determinations?"

Senator Kohl: "Within certain parameters. You will find on page seven, line twenty-one, a definition of what constitutes serious issues."

Senator Anderson: "Okay, and then the last thing that I want to know is--I was trying to--the part where they make allegations determined to be well-founded, I didn't see a definition of well-founded. I understand, going through this, if the allegations are found to be valid, but what is well-founded?"

Senator Kohl: "As I understand, well-founded and valid together constitute a term that is used in cases of child abuse and neglect."

Senator Anderson: "So, it is a legal phrase and there is already precedence for that?"

Senator Kohl: "What I understand is that it refers to the preponderance of evidence."

Senator Anderson: "Okay, thank you."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kohl, Hargrove, Long and Johnson to Senate Bill No. 6230.

The motion by Senator Kohl carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Kohl, the following title amendment was adopted:

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "amending RCW 74.13.090; reenacting and amending RCW 74.15.020; adding new sections to chapter 74.15 RCW; and creating new sections."

On motion of Senator Kohl, the rules were suspended, Engrossed Senate Bill No. 6230 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6230.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6230 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

ENGROSSED SENATE BILL NO. 6230, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6637 and the pending amendment by Senators Anderson, Oke and Owen on page 2, after line 8, deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Fraser, the President finds that Substitute Senate Bill No. 6637 is a measure which makes changes in the jurisdiction and standard of review used by the growth management hearing's boards.

"The proposed amendment by Senators Anderson, Oke and Owen would also affect the validity of plans and regulations during a period of remand by providing for vesting of permits during such periods; and further removes the board's present and past authority to invalidate plans or regulations.

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

The amendment by Senators Anderson, Oke and Owen on page 2, after line 8, to Substitute Senate Bill No. 6637 was ruled out of order.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6637 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6637.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6637 and the bill failed to pass the Senate by the following vote: Yeas, 18; Nays, 31; Absent, 0; Excused, 0.

Voting yea: Senators Fairley, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Loveland, McAuliffe, McCaslin, Oke, Prentice, Prince, Quigley, Rasmussen, Rinehart, Snyder, Spanel and Sutherland - 18.

Voting nay: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Johnson, Long, McDonald, Morton, Moyer, Newhouse, Owen, Pelz, Roach, Schow, Sellar, Sheldon, Smith, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 31.

SUBSTITUTE SENATE BILL NO. 6637, having failed to receive the constitutional majority, was declared lost.

#### SECOND READING

SENATE BILL NO. 6554, by Senator Sutherland

Providing for attachments to transmission facilities.

#### MOTIONS

On motion of Senator Sutherland, Substitute Senate Bill No. 6554 was substituted for Senate Bill No. 6554 and the substitute bill was placed on second reading and read the second time.

Senator Sutherland moved that the following amendment by Senators Sutherland and Finkbeiner be adopted:

On page 1, after line 4, strike everything and insert:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 23.86 RCW to read as follows:

(1) As used in this section:

(a) "Attachment" means the affixation or installation of any wire, cable or other physical material capable of carrying electronic impulses or light waves for the carrying of intelligence for telecommunications or television, including, but not limited to cable, and any related device, apparatus, or auxiliary equipment upon any pole owned or controlled in whole or in part by one or more locally regulated utilities where the installation has been made with the necessary consent.

(b) "Locally regulated utility" means an electric service cooperative organized under this chapter and not subject to rate or service regulation by the utilities and transportation commission.

(c) "Non-discriminatory" means that pole owners may not arbitrarily differentiate among or between similar classes of persons approved for attachments.

(2) All rates, terms, and conditions made, demanded or received by a locally regulated utility for attachments to its poles must be just, reasonable, non-discriminatory and sufficient. A locally regulated utility shall levy attachment space rental rates that are uniform for the same class of service within the locally regulated utility service area.

(3) Nothing in this section shall be construed or is intended to confer upon the utilities and transportation commission any authority to exercise jurisdiction over locally regulated utilities.

"**NEW SECTION. Sec. 2.** A new section is added to chapter 24.06 RCW to read as follows:

(1) As used in this section:

(a) "Attachment" means the affixation or installation of any wire, cable or other physical material capable of carrying electronic impulses or light waves for the carrying of intelligence for telecommunications or television, including, but not limited to cable, and any related device, apparatus, or auxiliary equipment upon any pole owned or controlled in whole or in part by one or more locally regulated utilities where the installation has been made with the necessary consent.

(b) "Locally regulated utility" means a mutual corporation organized under this chapter for the purpose of providing utility service and not subject to rate or service regulation by the utilities and transportation commission.

(c) "Non-discriminatory" means that pole owners may not arbitrarily differentiate among or between similar classes of persons approved for attachments.

(2) All rates, terms, and conditions made, demanded or received by a locally regulated utility for attachments to its poles must be just, reasonable, non-discriminatory and sufficient. A locally regulated utility shall levy attachment space rental rates that are uniform for the same class of service within the locally regulated utility service area.

(3) Nothing in this section shall be construed or is intended to confer upon the utilities and transportation commission any authority to exercise jurisdiction over locally regulated utilities.

**NEW SECTION. Sec. 3.** A new section is added to chapter 35.21 RCW to read as follows:

(1) As used in this section:

(a) "Attachment" means the affixation or installation of any wire, cable or other physical material capable of carrying electronic impulses or light waves for the carrying of intelligence for telecommunications or television, including, but not limited to cable, and any related device, apparatus, or auxiliary equipment upon any pole owned or controlled in whole or in part by one or more locally regulated utilities where the installation has been made with the necessary consent.

(b) "Locally regulated utility" means a city owning and operating an electric utility not subject to rate or service regulation by the utilities and transportation commission.

(c) "Non-discriminatory" means that pole owners may not arbitrarily differentiate among or between similar classes of persons approved for attachments.

(2) All rates, terms, and conditions made, demanded or received by a locally regulated utility for attachments to its poles must be just, reasonable, non-discriminatory and sufficient. A locally regulated utility shall levy attachment space rental rates that are uniform for the same class of service within the locally regulated utility service area.

(3) Nothing in this section shall be construed or is intended to confer upon the utilities and transportation commission any authority to exercise jurisdiction over locally regulated utilities.

**NEW SECTION. Sec. 4.** A new section is added to chapter 35A.21 RCW to read as follows:

(1) As used in this section:

(a) "Attachment" means the affixation or installation of any wire, cable or other physical material capable of carrying electronic impulses or light waves for the carrying of intelligence for telecommunications or television, including, but not limited to cable, and any related device, apparatus, or auxiliary equipment upon any pole owned or controlled in whole or in part by one or more locally regulated utilities where the installation has been made with the necessary consent.

(b) "Locally regulated utility" means a code city owning and operating an electric utility not subject to rate or service regulation by the utilities and transportation commission.

(c) "Non-discriminatory" means that pole owners may not arbitrarily differentiate among or between similar classes of persons approved for attachments.

(2) All rates, terms, and conditions made, demanded or received by a locally regulated utility for attachments to its poles must be just, reasonable, non-discriminatory and sufficient. A locally regulated utility shall levy attachment space rental rates that are uniform for the same class of service within the locally regulated utility service area.

(3) Nothing in this section shall be construed or is intended to confer upon the utilities and transportation commission any authority to exercise jurisdiction over locally regulated utilities.

**NEW SECTION. Sec. 5.** A new section is added to chapter 54.04 RCW to read as follows:

(1) As used in this section:

(a) "Attachment" means the affixation or installation of any wire, cable or other physical material capable of carrying electronic impulses or light waves for the carrying of intelligence for telecommunications or television, including, but not limited to cable, and any related device, apparatus, or auxiliary equipment upon any pole owned or controlled in whole or in part by one or more locally regulated utilities where the installation has been made with the necessary consent.

(b) "Locally regulated utility" means a public utility district not subject to rate or service regulation by the utilities and transportation commission.

(c) "Non-discriminatory" means that pole owners may not arbitrarily differentiate among or between similar classes of persons approved for attachments.

(2) All rates, terms, and conditions made, demanded or received by a locally regulated utility for attachments to its poles must be just, reasonable, non-discriminatory and sufficient. A locally regulated utility shall levy attachment space rental rates that are uniform for the same class of service within the locally regulated utility service area.

(3) Nothing in this section shall be construed or is intended to confer upon the utilities and transportation commission any authority to exercise jurisdiction over locally regulated utilities."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Sutherland and Finkbeiner on page 1, after line 4, to Substitute Senate Bill No. 6554.

The motion by Senator Sutherland carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Sutherland, the following title amendment was adopted:

On page 1, line 1, after "facilities;" strike the remainder of the title and insert "adding a new section to chapter 23.86 RCW; adding a new section to chapter 24.06 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 54.04 RCW."

On motion of Senator Sutherland, the rules were suspended, Engrossed Substitute Senate Bill No. 6554 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6554.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6554 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Absent: Senator Schow - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6554, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### NOTICE FOR RECONSIDERATION

Senator Sellar, having voted on the prevailing side, served notice that he would move to reconsider the vote by which Substitute Senate Bill No. 6637 failed to pass the Senate earlier today.

#### MOTION FOR IMMEDIATE RECONSIDERATION

Senator Sellar moved that the Senate immediately reconsider the vote by which Substitute Senate Bill No. 6637 failed to pass the Senate earlier today.

The President declared the question before the Senate to be the motion by Senator Sellar to immediately reconsider the vote by which Substitute Senate Bill No. 6637 failed to pass the Senate earlier today.

The motion by Senator Sellar carried and the Senate will reconsider the vote by which Substitute Senate Bill No. 6637 failed to pass the Senate.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6637, on reconsideration.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6637, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Deccio, Finkbeiner, Goings, Hale, Hargrove, Haugen, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wood and Zarelli - 36.

Voting nay: Senators Cantu, Drew, Fairley, Franklin, Fraser, Heavey, Kohl, Owen, Pelz, Rinehart, Smith, Thibaudeau and Wojahn - 13.

SUBSTITUTE SENATE BILL NO. 6637, on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6578, by Senators Smith, Heavey, Wojahn, Franklin, Pelz, Quigley, Snyder, Fraser, Thibaudeau, Fairley, Spanel, Sutherland, McAuliffe, Loveland, Kohl, Bauer and Goings

Providing unemployment compensation for unemployment resulting from a strike or lockout found to be an unfair labor practice.

The bill was read the second time.

#### MOTION

Senator McDonald moved that the following amendments by Senators McDonald and McCaslin be considered simultaneously and be adopted:

On page 2, line 16, strike "official" and insert "sitting judge"

On page 2, line 17, strike "or official"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators McDonald and McCaslin on page 2, lines 16 and 17, to Senate Bill No. 6578.

#### ROLL CALL

The Secretary called the roll and the amendments were adopted, the President voting 'aye', by the following vote: Yeas, 24; Nays, 24; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hargrove, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Wood and Zarelli - 24.

Voting nay: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Haugen, Heavey, Kohl, Loveland, McAuliffe, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, Winsley and Wojahn - 24.

Absent: Senator Owen - 1.

#### MOTION

Senator McDonald moved that the following amendment by Senators McDonald and McCaslin be adopted:

On page 2, line 17, after "official" strike "finds" and insert "makes a final determination"  
Debate ensued.  
The President declared the question before the Senate to be the adoption of the amendment by Senators McDonald and McCaslin on page 2, line 17, to Senate Bill No. 6578.  
The motion by Senator McDonald failed and the amendment was not adopted on a rising vote.

#### MOTION

Senator West moved that the following amendments be considered simultaneously and be adopted:  
On page 2, line 19, after "week" insert "or portion thereof"  
On page 2, line 21, after "weeks" insert "or portion thereof"  
Debate ensued.  
The President declared the question before the Senate to be the adoption of the amendments by Senator West on page 2, lines 17 and 21, to Senate Bill No. 6578.  
The motion by Senator West carried and the amendments were adopted.

#### MOTION

Senator West moved that the following amendment by Senators McDonald, McCaslin and West be adopted:  
On page 2, after "continues." on line 22, insert "Provided that the striking employees or their representatives are engaged in good faith bargaining to resolve the labor dispute."

#### POINT OF INQUIRY

Senator Heavey: "Senator West, would good faith bargaining be if the labor union was willing to come to the table, but the employer refused? Would that be considered good faith bargaining even though they weren't at the table?"  
Senator West: "I believe so. This simply extends or maintains the clean hands doctrine that no party acting in bad faith would benefit by that bad faith. I believe that if they came and presented themselves at the table, ready and willing to bargain and were not met at the table that wouldn't be a prohibition here."  
Further debate ensued.

#### MOTION

Senator West moved that further consideration of Senate Bill No. 6578 be deferred.  
The President declared the question before the Senate to be the motion by Senator West to defer further consideration of Senate Bill No. 6578.  
The motion by Senator West failed and the Senate continued consideration of Senate Bill No. 6578.  
The President declared the question before the Senate to be the adoption of the amendment by Senators McDonald, McCaslin and West on page 2, line 22, to Senate Bill No. 6578.  
The motion by Senator West failed and the amendment was not adopted on a rising vote.

#### SPECIAL ORDER OF BUSINESS

On motion of Senator Spanel, Senate Bill No. 6353 will be made a special order of business at 4:55 p.m. today.

#### MOTION

On motion of Senator Smith, the following amendment by Senators Pelz and Smith was adopted:  
On page 3, beginning on line 19, after "dispute" strike all material through "practice" on line 20

#### PARLIAMENTARY INQUIRY

Senator Snyder: "A point of parliamentary inquiry, please. If at 4:55 p.m., we haven't finished consideration of this bill, we could take up Senate Bill No. 6353 and then come back and finish consideration of this bill after 5:00 p.m.?"

#### REPLY BY THE PRESIDENT

President Pritchard: "I'll check with the attorneys. The answer is 'yes.'"

#### PARLIAMENTARY INQUIRY

Senator West: "For clarification, Senator Snyder's inquiry presumes that there is no intervening business between this and the bill that we take up at 4:55 p.m. Am I to understand, that is the case? Because, otherwise, you would be saying that if--let's say that we defeat this bill in the next two minutes and we bring up another bill or we somehow delay this and go to another bill. That is what I am saying--we are somehow delayed and we go to another bill, then would this bill still be in line?"

#### REPLY BY THE PRESIDENT

President Pritchard: "We go back to the bill that we were on at the time that it is interrupted at 4:55 p.m."  
Senator West: "Thank you, Mr. President."

## MOTION

Senator Anderson moved that the following amendment be adopted:

On page 6, after line 2, insert the following:

**Sec. 3.** RCW 50.20.065 and 1993 c 483 s 11 are each amended to read as follows:

(1) Notwithstanding any prior determination made under this chapter, an individual who has been discharged from his or her work because of a felony or gross misdemeanor of which he or she has been convicted, or has admitted committing to a competent authority, and that is connected with his or her work shall (have) be disqualified from benefits beginning with the first day of the calendar week in which he or she has been discharged or suspended for misconduct and thereafter for five calendar weeks and until he or she has obtained work and earned wages equal to five times his or her benefit amount. In addition, all hourly wage credits based on that employment shall be canceled.

(2) The employer shall notify the department of such an admission or conviction, not later than six months following the admission or conviction.

(3) The claimant shall disclose any conviction of the claimant of a work-connected felony or gross misdemeanor occurring in the previous two years to the department at the time of application for benefits.

(4) All benefits ~~((that are))~~ paid ~~((in error))~~ based on wage/hour credits that ~~((should have been))~~ are removed from the claimant's base year are recoverable, notwithstanding RCW 50.20.190 or 50.24.020 or any other provisions of this title.

**Sec. 4.** RCW 50.20.160 and 1990 c 245 s 4 are each amended to read as follows:

(1) A determination of amount of benefits potentially payable issued pursuant to the provisions of RCW 50.20.120 and 50.20.140 shall not serve as a basis for appeal but shall be subject to request by the claimant for reconsideration and/or for redetermination by the commissioner at any time within one year from the date of delivery or mailing of such determination, or any redetermination thereof: PROVIDED, That in the absence of fraud or misrepresentation on the part of the claimant, any benefits paid prior to the date of any redetermination which reduces the amount of benefits payable shall not be subject to recovery under the provisions of RCW 50.20.190. A denial of a request to reconsider or a redetermination shall be furnished the claimant in writing and provide the basis for appeal under the provisions of RCW 50.32.020.

(2) A determination of denial of benefits issued under the provisions of RCW 50.20.180 shall become final, in absence of timely appeal therefrom: PROVIDED, That the commissioner may reconsider and redetermine such determinations at any time within one year from delivery or mailing to correct an error in identity, omission of fact, or misapplication of law with respect to the facts.

(3) A determination of allowance of benefits shall become final, in absence of a timely appeal therefrom: PROVIDED, That the commissioner may redetermine such allowance at any time within two years following the benefit year in which such allowance was made in order to recover any benefits improperly paid and for which recovery is provided under the provisions of RCW 50.20.190: AND PROVIDED FURTHER, That in the absence of fraud, misrepresentation, ~~((or))~~ nondisclosure, or a determination of disqualification under RCW 50.20.065, this provision or the provisions of RCW 50.20.190 shall not be construed so as to permit redetermination or recovery of an allowance of benefits which having been made after consideration of the provisions of RCW 50.20.010(3), or the provisions of RCW 50.20.050, 50.20.060, 50.20.080, or 50.20.090 has become final.

(4) A redetermination may be made at any time: (a) To conform to a final court decision applicable to either an initial determination or a determination of denial or allowance of benefits; (b) in the event of a back pay award or settlement affecting the allowance of benefits; ~~((or))~~ (c) in the case of fraud, misrepresentation, or willful nondisclosure; or (d) in the event of a determination of disqualification under RCW 50.20.065. Written notice of any such redetermination shall be promptly given by mail or delivered to such interested parties as were notified of the initial determination or determination of denial or allowance of benefits and any new interested party or parties who, pursuant to such regulation as the commissioner may prescribe, would be an interested party.

**NEW SECTION. Sec. 5.** Sections 3 and 4 of this act shall take effect July 2, 1996, and are effective as to job separations occurring on or after July 2, 1996."

## POINT OF ORDER

Senator Pelz: "A point of order. I rise to object to this amendment as being outside the scope and object of this bill. This is a bill dealing with unemployment compensation for unemployment resulting from an unfair labor practice. The amendment is clearly dealing with the issue of denying eligibility for unemployment compensation due to misconduct. It takes up a separate issue, an issue that is actually the subject of a bill coming over from the House and I would argue that it is outside the scope and object of the underlying bill."

Further debate ensued.

## RULING BY THE PRESIDENT

President Pritchard: "Senator Anderson, the President has decided that Senator Pelz's position is right and that the amendment is beyond the scope and object of the bill."

The amendment by Senator Anderson on page 6, after line 2, to Senate Bill No. 6578 was ruled out of order.

## MOTION

On motion of Senator Pelz, the rules were suspended, Engrossed Senate Bill No. 6578 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

## PARLIAMENTARY INQUIRY

Senator Strannigan: "Mr. President, a point of parliamentary inquiry. Senate Rule 22 provides that a Senator may not vote upon any question upon which he or she is in anyway personally or directly interested. Mr. President, as an employee and a union member at a company that bargains collectively--and I submit to you as evidence, my Union Card here--my vote on Senate Bill No. 6578 could be perceived as a conflict of interest."

## RULING BY THE PRESIDENT

President Pritchard: "Senator under the circumstances that you have described, the President does not consider that you are disqualified from voting. Also, having answered your inquiry, the President would like to refer the Senator to further language in Senate Rule 22, which states that every member who is within the bar of the Senate shall vote, unless unanimously excused from doing so."

POINT OF ORDER  
SPECIAL ORDER OF BUSINESS

Senator Spanel: "Mr. President, I rise to a point of order. We have now reached the time for the Special Order of Business on Senate Bill No. 6353."

MOTION

On motion of Senator Spanel, further consideration of Engrossed Senate Bill No. 6578 was deferred.

SECOND READING

SENATE BILL NO. 6353, by Senators Quigley, Prentice, Wojahn, Fairley, Thibaudeau and Pelz (by request of Insurance Commissioner Senn)

Expanding health insurance access.

MOTIONS

On motion of Senator Quigley, Substitute Senate Bill No. 6353 was substituted for Senate Bill No. 6353 and the substitute bill was placed on second reading and read the second time.

Senator Hargrove moved that the following amendment be adopted:

On page 9, line 9, after "reinsurance," insert "(i) the numerator shall not include the total number of resident insured persons, including spouses and dependents, in health plans sold by pool members that cover groups of fifty persons or less, and (ii)"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove on page 9, line 9, to Substitute Senate Bill No. 6353.

The motion by Senator Hargrove carried and the amendment was adopted.

MOTION

Senator Quigley moved that the following amendment be adopted:

On page 10, beginning on line 14, after "insurance" strike all material through "plan" on line 15

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Quigley on page 10, beginning on line 14, to Substitute Senate Bill No. 6353.

The motion by Senator Quigley carried and the amendment was adopted.

MOTION

Senator Quigley moved that the following amendment be adopted:

On page 11, beginning on line 9, strike all of subsection (5) and insert the following:

"(5) A pool reinsurance policy shall be developed by the pool in accordance with this chapter using the system the pool finds most conducive to promoting access to affordable health insurance, containing health care costs, and stabilizing individual insurance premiums at rates no higher than those of comparable insurance sold to groups. The pool may apply deductibles, copayments, and thresholds for such reinsurance at any levels or in any forms it believes will best accomplish these purposes. The pool shall apply any managed care and claims handling techniques it may determine the need for, so long as they are applied consistently with respect to all reinsured members."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Quigley on page 11, beginning on line 9, to Substitute Senate Bill No. 6353.

The motion by Senator Quigley carried and the amendment was adopted.

MOTION

Senator Quigley moved that the following amendment be adopted:

On page 12, beginning on line 3, strike all of subsection (3) and insert the following:

"(3) The insurance commissioner shall establish rules to require that the rates charged for the sale of individual plans not exceed the rates charged for plans that include equivalent benefits sold in the small group market. If no such plans exist, the insurance commissioner may establish rules to create a hypothetical equivalent based on an actuarial model. The health care authority shall ensure that its model basic health plan is designed to permit both managed care and indemnity type benefit plans."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Quigley on page 12, beginning on line 3, to Substitute Senate Bill No. 6353.

ROLL CALL

The Secretary called the roll and the amendment was not adopted, the President voting 'nay', by the following vote: Yeas, 24; Nays, 24; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau and Wojahn - 24.  
Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 24.  
Absent: Senator Owen - 1.

#### MOTION

Senator Quigley moved that the following amendment be adopted:  
On page 12, after line 13, insert the following:  
"NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."  
Debate ensued.  
The President declared the question before the Senate to be the adoption of the amendment by Senator Quigley on page 12, after line 13, to Substitute Senate Bill No. 6353.  
The motion by Senator Quigley failed and the amendment was not adopted on a rising vote.

#### MOTION

On motion of Senator Quigley, the rules were suspended, Engrossed Substitute Senate Bill No. 6353 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

#### MOTION

On motion of Senator Thibaudeau, Senator Owen was excused.  
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6353.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6353 and the bill failed to pass the Senate by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.  
Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Kohl, Loveland, McAuliffe, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau and Wojahn - 23.  
Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Heavey, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25.  
Excused: Senator Owen - 1.  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6353, having failed to receive the constitutional majority, was declared lost.

There being no objection, the Senate resumed consideration of Engrossed Senate Bill No. 6578, deferred on third reading before the Senate commenced consideration of the Special Order of Business.  
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6578.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6578 and the bill failed to pass the Senate by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.  
Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Heavey, Kohl, Loveland, McAuliffe, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau and Wojahn - 23.  
Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Haugen, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25.  
Excused: Senator Owen - 1.  
ENGROSSED SENATE BILL NO. 6578, having failed to receive the constitutional majority, was declared lost.

#### MOTION

At 5:40 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Wednesday, February 14, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-SEVENTH DAY, FEBRUARY 13, 1996

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**THIRTY-EIGHTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Wednesday, February 14, 1996  
The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Anderson, Fairley, Finkbeiner, Haugen, Loveland, Quigley, Rinehart, Winsley, Wojahn and Zarelli. On motion of Senator Thibaudeau, Senators Fairley, Loveland, Quigley, Rinehart and Wojahn were excused. On motion of Senator Wood, Senators Anderson, Finkbeiner and Zarelli were excused.

The Sergeant at Arms Color Guard, consisting of Pages Craig Hudgins and Kirk Magnoni, presented the Colors. President Pritchard offered the prayer.

MOTION

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

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

February 13, 1996

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

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

Elizabeth McLaughlin, appointed February 13, 1996, for a term ending June 30, 2001, as a member of the Gambling Commission.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Labor, Commerce and Trade.

February 13, 1996

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

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

Brian Stiles, appointed February 13, 1996, for a term ending September 30, 2000, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

March 12, 1996

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

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

Robert L. Parlette, to be appointed March 12, 1996, for a term ending December 31, 1998, as a member of the Interagency Committee for Outdoor Recreation.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Ecology and Parks.

MESSAGES FROM THE HOUSE

February 12, 1996

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 2049,  
SECOND SUBSTITUTE HOUSE BILL NO. 2198,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2279,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2485,

ENGROSSED HOUSE BILL NO. 2510,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2592,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2644,  
HOUSE BILL NO. 2665,  
SUBSTITUTE HOUSE BILL NO. 2780,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2832,  
ENGROSSED HOUSE BILL NO. 2841,  
ENGROSSED HOUSE BILL NO. 2853,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2929,  
ENGROSSED HOUSE BILL NO. 2951, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 12, 1996

MR. PRESIDENT:

The House has passed:  
ENGROSSED FOURTH SUBSTITUTE HOUSE BILL NO. 1481,  
SUBSTITUTE HOUSE BILL NO. 2374,  
SUBSTITUTE HOUSE BILL NO. 2785, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 12, 1996

MR. PRESIDENT:

The House has passed:  
SECOND SUBSTITUTE HOUSE BILL NO. 1938,  
HOUSE BILL NO. 2370,  
SUBSTITUTE HOUSE BILL NO. 2476,  
HOUSE BILL NO. 2668,  
SUBSTITUTE HOUSE BILL NO. 2669,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2707,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2723,  
SUBSTITUTE HOUSE BILL NO. 2745,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2747,  
SUBSTITUTE HOUSE BILL NO. 2748,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2875,  
SUBSTITUTE HOUSE BILL NO. 2944, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 13, 1996

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 2504,  
SUBSTITUTE HOUSE BILL NO. 2556,  
HOUSE BILL NO. 2567,  
HOUSE BILL NO. 2734, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING

SCR 8430 by Senators Franklin, Deccio, Wojahn, Moyer, Schow, Thibaudeau, Winsley, Rasmussen and Goings

Requiring a study of reimbursement of undercompensated and uncompensated trauma care facilities.

Referred to Committee on Health and Long-Term Care.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

E4SHB 1481 by House Committee on Appropriations (originally sponsored by Representatives Cooke, Lambert, Mielke, Van Luven, Elliot, Schoesler, D. Schmidt, Sherstad, Huff, Buck, Clements, McMorris, Johnson, Blanton, Hickel, Boldt, Backlund, Mulliken, Robertson, Goldsmith, L. Thomas, McMahan, Talcott, Cairnes, Thompson, Beeksma, Benton, Foreman, Sehlin, Sheahan and Mitchell)

Requiring AFDC contracts and making additional changes in public assistance laws.

Referred to Committee on Health and Long-Term Care.

2SHB 1938 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives L. Thomas, Mielke, Horn and Reams)

Modifying the administration of the responsibilities of self-insurers.

Referred to Committee on Labor, Commerce and Trade.

SHB 2049 by House Committee on Appropriations (originally sponsored by Representatives Sheahan, Padden, Appelwick and Dellwo) ( by request of Administrator for the Courts)

Authorizing Spokane county to add one additional superior court judge.

Referred to Committee on Law and Justice.

2SHB 2198 by House Committee on Appropriations (originally sponsored by Representatives Mastin, Chandler, Schoesler, Lisk, Mulliken, Grant, Honeyford, Koster, Delvin, Robertson, Campbell, Horn and Johnson)

Reopening the water rights claim filing period.

Referred to Committee on Ecology and Parks.

ESHB 2279 by House Committee on Government Operations (originally sponsored by Representatives Hargrove, Chappell, Goldsmith, Hymes, McMahan, Pelesky and Johnson)

Specifying the status of challenged growth management regulations during a period of remand.

Referred to Committee on Government Operations.

HB 2370 by Representatives Honeyford, Grant, Buck, Koster, D. Schmidt, Smith, Sheldon, Clements, Johnson, Benton, Skinner, Fuhrman, Basich, Sherstad, Hargrove, Boldt, Campbell, McMorris, Pennington, Thompson, Mulliken and McMahan

Allowing counties with less than seventy-five thousand population to opt out of growth management planning requirements.

Referred to Committee on Government Operations.

SHB 2374 by House Committee on Education (originally sponsored by Representatives Pelesky, Hargrove, L. Thomas, Hickel, McMahan, Thompson, Sherstad, Goldsmith, Mulliken, Blanton, Hymes, Stevens and Crouse)

Prohibiting payment of striking educational employees.

Referred to Committee on Labor, Commerce and Trade.

SHB 2476 by House Committee on Children and Family Services (originally sponsored by Representatives Boldt, Mulliken, Stevens, Beeksmas, Cooke and Goldsmith)

Requiring a determination of paternity for receiving certain benefits.

Referred to Committee on Health and Long-Term Care.

ESHB 2485 by House Committee on Government Operations (originally sponsored by Representatives H. Sommers, Rust, Reams, Scheuerman, Regala, Kessler, Costa, Chopp, Murray, Conway, Valle, Tokuda, Basich, Wolfe, Patterson, Dellwo and Linville)

Reducing property tax assessments in response to government restrictions.

Referred to Committee on Government Operations.

SHB 2504 by House Committee on Education (originally sponsored by Representatives McMahan, Brumsickle, Johnson, Thompson, Elliot, D. Sommers, Sterk, B. Thomas and Goldsmith)

Establishing alternate teacher certification.

Referred to Committee on Education.

EHB 2510 by Representatives Thompson, Quall, L. Thomas, Clements, D. Schmidt, Blanton, Buck, Schoesler, Cairnes and Conway

Changing social card game provisions.

Referred to Committee on Labor, Commerce and Trade.

SHB 2556 by House Committee on Capital Budget (originally sponsored by Representatives Veloria and Kessler)

Financing economic development.

Referred to Committee on Labor, Commerce and Trade.

HB 2567 by Representatives Wolfe, Rust, Scheuerman, Scott, Costa, Chappell, Linville, Dickerson, Romero, McMahan, Murray, Tokuda, Morris and Conway

Notifying the assessor of real property actions.

Referred to Committee on Government Operations.

ESHB 2592 by House Committee on Finance (originally sponsored by Representatives B. Thomas, Morris and Boldt) (by request of Department of Revenue)

Providing consistency to penalty and interest administration of the department of revenue.

Referred to Committee on Ways and Means.

ESHB 2644 by House Committee on Law and Justice (originally sponsored by Representatives Lambert, Valle, Boldt and Thompson)

Concerning child sex offenses.

Referred to Committee on Law and Justice.

HB 2665 by Representative Hargrove

Clarifying the general policy behind regional planning requirements.

Referred to Committee on Government Operations.

HB 2668 by Representatives Hargrove, Sheahan, McMahan, Sterk, Delvin and Thompson

Prescribing procedures for capital punishment sentencing.

Referred to Committee on Law and Justice.

SHB 2669 by House Committee on Government Operations (originally sponsored by Representatives Hargrove, Boldt, Koster, Sherstad, Wolfe, Chappell, Goldsmith, Benton and Johnson)

Revising associations of local governments.

Referred to Committee on Government Operations.

ESHB 2707 by House Committee on Law and Justice (originally sponsored by Representatives Honeyford, Linville, McMahan, Brumsickle, Clements, Sterk, Pelesky, Smith, Delvin, Radcliff, Koster, Silver, Cooke, Blanton, Hymes, McMorris, Basich, Elliot and Johnson)

Adopting provisions to improve school safety.

Referred to Committee on Education.

ESHB 2723 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler and Chappell)

Regulating agricultural activities.

Referred to Committee on Labor, Commerce and Trade.

HB 2734 by Representatives Sterk, Sheahan, Campbell, L. Thomas, McMahan, Sheldon, Sherstad, Cooke, Mulliken, Boldt, McMorris, Thompson, Hargrove, Benton and Johnson

Restricting sex offenders from establishing a residence within a certain distance of a school.

Referred to Committee on Human Services and Corrections.

SHB 2745 by House Committee on Finance (originally sponsored by Representatives Horn, Lisk, Ballasiotes, L. Thomas, Backlund, Mastin, Reams, D. Schmidt, Delvin, Hankins, Foreman, Cooke, Mulliken, Blanton, Hymes, Thompson and Elliot)

Clarifying the taxation of intangible personal property.

Referred to Committee on Ways and Means.

ESHB 2747 by House Committee on Government Operations (originally sponsored by Representatives Mastin, Reams, Silver and Johnson)

Implementing regulatory reform.

Referred to Committee on Government Operations.

SHB 2748 by House Committee on Government Operations (originally sponsored by Representatives Mastin, Reams, Silver and Johnson)

Implementing regulatory reform.

Referred to Committee on Government Operations.

SHB 2780 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Chandler and L. Thomas)

Insuring private schools.

Referred to Committee on Financial Institutions and Housing.

SHB 2785 by House Committee on Government Operations (originally sponsored by Representatives Reams, Chopp, Cairnes, Thompson and Elliot)

Providing a bidding procedure for public works projects in counties.

Referred to Committee on Government Operations.

ESHB 2832 by House Committee on Transportation (originally sponsored by Representatives Chandler, K. Schmidt, Scheuerman and Blanton)

Reinstating rail service in the Milwaukee Road corridor.

Referred to Committee on Transportation.

EHB 2841 by Representatives Carrell, B. Thomas, Mulliken, Cooke, Hymes, Chandler, Foreman, Hargrove, McMorris, Lambert, Talcott, Mastin, Lisk, Johnson, Clements, Mitchell, Skinner, Sherstad, Koster, K. Schmidt, L. Thomas, Campbell, Smith, Goldsmith, Backlund, Elliot, Boldt, Thompson, McMahan, Dyer, Huff, Carlson, Robertson, Quall, Reams and Hickel

Limiting property tax increases additionally to the rate of inflation.

Referred to Committee on Ways and Means.

EHB 2853 by Representative Boldt

Providing excise tax exemptions related to horses.

Referred to Committee on Agriculture and Agricultural Trade and Development.

ESHB 2875 by House Committee on Agriculture and Ecology (originally sponsored by Representative Chandler)

Creating the Puget Sound management team.

Referred to Committee on Ecology and Parks.

ESHB 2929 by House Committee on Appropriations (originally sponsored by Representatives Carlson, Huff, Jacobsen, Foreman, Sehlin and Silver)

Requiring a higher education distance education network and implementation plan.

Referred to Committee on Higher Education.

SHB 2944 by House Committee on Appropriations (originally sponsored by Representative Dyer)

Affirming and clarifying the legislative authority to treat the initial rate set for refurbished and new nursing facilities as that rate which is established on July 1, 1995, for purposes of applying the eighty-five percent minimum occupancy requirement.

Referred to Committee on Ways and Means.

EHB 2951 by Representatives Carrell, B. Thomas, Chandler, Pennington, Smith, Campbell, Dyer, Mulliken, Pelesky, L. Thomas, Cooke, Thompson, Lisk, Foreman, Huff, Benton, Cairnes, Van Luven, Blanton, D. Schmidt, Radcliff, Brumsickle, Talcott, Backlund, Casada, Sherstad, Boldt, Hymes, Lambert, Beeksma, Delvin, Stevens, Johnson, Sterk, Carlson, Schoesler, Sheahan, Honeyford, Buck, Robertson, McMahan, D. Sommers, Silver, Skinner, Fuhrman, McMorris, Mastin, Koster, Hargrove, Ballasiotes and Sheldon

Reducing property taxes while preserving fair market value as the proper basis of property taxation.

Referred to Committee on Ways and Means.

#### MOTION

At 10:10 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:52 a.m. by President Pritchard.

#### MOTION

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

#### SENATE RESOLUTION 1996-8693

By Senators Kohl, Rinehart, Hale, Johnson, Sellar, Goings, Quigley, Winsley, Rasmussen, Long, Haugen, Hochstatter, Fairley, Prentice, Wood, Spanel, Fraser, Sheldon, Drew, Thibaudeau, McAuliffe, Hargrove, Snyder, Franklin, Wojahn, Anderson, McCaslin, Strannigan, Bauer and Sutherland

WHEREAS, Thursday, February 15, 1996, marks the one hundred seventy-sixth anniversary of the birth of Susan Brownell Anthony, reformer and leader of women's suffrage; and

WHEREAS, Susan B. Anthony brought legendary courage, wisdom, and integrity to the cause of women's suffrage and equality; and

WHEREAS, Susan B. Anthony defied male electioneers and faced indictment for illegally voting in 1872; and  
WHEREAS, Susan B. Anthony spoke on suffrage legislation before members of the Washington State Territorial Legislature in Olympia, Washington, on October 19, 1871, making her the first woman in the history of the United States to be given the privilege of addressing an assembled Legislature; and

WHEREAS, Following her presentation to the Washington Territorial Legislature, Susan B. Anthony was the guest of Daniel Bigelow, a state lawmaker who was one of the first to support women's suffrage in the Northwest, at what is now Olympia's historic Bigelow Home; and

WHEREAS, Susan B. Anthony helped draft the constitution for the Washington Women's Suffrage Association; and  
WHEREAS, Susan B. Anthony was director of the Female Department of the Canajoharie Academy in New York until she resigned her career in education to devote her life to social reform, first organizing the Women's State Temperance Society of New York; and

WHEREAS, Susan B. Anthony, along with Elizabeth Cady Stanton, founded in 1863, the Woman's Loyal National League to petition Congress to advocate full civil and political rights for women and blacks when the Civil War ended; and

WHEREAS, In 1866, Susan B. Anthony and other reformers formed the Equal Rights Association to further their campaign for women's suffrage; and

WHEREAS, In 1867, the reformers took their suffrage campaign to the New York State Constitutional Convention, where the State Legislature refused to consider the issue, but instead gave considerable support to legislation legalizing prostitution; and

WHEREAS, Susan B. Anthony and her suffragettes fought back with lobbying efforts that killed the prostitution bill in committee, and furthermore, eventually secured the first laws in New York state guaranteeing women's rights over their children and control over property and wages; and

WHEREAS, During the presidential campaign in 1872, Susan B. Anthony urged women to claim their rights under the Fourteenth and Fifteenth Amendments by registering and voting in every state in the union; and

WHEREAS, In a colorful display of her remarkable courage, Susan B. Anthony and her three sisters boldly entered a stronghold of men in a Rochester, New York barbershop in 1872, and insisted that they be registered to vote under provisions of the Fourteenth Amendment; and

WHEREAS, On November 5th, Susan B. Anthony entered her polling place and voted the Republican ticket after which she was charged and indicted for voting illegally; and

WHEREAS, Susan B. Anthony voiced her determination and commitment to social movements as she implored a suffragist convention just before her death: "The fight must not cease; you must see that it does not stop!";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and remember Susan B. Anthony and emulate her dedication to social reform which led to the passage of the Women's Suffrage Amendment to the United States Constitution in 1920; and

BE IT FURTHER RESOLVED, That Susan B. Anthony be remembered for her courage and determination to work for equal rights for all citizens of America as reflected in Anthony's quote, "It was we, the people, not we, the white male citizens, nor yet we, the male citizens, but we the whole people, who formed this Union. And we formed it not to give the blessings of liberty, but to secure them, not to the half of ourselves and the half of our posterity, but to the whole people--women as well as men."

Senators Kohl and Thibaudeau spoke to Senate Resolution 1996-8693.

#### MOTION

On motion of Senator Spanel, the Senate reverted to the sixth order of business.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9215, Nathan S. Ford, as a member of the Liquor Control Board, was confirmed.

CONFIRMATION OF NATHAN S. FORD

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 2; Excused, 8. Voting yea: Senators Bauer, Cantu, Deccio, Drew, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West and Wood - 39.

Absent: Senators Haugen and Winsley - 2.

Excused: Senators Anderson, A., Fairley, Finkbeiner, Loveland, Quigley, Rinehart, Wojahn and Zarelli - 8.

MOTIONS

On motion of Senator Wood, Senator Winsley was excused.

On motion of Senator Thibaudeau, Senators Heavey and Pelz were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2125, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives L. Thomas, Wolfe, Beekma, Sterk, Honeyford, Robertson, Chandler, Smith, Pelesky, Kessler, Dyer, D. Sommers, Huff, Radcliff, Dellwo, Scheurman and Cooke)

Authorizing and implementing interstate banking.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 2125 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2125.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2125 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 0; Absent, 2; Excused, 10.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Franklin, Fraser, Goings, Hale, Hargrove, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West and Wood - 37.

Absent: Senators Haugen and Snyder - 2.

Excused: Senators Fairley, Finkbeiner, Heavey, Loveland, Pelz, Quigley, Rinehart, Winsley, Wojahn and Zarelli - 10.

SUBSTITUTE HOUSE BILL NO. 2125, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

MOTION

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

SENATE RESOLUTION 1996-8689

By Senators Goings, Rasmussen, Franklin, Swecker, Wojahn, Smith, Owen, Oke and Haugen

WHEREAS, After several years of hard work, cooperation, and community involvement, Pierce County Fire Districts No. 6, No. 7, and No. 9, serving the 130,000 citizens in the communities of Midland, Parkland, Spanaway, Elk Plain, Summit and South Hill, will become one legally merged fire department on February 15, 1996; and

WHEREAS, The formerly separate districts will now be known as Central Pierce Fire & Rescue; and

WHEREAS, This merger is an historic event in Pierce County, both for firefighters and the people whom they serve and protect;

and

WHEREAS, It will make the suppression and prevention of fire and the provision of emergency medical services, the rescue of citizens that much more efficient and effective; and

WHEREAS, These courageous public servants have well earned and are fully deserving of the utmost respect and support of the people; and

WHEREAS, All citizens are cordially invited to join in a public celebration of this forward-thinking and progressive community achievement; and

WHEREAS, This public celebration will take place at the new headquarters station of Central Pierce Fire & Rescue on February 15, 1996, 17520 22nd Avenue East, Tacoma;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Senate of the state of Washington do hereby recognize and congratulate the citizens served by Central Pierce Fire & Rescue, the public officials and private citizens who made this historic merge of fire districts possible, and the firefighters who courageously place themselves between harm and the people they are sworn to protect, upon the creation of Central Pierce Fire & Rescue; and do hereby urge all citizens of Washington to join them in so doing; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate do hereby immediately transmit a copy of this resolution to Central Pierce Fire & Rescue.

Senators Goings and Rasmussen spoke to Senate Resolution 1996-8689.

#### MOTION

At 12:10 p.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Thursday, February 15, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-EIGHTH DAY, FEBRUARY 14, 1996

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**THIRTY-NINTH DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Thursday, February 15, 1996  
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 14, 1996  
HB 1339 Prime Sponsor, Representative Ballasiotes: Revising provisions relating to juvenile probation and detention services. Reported by Committee on Law and Justice

MAJORITY Recommendation: That the bill be referred to Committee on Human Services and Corrections without recommendation. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Haugen, Johnson, Long and Schow.

Referred to Committee on Human Services and Corrections.

February 14, 1996  
SHB 2043 Prime Sponsor, House Committee on Corrections: Making domestic violence an aggravating circumstance for purposes of sentencing decisions. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Haugen, Johnson, Long, McCaslin and Schow.

Passed to Committee on Rules for second reading.

February 14, 1996  
HB 2172 Prime Sponsor, Representative Dyer: Authorizing actions and penalties against adult residential care providers by the department of social and health services. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That it be referred to Committee on Health and Long-Term Care without recommendation. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Schow, Strannigan and Thibaudeau.

Referred to Committee on Health and Long-Term Care.

February 14, 1996  
SHB 2236 Prime Sponsor, House Committee on Appropriations: Providing two superior court positions for Thurston county. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Haugen, Johnson, Long, McCaslin and Schow.

Passed to Committee on Rules for second reading.

February 14, 1996  
ESHB 2406 Prime Sponsor, House Committee on Law and Justice: Regulating interception of communications. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Haugen, Johnson, Long, McCaslin and Schow.

Passed to Committee on Rules for second reading.

February 14, 1996  
SHB 2446 Prime Sponsor, House Committee on Appropriations: Creating two additional superior court positions for Chelan and Douglas counties jointly. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Haugen, Johnson, Long, McCaslin and Schow.

Passed to Committee on Rules for second reading.

February 14, 1996  
HB 2692 Prime Sponsor, Representative Sheahan: Correcting RCW internal references. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Haugen, Johnson, Long, McCaslin and Schow.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

February 8, 1996

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Wilford Collins, Jr., reappointed February 8, 1996, for a term ending December 5, 1999, as a member of the State Hospital, Western Washington Advisory Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Human Services and Corrections.

February 8, 1996

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Nancy J. Donigan, reappointed February 8, 1996, for a term ending December 5, 1999, as a member of the State Hospital, Western Washington Advisory Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Human Services and Corrections.

February 8, 1996

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Fran Lewis, reappointed February 8, 1996, for a term ending December 5, 1999, as a member of the State Hospital, Western Washington Advisory Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Human Services and Corrections.

February 8, 1996

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Dr. Mark E. Soelling, reappointed February 8, 1996, for a term ending December 5, 1999, as a member of the State Hospital, Western Washington Advisory Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Human Services and Corrections.

February 13, 1996

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Dr. Ronald LaFayette, reappointed February 13, 1996, for a term ending July 1, 2000, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Education.

February 14, 1996

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

I have the honor to submit the following appointment, subject to your confirmation.  
Barbara Cothorn, appointed February 14, 1996, for a term ending December 31, 2000, as a member of the Public Disclosure Commission.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

#### MESSAGES FROM THE HOUSE

February 13, 1996

MR. PRESIDENT:

The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2926, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 13, 1996

MR. PRESIDENT:

The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2097,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2216,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2442,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2537,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2640,  
SUBSTITUTE HOUSE BILL NO. 2840,  
ENGROSSED HOUSE BILL NO. 2952, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 13, 1996

MR. PRESIDENT:

The House has passed:  
THIRD SUBSTITUTE HOUSE BILL NO. 1381,  
SUBSTITUTE HOUSE BILL NO. 1597,  
SUBSTITUTE HOUSE BILL NO. 2215,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2331,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2548,  
ENGROSSED HOUSE BILL NO. 2613,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2657,  
SUBSTITUTE HOUSE BILL NO. 2945, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

3SHB 1381 by House Committee on Government Operations (originally sponsored by Representatives Dyer, Brumsickle, Patterson, Campbell, Brown, Hankins, Chopp, Schoesler, Romero, Chandler, Robertson, Mitchell, G. Fisher, Sheahan, Poulsen, Thibaudeau, H. Sommers, Kessler, Mielke, Honeyford, Kremen, Wolfe, Boldt and Conway)

Sharing leave and personal holiday time.

Referred to Committee on Labor, Commerce and Trade.

SHB 1597 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Johnson, Koster, Chandler, Boldt, Sheldon, Mastin, Basich, McMorris, Thompson, Beeksma, Kremen, Hatfield, McMahan, Hymes, Honeyford, D. Schmidt, Skinner, Clements, Buck, Stevens, Mielke and Kessler)

Concerning the reduction of flood damage.

Referred to Committee on Ecology and Parks.

ESHB 2097 by House Committee on Health Care (originally sponsored by Representatives Dyer, Campbell, Foreman, Casada, Hymes, L. Thomas, D. Schmidt, Mulliken, Crouse, Carrell, Boldt, Lisk, Lambert, Johnson, Hankins, Ballasiotes, Pelesky, Sterk, Silver, Radcliff, Mitchell, Robertson, Skinner, Pennington, Clements, Chandler, Blanton, Carlson, Schoesler, Smith, Brumsickle, Hargrove, B. Thomas, Koster, Goldsmith, McMorris, Basich, Sehlin, Morris, Ebersole, Conway, Stevens, Kremen, Chappell, Huff, Talcott, Kessler, Dickerson, Grant, Cody, Hatfield, Cooke, Sheldon, Thompson, Cairnes, McMahan, Van Luven, Costa, Delvin, Benton and Mason)

Authorizing additional basic health plan services.

Referred to Committee on Health and Long-Term Care.

SHB 2215 by House Committee on Finance (originally sponsored by Representatives Boldt, B. Thomas, Schoesler, Pennington, Mastin, Koster, Carrell, Campbell, Smith, Huff, L. Thomas, Elliot, Thompson, Cooke, Goldsmith, Backlund, Hargrove and Benton)

Providing for small business tax relief.

Referred to Committee on Ways and Means.

ESHB 2216 by House Committee on Education (originally sponsored by Representatives Brumsickle, Mastin, Radcliff, Carlson, Thompson, Hankins and Backlund)

Establishing parental rights and responsibilities in education.

Referred to Committee on Education.

ESHB 2331 by House Committee on Health Care (originally sponsored by Representatives Backlund, Dyer, Hymes, Thompson, McMahan, Basich, D. Sommers and Sherstad)

Providing for review of mandated health insurance benefits.

Referred to Committee on Health and Long-Term Care.

ESHB 2442 by House Committee on Law and Justice (originally sponsored by Representatives Mulliken, Sheahan, Sterk, Pelesky, McMahan, McMorris, Thompson, Smith, Honeyford, Goldsmith, Beekma, Pennington, Sherstad, Koster, Hargrove, D. Sommers, D. Schmidt, Campbell, Benton, Johnson, Fuhrman, Stevens, Boldt and Backlund)

Adopting the restoration of parents' rights and responsibilities act.

Referred to Committee on Law and Justice.

ESHB 2537 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Honeyford, Chandler, Mastin, Clements, Schoesler, Foreman, Grant, Lisk and Mulliken)

Providing for modifications to the creation and operation of irrigation district joint control boards.

Referred to Committee on Government Operations.

ESHB 2548 by House Committee on Health Care (originally sponsored by Representatives Dyer, Morris and L. Thomas)

Establishing minimum loss ratios for health care service contractors and disability insurers.

Referred to Committee on Financial Institutions and Housing.

EHB 2613 by Representatives Sterk, Crouse, Carrell, Brumsickle, McMahan, Boldt, Honeyford, D. Sommers, Clements, Sherstad, Koster, Fuhrman, Sheahan, Huff, Mulliken and Thompson

Enhancing school disciplinary measures.

Referred to Committee on Education.

ESHB 2640 by House Committee on Education (originally sponsored by Representatives Clements, Brumsickle, Radcliff, Poulsen, Hatfield, Linville, Dickerson, Basich and Cole)

Changing truancy provisions.

Referred to Committee on Education.

ESHB 2657 by House Committee on Capital Budget (originally sponsored by Representatives Silver and Costa)

Redefining the term "public works project."

Referred to Committee on Government Operations.

SHB 2840 by House Committee on Law and Justice (originally sponsored by Representatives Foreman, Scott, Sheahan, McMahan, Backlund, Thompson, Clements, Goldsmith, Dyer, Huff, Carlson and Johnson)

Establishing a certificate of merit procedure in law suits.

Referred to Committee on Law and Justice.

ESHB 2926 by House Committee on Finance (originally sponsored by Representatives Silver, Mastin and Robertson)

Requiring less money from and providing tax exemptions for the thoroughbred industry.

Referred to Committee on Labor, Commerce and Trade.

SHB 2945 by House Committee on Commerce and Labor (originally sponsored by Representatives Lisk, Cole, Horn, Romero, Cairnes, Conway, Hargrove, Cody, Thompson, Huff, McMorris, Goldsmith, Jacobsen, Fuhrman, Sehlín, Chopp, Chappell, Regala, Buck, Dyer, Elliot, Sterk, Reams, Sherstad, Lambert, Chandler, McMahan, Murray, Hankins, Appelwick, Dickerson, Johnson, Smith and Mitchell)

Taxing management entities that provide services for casino gambling activity in Washington state.

Referred to Committee on Labor, Commerce and Trade.

EHB 2952 by Representatives Sheahan, Campbell, McMorris, Sterk, Sheldon, Hargrove, Schoesler, Foreman, Thompson, Hymes, Goldsmith, Pennington, L. Thomas, Smith, Backlund, Silver, Johnson, Carrell, Robertson, Blanton, Pelesky, Sherstad and Mulliken

Increasing penalties for crimes against family or household members.

Referred to Committee on Law and Justice.

#### MOTION

At 12:05 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Friday, February 16, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

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THIRTY-NINTH DAY, FEBRUARY 15, 1996

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**FORTIETH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Friday, February 16, 1996  
The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Anderson, Deccio, Fairley and McCaslin. On motion of Senator Wood, Senators Anderson, Deccio and McCaslin were excused.

The Sergeant at Arms Color Guard, consisting of Pages Patrick Aubin and Brooklynn Mitchell, presented the Colors. Most Reverend Francis E. George, O.M.I., Bishop of the Roman Catholic Diocese of Yakima, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 15, 1996  
SB 6251 Prime Sponsor, Senator Rinehart: Making supplemental operating budget appropriations. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6251 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hargrove, Kohl, Long, Moyer, Quigley, Sheldon, Snyder, Spanel, Sutherland, Winsley and Wojahn.

HOLD.

February 15, 1996  
SB 6316 Prime Sponsor, Senator Rinehart: Relating to the capital budget. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6316 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hargrove, Kohl, Long, McDonald, Moyer, Pelz, Quigley, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Winsley and Wojahn.

HOLD.

February 15, 1996  
SHB 1018 Prime Sponsor, House Committee on Law and Justice: Amending the Washington uniform limited partnership act. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Fairley, Vice Chair; Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

February 15, 1996  
HB 1049 Prime Sponsor, Representative Padden: Removing a defense to the crime of criminal conspiracy. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

February 15, 1996

2SHB 1182 Prime Sponsor, House Committee on Law and Justice: Modifying the uniform commercial code. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

HB 1302 Prime Sponsor, Representative Delvin: Revising provisions relating to food stamp crimes. Reported by Committee on Law and Justice February 15, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

HB 1361 Prime Sponsor, Representative Robertson: Authorizing arrest warrants to be served by facsimile transmission. Reported by Committee on Law and Justice February 15, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

HB 1601 Prime Sponsor, Representative D. Schmidt: Providing tuition and fee waivers for members of the Washington national guard. Reported by Committee on Higher Education February 15, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Hale, McAuliffe, Prince, Wood and Zarelli.

Passed to Committee on Rules for second reading.

SHB 1813 Prime Sponsor, House Committee on Higher Education: Exempting financial disclosures by degree-granting private vocational schools from public disclosure laws. Reported by Committee on Higher Education February 15, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Hale, McAuliffe, Prince, Wood and Zarelli.

Passed to Committee on Rules for second reading.

SHB 2119 Prime Sponsor, House Committee on Agriculture and Ecology: Providing for the excise taxation of preserved fruit and vegetables. Reported by Committee on Agriculture and Agricultural Trade and Development February 15, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

EHB 2132 Prime Sponsor, Representative Chandler: Rule making by the department of agriculture. Reported by Committee on Agriculture and Agricultural Trade and Development February 15, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

EHB 2133 Prime Sponsor, Representative Chandler: Disclosing agriculture business records. Reported by Committee on Agriculture and Agricultural Trade and Development February 15, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

HB 2134 Prime Sponsor, Representative Robertson: Degrading certain dairy licenses. Reported by Committee on Agriculture and Agricultural Trade and Development February 15, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

HB 2250 Prime Sponsor, Representative Carlson: Requiring annual budget review, recommendations, and guidelines for the higher education system. Reported by Committee on Higher Education February 15, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Hale, McAuliffe, Prince, Wood and Zarelli.

Passed to Committee on Rules for second reading.

HB 2285 Prime Sponsor, Representative Mastin: Changing provisions for degree granting institutions. Reported by Committee on Higher Education February 15, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Hale, McAuliffe, Prince, Wood and Zarelli.

Passed to Committee on Rules for second reading.

HB 2387 Prime Sponsor, Representative Cooke: Requiring department of corrections personnel to report suspected abuse of children and adult dependent and developmentally disabled persons. Reported by Committee on Human Services and Corrections February 15, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Prentice, Schow, Strannigan, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

HB 2440 Prime Sponsor, Representative Schoesler: Increasing tax deductions available to low-density light and power businesses. Reported by Committee on Energy, Telecommunications and Utilities February 15, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

ESHB 2462 Prime Sponsor, House Committee on Energy and Utilities: Regulating cooling services as thermal heating services. Reported by Committee on Energy, Telecommunications and Utilities February 15, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

HB 2466 Prime Sponsor, Representative Ballasiotes: Revising procedures for recoupment of assessments against offenders. Reported by Committee on Human Services and Corrections February 15, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Prentice, Schow, Strannigan, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

HB 2474 Prime Sponsor, Representative Mulliken: Eliminating the requirement that degree-granting private vocational schools participate in the tuition recovery trust fund. Reported by Committee on Higher Education February 15, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Hale, McAuliffe, Wood and Zarelli.

Passed to Committee on Rules for second reading.

February 15, 1996

ESHB 2509 Prime Sponsor, House Committee on Government Operations: Funding maritime historic restoration and preservation. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 15, 1996

SHB 2518 Prime Sponsor, House Committee on Transportation: Doubling the fine for speeding in school or playground zones. Reported by Committee on Law and Justice

MAJORITY Recommendation: That the bill be referred to Committee on Transportation without recommendation. Signed by Senators Smith, Chair; Fairley, Vice Chair; Haugen, Johnson, Long, McCaslin and Schow.

Referred to Committee on Transportation.

February 15, 1996

HB 2531 Prime Sponsor, Representative Patterson: Adding the secretary of health to the council for the prevention of child abuse and neglect. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Prentice, Schow and Thibaudeau.

Passed to Committee on Rules for second reading.

February 15, 1996

HB 2621 Prime Sponsor, Representative Honeyford: Authorizing the Washington state historical society to work with the Lewis and Clark trail committee in developing activities to commemorate the Lewis and Clark trail bicentennial. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 15, 1996

HB 2691 Prime Sponsor, Representative Brumsickle: Correcting obsolete references in the state even start program. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Hale, McAuliffe, Prince, Wood and Zarelli.

Passed to Committee on Rules for second reading.

February 15, 1996

SHB 2733 Prime Sponsor, House Committee on Agriculture and Ecology: Extending for four years the authority to delegate portions of well drilling administration and enforcement to local governments. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 15, 1996

HJM 4017 Prime Sponsor, Representative Thompson: Requesting Congress to control or eradicate nonnative noxious weeds. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

February 15, 1996

GA 9167 ANN DALEY, appointed June 27, 1995, for a term ending September 30, 2000, as a member of the Board of Regents for the University of Washington.  
Reported by the Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Hale, McAuliffe, Prince and Wood.

Passed to Committee on Rules.

February 15, 1996

GA 9168 MICHELE YAPP, appointed June 27, 1995, for a term ending September 30, 2000, as a member of the Board of Regents for the University of Washington.  
Reported by the Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Hale, McAuliffe, Prince and Wood.

Passed to Committee on Rules.

February 15, 1996

GA 9234 CINDY ZEHNDER, appointed December 19, 1995, for a term ending September 30, 2001, as a member of the Board of Regents for the University of Washington.  
Reported by the Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Hale, McAuliffe, Prince and Wood.

Passed to Committee on Rules.

February 15, 1996

GA 9238 MICHAEL SPEARMAN, appointed January 4, 1996, for a term ending August 2, 1998, as a member of the Sentencing Guidelines Commission.  
Reported by the Committee on Law and Justice

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Smith, Chair; Fairley, Vice Chair; Haugen, Johnson, Long, McCaslin and Schow.

Passed to Committee on Rules.

February 15, 1996

GA 9247 LOIS M. CURTIS, reappointed December 8, 1995, for a term ending July 5, 1999, as a member of the Puget Sound Water Quality Authority.  
Reported by the Committee on Ecology and Parks

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Fraser, Chair; Fairley, Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules.

February 15, 1996

GA 9261 GARY L. CHRISTENSON, appointed February 1, 1996, for a term ending at the pleasure of the Governor, as Administrator of the Washington State Health Care Authority.  
Reported by the Committee on Health and Human Services

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau and Wood.

Passed to Committee on Rules.

MOTION

On motion of Senator Spanel, the rules were suspended, Senate Bill No. 6251 and Senate Bill No. 6316 were advanced to second reading and placed on the second reading calendar.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENT

February 15, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mary McKnew, appointed February 15, 1996, for a term ending January 15, 2001, as a member of the Liquor Control Board.

Sincerely,

MIKE LOWRY, Governor

Referred to Committee on Labor, Commerce and Trade.

#### MESSAGE FROM THE HOUSE

February 14, 1996

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2343, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 6774 by Senators Drew, Hargrove, Oke, Snyder, Rinehart, Loveland, McDonald, Spanel and Fraser

AN ACT Relating to the trust land transfer program; adding a new chapter to Title 79 RCW; and declaring an emergency.

Referred to Committee on Natural Resources.

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 2343 by House Committee on Transportation (originally sponsored by Representatives K. Schmidt, R. Fisher, D. Schmidt and Thompson) (by request of Office of Financial Management)

Funding transportation.

Referred to Committee on Transportation.

#### MOTION

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

#### SENATE RESOLUTION 1996-8687

By Senators Sellar and Kohl

WHEREAS, The Washington State Legislature values and encourages excellence in all areas of enterprise; and

WHEREAS, Participation in athletics inspires students to develop attitudes and skills necessary for scholastic and life success, such as perseverance, teamwork, loyalty, and sportsmanship; and

WHEREAS, The Pateros Billygoats Boys' Football Team has demonstrated these attitudes and skills in winning the State B-8 Football Championship on December 2, 1995; and

WHEREAS, This accomplishment was due to teamwork and the exceptional individual efforts of team members Adam Byrd, Pat Hunter, Adam James, Shaun Moore, John Neuneker, Brandon Zahn, and Garrett Zwar; and

WHEREAS, This remarkable success was accomplished with the encouragement and assistance of Head Coach Joe Worsham and Assistant Coaches Mike Hull and Cory Morrison; and

WHEREAS, The team also received the necessary support of their manager Cody Brown and the confidence and encouragement of the Pateros student body, faculty members, and their fans in the community;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor the Pateros Billygoats for their hard work, leadership, and success demonstrated through this extraordinary achievement; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Superintendent Gary Patterson and to Pateros Principal, Athletic Director, and Head Coach, Joe Worsham.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the members of the Pateros State B-8 Champion Football Team and their coaches, who were seated in the gallery.

#### MOTION

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

#### SENATE RESOLUTION 1996-8688

By Senators Sellar and Kohl

WHEREAS, The citizens of Washington State value leadership and expertise in all areas of enterprise; and

WHEREAS, Participation in athletics encourages young people to develop attitudes and skills which will assist them in achieving success in their future endeavors; and

WHEREAS, The Cascade Kodiak Football Team finished their regular season with an undefeated record and entered the postseason as the highest scoring team in the state; and

WHEREAS, The Kodiaks won their third consecutive Caribou Trail League title and played in the first Washington State "A" Football Championship game in the school's history; and

WHEREAS, The achievements of the Cascade Kodiaks would not have been possible without Brian Koch, Ryan Hansen, Lance Ballew, Peyton Piestrup, Brian Anderson, Barry Warren, Steve Hurt, Casey Sanger, Joe Klemz, Joel Solem, and Mike Wall; and WHEREAS, This remarkable success was accomplished with the encouragement and assistance of Head Coach Jack McMillan and Assistant Coaches John Bangsund, Steve Simonson, Russ Schauer, Elia Ala'ilima-Daley, and Gary Driessen; and

WHEREAS, The team received the support of their managers, Jay Dirkse, Ryan Johnston, and Travis West, as well as their fans; NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington honor the Cascade Kodiaks for their hard work and leadership demonstrated through this extraordinary achievement; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Marilyn Baker, Cascade Superintendent; Gary Brunelle, Athletic Director; Bill Keim, Principal; and Jack McMillan, Head Coach.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Cascade Kodiak Football Team and their coaches, who were seated in the gallery.

#### MOTION

At 10:29 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:23 a.m. by President Pritchard.

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

#### SECOND READING

SENATE BILL NO. 6316, by Senators Rinehart, Loveland and Strannigan (by request of Office of Financial Management)

Relating to the capital budget.

#### MOTIONS

On motion of Senator Loveland, Substitute Senate Bill No. 6316 was substituted for Senate Bill No. 6316 and the substitute bill was placed on second reading and read the second time.

Senator Loveland moved that the following amendment be adopted:

On page 4, after line 6, insert the following:

"The appropriations in this section are subject to the following conditions and limitations: The additional \$3,000,000 appropriated from the public works assistance account by this 1996 act shall be used exclusively for loans. Funds returning to the department as repayment for these loans shall be deposited into the public facilities construction loan revolving account. The legislature intends to establish the public facilities construction loan revolving account as a self-sustaining source of funds for loans to political subdivisions for public infrastructure required for private development. The community economic revitalization board shall report on the status of efforts to establish the public facilities construction loan revolving account as a self-sustaining account, along with any necessary recommendations. The report shall also include additional performance measures and recommendations for programmatic changes."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Loveland on page 4, after line 6, to Substitute Senate Bill No. 6316.

The motion by Senator Loveland carried and the amendment was adopted.

#### MOTION

On motion of Senator Loveland, the rules were suspended, Engrossed Substitute Senate Bill No. 6316 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6316.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6316 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 12; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, Moyer, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Thibaudeau, Winsley, Wojahn and Wood - 33.

Voting nay: Senators Cantu, Hochstatter, Johnson, McDonald, Morton, Newhouse, Oke, Roach, Schow, Swecker, West and Zarelli - 12.

Absent: Senator Fairley - 1.

Excused: Senators Anderson, A., Deccio and McCaslin - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6316, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6251, by Senators Rinehart and West (by request of Office of Financial Management)

Making supplemental operating budget appropriations.

## MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 6251 was substituted for Senate Bill No. 6251 and the substitute bill was placed on second reading and read the second time.

Senator Owen moved that the following amendment be adopted:

On page 14, after line 3, insert the following:

"If additional funds become available or if any funds remain unexpended for the drug control and system improvement formula grant program under this subsection, up to \$95,000 additional may be used for the operation of the governor's council on substance abuse, including implementation of the recommendations of the legislative budget committee report on drug and alcohol abuse programs."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Owen on page 14, after line 3, to Substitute Senate Bill No. 6251.

The motion by Senator Owen carried and the amendment was adopted.

## MOTION

Senator Zarelli moved that the following amendments by Senators Zarelli, Johnson, Roach, Swecker, Strannigan, McDonald, Moyer, West, Hale, McCaslin, Oke, Cantu, Finkbeiner, Newhouse and Schow be considered simultaneously and be adopted:

On page 30, line 11, increase the FY 1996 general fund appropriation by \$15,118,000 and adjust the total appropriation accordingly.

On page 30, line 32, insert the following:

"(3) \$15,118,000 of the general fund--state appropriation for fiscal year 1996 is provided solely for assistance grants to families and individuals who experienced property losses and damages to their residences, residential property, and contents resulting from the February 1996 floods. The funds shall be separate from and in addition to state appropriations provided as matching funds for federal flood assistance funds. The division of emergency management shall work with appropriate county officials to design a process for allocation of these monies, subject to the following conditions and limitations: (a) The funds shall be used only to provide assistance grants in addition to those provided through the federal emergency management assistance (FEMA) program or to provide for assistance grants to families and individuals who do not qualify for FEMA grants but whose losses cause significant economic hardship; and (b) the funds shall be allocated to those individuals and families suffering the most significant economic hardship."

On page 124, line 8, decrease the FY 1997 general fund--state appropriation by \$8,880,000 and adjust the total appropriation accordingly.

On page 126, beginning on line 13, strike all material down to and including line 18 and renumber the subsections accordingly.

On page 126, line 38, decrease the FY 1997 general fund--state appropriation by \$2,554,000 and adjust the total appropriation accordingly.

On page 128, beginning on line 22, strike all material down to and including line 26 and renumber the subsections accordingly.

On page 128, line 37, decrease the FY 1997 general fund--state appropriation by \$1,448,000 and adjust the total appropriation accordingly.

On page 130, beginning on line 7, strike all material down to and including line 11 and renumber the subsections accordingly.

On page 130, line 21, decrease the FY 1997 general fund--state appropriation by \$612,000 and adjust the total appropriation accordingly.

On page 131, beginning on line 1, strike all material down to and including line 5 and renumber the subsections accordingly.

On page 131, line 15, decrease the FY 1997 general fund--state appropriation by \$590,000 and adjust the total appropriation accordingly.

On page 131, beginning on line 31, strike all material down to and including line 35 and renumber the subsections accordingly.

On page 132, line 6, decrease the FY 1997 general fund--state appropriation by \$271,000 and adjust the total appropriation accordingly.

On page 132, beginning on line 19, strike all material down to and including line 23 and renumber the subsections accordingly.

On page 132, line 36, decrease the FY 1997 general fund--state appropriation by \$763,000 and adjust the total appropriation accordingly.

On page 133, beginning on line 16, strike all material down to and including line 20 and renumber the subsections accordingly.

Debate ensued.

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

The President declared the question before the Senate to be the roll on the adoption of the amendments by Senators Zarelli, Johnson, Roach, Swecker, Strannigan, McDonald, Moyer, West, Hale, McCaslin, Oke, Cantu, Finkbeiner, Newhouse and Schow on page 30, line 11; page 30, line 32; page 124, line 8; page 126, beginning on line 13; page 126, line 38; page 128, beginning on line 22; page 128, line 37; page 130, beginning on line 7; page 130, line 21; page 131, beginning on line 1; page 131, line 15; page 131, beginning on line 31; page 132, line 6; page 132, beginning on line 19; page 132, line 36; and page 133, beginning line 16; to Substitute Senate Bill No. 6251.

## ROLL CALL

The Secretary called the roll on the amendments by Senator Zarelli and others and the amendments were not adopted by the following vote: Yeas, 16; Nays, 30; Absent, 0; Excused, 3.

Voting yea: Senators Cantu, Finkbeiner, Hale, Johnson, McDonald, Moyer, Newhouse, Oke, Roach, Schow, Sellar, Strannigan, Swecker, West, Winsley and Zarelli - 16.

Voting nay: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, Morton, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, Wojahn and Wood - 30.

Excused: Senators Anderson, A., Deccio and McCaslin - 3.

#### MOTION

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute Senate Bill No. 6251 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6251.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6251 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 16; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, Moyer, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, Winsley, Wojahn and Wood - 30.

Voting nay: Senators Cantu, Finkbeiner, Hale, Hochstatter, Johnson, McDonald, Morton, Newhouse, Oke, Roach, Schow, Sellar, Strannigan, Swecker, West and Zarelli - 16.

Excused: Senators Anderson, A., Deccio and McCaslin - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6251, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 12:03 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Monday, February 19, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FORTIETH DAY, FEBRUARY 16, 1996

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**FORTY-THIRD DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Monday, February 19, 1996  
The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Anderson, Finkbeiner, Fraser, Long, Moyer, Pelz, Rasmussen, Sheldon, Smith, Swecker and West. On motion of Senator Thibaudeau, Senators Fraser, Pelz, Rasmussen, Sheldon and Smith were excused. On motion of Senator Wood, Senators Anderson, Finkbeiner, Long, Moyer and Swecker were excused.

The Sergeant at Arms Color Guard, consisting of Pages Amanda Adams and Rikina Griffin, presented the Colors. Reverend Scott Roberson, pastor of the Felida Baptist Church of Vancouver, Washington, and a guest of Senator Zarelli, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

SHB 1008 Prime Sponsor, House Committee on Commerce and Labor: Providing wine and beer educator's licenses. Reported by  
Committee on Labor, Commerce and Trade February 15, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; A. Anderson, Franklin, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

HB 1051 Prime Sponsor, Representative Padden: Authorizing certain court commissioners to impose sanctions for contempt of court. Reported by Committee on Law and Justice February 15, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

HB 1712 Prime Sponsor, Representative Lambert: Prescribing procedures for pretrial release. Reported by Committee on Law and Justice February 15, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Fairley, Vice Chair; Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

HB 1792 Prime Sponsor, Representative Padden: Prescribing procedures for release of offenders. Reported by Committee on Law and Justice February 15, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

HB 2322 Prime Sponsor, Representative McMorris: Providing exemptions from industrial insurance for persons under age twenty-one employed on family farms. Reported by Committee on Labor, Commerce and Trade February 15, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; A. Anderson, Franklin, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

February 16, 1996  
SHB 2366 Prime Sponsor, House Committee on Appropriations: Modifying local public health financing. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Fairley, Franklin, Moyer, Thibaudeau and Wood.

Referred to Committee on Ways and Means.

February 15, 1996  
SHB 2388 Prime Sponsor, House Committee on Energy and Utilities: Providing for satisfaction of unrecorded utility liens at the time of sale of real property. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: Do pass as amended. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

February 15, 1996  
HB 2392 Prime Sponsor, Representative Tokuda: Adopting recommended prosecuting standards for juvenile charging and plea dispositions. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

February 15, 1996  
SHB 2556 Prime Sponsor, House Committee on Capital Budget: Financing economic development. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That the bill be referred to Committee on Ways and Means without recommendation. Signed by Senators Pelz, Chair; Anderson, Fraser, McDonald, Newhouse and Wojahn.

Referred to Committee on Ways and Means.

February 15, 1996  
SHJM 4012 Prime Sponsor, House Committee on Energy and Utilities: Requesting permission to use personal locator beacons. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

February 16, 1996  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Richard A. Davis, reappointed February 16, 1996, for a term ending September 30, 2001, as a member of the Board of Regents for Washington State University.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

February 16, 1996  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Peter J. Goldmark, appointed February 16, 1996, for a term ending September 30, 2001, as a member of the Board of Regents for Washington State University.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

INTRODUCTION AND FIRST READING

SB 6775 by Senators Sutherland, Swecker, Haugen, Quigley, Wojahn, Goings, Spanel, Rasmussen, Fraser and Kohl

AN ACT Relating to property tax relief for destroyed property; adding a new chapter to Title 84 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SJM 8030 by Senators Cantu, Snyder and Kohl

Requesting the Federal government to appoint members of the Pacific Northwest Economic Region to the National Tourism Board and the National Tourism Organization.

Referred to Committee on Labor, Commerce and Trade.

SJM 8031 by Senators Cantu, Snyder and Spanel

Encouraging the federal government to reject proposals establishing fees at United States border crossings.

Referred to Committee on Labor, Commerce and Trade.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Rinehart, Gubernatorial Appointment No. 9233, Mari J. Clack, as a member of the Board of Regents for the University of Washington, was confirmed.

Senators Rinehart and Prince spoke to the confirmation of Mari J. Clack as a member of the Board of Regents for the University of Washington.

APPOINTMENT OF MARI J. CLACK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 1; Excused, 10. Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rinehart, Roach, Schow, Sellar, Snyder, Spanel, Strannigan, Sutherland, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 38.

Absent: Senator West - 1.

Excused: Senators Anderson, A., Finkbeiner, Fraser, Long, Moyer, Pelz, Rasmussen, Sheldon, Smith and Swecker - 10.

MOTION

On motion of Senator Wood, Senator West was excused.

MOTION

On motion of Senator Morton, Gubernatorial Appointment No. 9165, Tom McKern, as a member of the Board of Trustees for Spokane and Spokane Falls Community College District No. 17, was confirmed.

APPOINTMENT OF TOM McKERN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10. Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rinehart, Roach, Schow, Sellar, Snyder, Spanel, Strannigan, Sutherland, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 39.

Excused: Senators Anderson, A., Fraser, Long, Moyer, Pelz, Rasmussen, Sheldon, Smith, Swecker and West - 10.

MOTION

On motion of Senator Spanel, the following bills which were on the second reading calendar, were referred to the Committee on Rules.

SECOND READING

SB 6255 f Health insurnc premium rates  
SB 6471 Vocational education  
SB 6297 Irrigation dist joint contrl

SSB 5469 County ombudsman  
SB 6275 Writ of restitution executn  
SB 6319 County fees/credit card  
SB 6370 Public water systems  
SB 6141 Investor-owned water cos.  
SB 6659 HOV lane use  
SB 6644 Driving records release  
SB 6440 Hospital accreditn acceptnce  
SB 6601 f Sewage disposal  
SB 6726 Utility changes impact  
SB 6475 District judge disqualifictn  
SB 6493 Consumer health information  
SB 5297 f Ambulatory surgical centers  
SB 5436 Abuse victims insurance  
SB 6573 f UCC termination statements  
SB 6338 Private school kindergartens  
SB 6345 Gambling terms defined  
SB 6406 Vehicle size and load  
2SSB 6124 Optionl basic health pln srv  
SB 6683 Wireless telephone services  
SB 6393 Consumer loan penalties  
SB 6191 Credit card in liquor stores  
SB 6693 City annexations  
SB 6373 Low-income housing funds  
SB 6723 \$f Youth employmnt and training  
SB 6375 f Health care policy board  
SB 5485 Community councils  
SB 6682 \$ Agriculture and history curric  
SB 6707 Voc agric teacher recruitmnt  
SB 6106 Candidacy filings cutoff

MOTION

At 10:22 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:31 a.m. by President Pro Tempore Wojahn.

MOTION

At 11:31 a.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Tuesday, February 20, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-THIRD DAY, FEBRUARY 19, 1996

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**FORTY-FOURTH DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Tuesday, February 20, 1996  
The Senate was called to order at 12:00 noon by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senator Anderson.  
The Sergeant at Arms Color Guard, consisting of Pages Jayme Deyette and Kevin Roach, presented the Colors. Reverend Larry Rogers, pastor of the First Free Methodist Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

February 19, 1996  
MR. PRESIDENT:  
The House has passed SUBSTITUTE HOUSE BILL NO. 2284, and the same is herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

February 19, 1996  
MR. PRESIDENT:  
The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2345, and the same is herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

February 19, 1996  
MR. PRESIDENT:  
The Speaker has signed SUBSTITUTE HOUSE BILL NO. 2125, and the same is herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 2125.

INTRODUCTION AND FIRST READING

SB 6776 by Senators Owen and Prince

AN ACT Relating to emergency grants to flood-damaged short-line or light-density railroads; amending RCW 47.76.250 and 47.76.250; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 2284 by House Committee on Capital Budget (originally sponsored by Representatives Sehlin and Ogden) (by request of Office of Financial Management)

Adopting the supplemental capital budget.

HOLD.

ESHB 2345 by House Committee on Appropriations (originally sponsored by Representatives Huff and H. Sommers) (by request of Office of Financial Management)

Making supplemental operation budget appropriations.

HOLD.

MOTION

On motion of Senator Spanel, the rules were suspended, Substitute House Bill No. 2284 and Engrossed Substitute House Bill No. 2345 were advanced to second reading and placed on the second reading calendar.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator McAuliffe, Gubernatorial Appointment No. 9243, Karen Miller, as a member of the Board of Trustees for Edmonds Community College District No. 23, was confirmed.

APPOINTMENT OF KAREN MILLER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0. Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Absent: Senator Anderson, A. - 1.

MOTION

On motion of Senator Sellar, Senator Anderson was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2284, by House Committee on Capital Budget (originally sponsored by Representatives Sehlin and Ogden) (by request of Office of Financial Management)

Adopting the supplemental capital budget.

The bill was read the second time.

MOTION

On motion of Senator Loveland, the following amendment was adopted:  
Strike everything after the enacting clause and insert the following:  
"Sec. 1. 1995 2nd sp.s. c 16 s 2 (uncodified) is amended to read as follows:  
As used in this act, the following phrases have the following meanings:  
"Aquatic Lands Acct" means the Aquatic Lands Enhancement Account;  
"Cap Bldg Constr Acct" means Capitol Building Construction Account;  
"Capital improvements" or "capital projects" means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, design, engineering, legal services, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets;  
"CEP & RI Acct" means Charitable, Educational, Penal, and Reformatory Institutions Account;  
"Common School Constr Fund" means Common School Construction Fund;  
"Common School Reimb Constr Acct" means Common School Reimbursable Construction Account;  
"CWU Cap Proj Acct" means Central Washington University Capital Projects Account;  
"Data Proc Rev Acct" means Data Processing Revolving Account;  
"EWU Cap Proj Acct" means Eastern Washington University Capital Projects Account;  
"For Dev Acct" means Forest Development Account;  
"Res Mgmt Cost Acct" means Resource Management Cost Account;  
"Game Spec Wildlife Acct" means Game Special Wildlife Account;  
"H Ed Constr Acct" means Higher Education Construction Account 1979;  
"H Ed Reimb Constr Acct" means Higher Education Reimbursable Construction Account;  
"LIRA" means State and Local Improvement Revolving Account;  
"LIRA, Waste Fac 1980" means State and Local Improvement Revolving Account--Waste Disposal Facilities 1980;  
"LIRA, Water Sup Fac" means State and Local Improvements Revolving Account--Water supply facilities;  
"Lapse" or "revert" means the amount shall return to an unappropriated status;  
"Nat Res Prop Repl Acct" means Natural Resources Property Replacement Account;  
"NOVA" means the Nonhighway and Off-Road Vehicle Activities Program Account;  
"ORA" means Outdoor Recreation Account;  
"Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse;  
"Pub Fac Constr Loan Rev Acct" means Public Facility Construction Loan Revolving Account;  
"Public Safety and Education Acct" means Public Safety and Education Account;  
"Public Safety Reimb Bond" means Public Safety Reimbursable Bond Account;  
"Rec Fisheries Enh Acct" means Recreational Fisheries Enhancement Account;  
"St Conv & Trade Ctr Acct" means State Convention and Trade Center Account;  
"St Bldg Constr Acct" means State Building Construction Account;

"State Emerg Water Proj Rev" means Emergency Water Project Revolving Account--State;  
 "TESC Cap Proj Acct" means The Evergreen State College Capital Projects Account;  
 "Thoroughbred Racing Acct" means Washington Thoroughbred Racing Account;  
 "Thurston County Cap Fac Acct" means Thurston County Capital Facilities Account;  
 "UW Bldg Acct" means University of Washington Building Account;  
 "WA Housing Trust Acct" means Washington Housing Trust Account;  
 "WA St Dev Loan Acct" means Washington State Development Loan Account;  
 "Water Pollution Cont Rev Fund" means Water Pollution Control Revolving Fund;  
 "WSU Bldg Acct" means Washington State University Building Account;  
 "WWU Cap Proj Acct" means Western Washington University Capital Projects Account.  
 Numbers shown in parentheses refer to project identifier codes established by the office of financial management.

**PART 1  
 GENERAL GOVERNMENT**

**Sec. 2.** 1995 2nd sp.s. c 16 s 107 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Community economic revitalization (86-1-001)**

The appropriations in this section are subject to the following conditions and limitations: The additional \$3,000,000 appropriated from the public works assistance account by this 1996 act shall be used exclusively for loans. Funds returning to the department as repayment for these loans shall be deposited into the public facilities construction loan revolving account. The legislature intends to establish the public facilities construction loan revolving account as a self-sustaining source of funds for loans to political subdivisions for public infrastructure required for private development. The community economic revitalization board shall report on the status of efforts to establish the public facilities construction loan revolving account as a self-sustaining account, along with any necessary recommendations. The report shall also include additional performance measures and recommendations for programmatic changes.

**Reappropriation:**

**Public Works Assistance Acct--State \$ 3,321,298**  
**Pub Fac Constr Loan Rev Acct--State \$ 3,862,729**  
**St Bldg Constr Acct--State \$ 2,106,034**

Subtotal Reappropriation \$ 9,290,061

**Appropriation:**

**Pub Fac Constr Loan Rev**  
**Acct--State \$ 1,500,000**  
**Public Works Assistance Acct--State \$ ((4,000,000))**

7,000,000

Subtotal Appropriation \$ ((5,500,000))

8,500,000

Prior Biennia (Expenditures) \$ 7,026,937  
 Future Biennia (Projected Costs) \$ 24,000,000

TOTAL \$ ((45,816,998))

48,816,998

**Sec. 3.** 1995 2nd sp.s. c 16 s 126 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Public works trust fund loans (94-2-001)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) Up to \$20,000,000 of the new appropriation may be used for preconstruction activity loans under chapter 363, Laws of 1995.
- (2) The department shall maintain a minimum cash balance of \$15,000,000 in the account at all times.

**Reappropriation:**

**Public Works Assistance**  
**Acct--State \$ ((105,699,689))**

83,334,337

**Appropriation:**

**Public Works Assistance**

Acct--State \$ ((148,900,000))

175,900,000

Prior Biennia (Expenditures) \$ ((151,561,725))

176,927,037

Future Biennia (Projected Costs) \$ 695,900,000

TOTAL \$ 1,492,061,414))

1,132,061,374

NEW SECTION. **Sec. 4.** A new section is added to 1995 2nd sp.s. c 16 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**U.S.S. Missouri Maritime Heritage Museum (97-2-001)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall be matched by at least \$2,250,000 from nonstate sources.

**Appropriation:**

**Aquatic Lands Acct--State \$ 2,250,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,250,000

NEW SECTION. **Sec. 5.** A new section is added to 1995 2nd sp.s. c 16 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Legislative Building repairs:** To stabilize and repair columns adjacent to the legislative chambers (97-1-001)

**Appropriation:**

**Thurston County Cap Fac Acct--State \$ 450,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 450,000

NEW SECTION. **Sec. 6.** A new section is added to 1995 2nd sp.s. c 16 (uncodified) to read as follows:

**FOR THE LIQUOR CONTROL BOARD**

**Distribution Center--Design and acquisition:** To acquire property and design the new facility (97-2-001)

**Appropriation:**

**Liquor Control Board Construction  
and Maintenance Acct--State \$ 4,000,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,000,000

**Sec. 7.** 1995 2nd sp.s. c 16 s 115 (uncodified) is amended to read as follows:

**FOR THE ((DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) MILITARY DEPARTMENT**

**Minor works: Emergency Management Building (92-2-009)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 62,263**

Prior Biennia (Expenditures) \$ 223,737

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 286,000

Sec. 8. 1995 2nd sp.s. c 16 s 125 (uncodified) is amended to read as follows:

**FOR THE ((DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) MILITARY DEPARTMENT**  
**Emergency Management Building: Preservation (94-1-018)**

**Reappropriation:**

St Bldg Constr Acct--State \$ 71,759  
Prior Biennia (Expenditures) \$ 13,325  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 85,084

**PART 2**  
**HUMAN SERVICES**

Sec. 9. 1995 2nd sp.s. c 16 s 230 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Rainier School infrastructure: Predesign (96-1-009)**

To conduct a predesign of ((the)) future projects ((described in this section)) including infrastructure at Rainier School, in accordance with the predesign manual published by the office of financial management. Future appropriations for ((this)) these projects are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Reappropriation:**

St Bldg Constr Acct--State \$ 192,078  
Prior Biennia (Expenditures) \$ 157,923  
Future Biennia (Projected Costs) \$ 30,300,000

TOTAL \$ 30,650,001

Sec. 10. 1995 2nd sp.s. c 16 s 241 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Juvenile Rehabilitation Administration new 300-bed institution: Site selection and environmental impact statement (96-2-228)**

~~((To conduct a site selection process for the project described in this section.))~~ The appropriation in this section is subject to the following conditions and limitations:

- (1) \$200,000 of the appropriation is to be used to conduct a site selection process;
- (2) \$1,400,000 is provided to accelerate the predesign environmental review and infrastructure design development for the site contingent on passage of the juvenile offenders sentencing revisions, Substitute Senate Bill No. 6448; and
- (3) The appropriation in this section is subject to review and allotment procedures under section 813, chapter 16, Laws of 1995 2nd sp.s.

**Appropriation:**

St Bldg Constr Acct--State \$ ~~((200,000))~~  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 45,000,000

1,600,000

TOTAL \$ ~~((45,200,000))~~

46,600,000

Sec. 11. 1995 2nd sp.s. c 16 s 242 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Echo Glen new beds and infrastructure (96-2-229)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act. The department may spend \$2,800,000 of this appropriation to site 48 beds at Green Hill School if determined by the office of financial management to be in the best interest of the state. Location of 48 beds at Green Hill School must be consistent with the master plan for Green Hill School.

**Appropriation:**

St Bldg Constr Acct--State \$ 6,484,300  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,484,300

Sec. 12. 1995 2nd sp.s. c 16 s 243 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Green Hill redevelopment--424-bed institution (96-2-230)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act; and
- (2) \$380,000 of the appropriation in this section is provided for a facility and site master plan and environmental impact statement.

Moneys for design and construction shall not be expended until the facility and site master plan is approved by the office of financial management(~~(; and)~~).

**Appropriation:**

St Bldg Constr Acct--State \$ ~~((34,374,536))~~

44,324,536

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ ~~((3,000,000))~~

7,000,000

TOTAL \$ ~~((37,374,536))~~

51,324,536

Sec. 13. 1995 2nd sp.s. c 16 s 244 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Maple Lane School support services renovation, sewer treatment, and infrastructure improvements (96-2-231)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

St Bldg Constr Acct--State \$ ~~((5,855,500))~~

9,355,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ ~~((5,855,500))~~

9,355,500

Sec. 14. 1995 2nd sp.s. c 16 s 246 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Mission Creek expanded housing and preservation projects (96-2-233)**

**Appropriation:**

St Bldg Constr Acct--State \$ ~~((414,800))~~

3,539,800

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ ~~((414,800))~~

3,539,800

NEW SECTION. Sec. 15. A new section is added to 1995 2nd sp.s. c 16 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Maple Lane--112-Bed Expansion (97-2-001)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is contingent on passage of the juvenile offender sentencing revisions, Substitute Senate Bill No. 6448; and

(2) The appropriation will be used to build two 56-bed prototypical medium custody units, and expand the kitchen and health services areas to accommodate increased population.

**Appropriation:**

**St Bldg Constr Acct--State \$ 7,541,670**

**CEP & RI Acct--State \$ 2,000,000**

Subtotal Appropriation \$ 9,541,670

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,541,670

NEW SECTION. **Sec. 16.** A new section is added to 1995 2nd sp.s. c 16 (uncodified) to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Indian Ridge fence repairs:** To repair fencing and provide a secure perimeter (97-1-001)

**Appropriation:**

**CEP & RI Acct--State \$ 196,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 196,000

**Sec. 17.** 1995 2nd sp.s. c 16 s 258 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Mechanical, electrical, and heating, ventilation, and air conditioning improvements, Washington Veterans' Home (95-1-003)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 600,000**

**Appropriation:**

**CEP & RI Acct--State \$ ((360,000))**

Prior Biennia (Expenditures) \$ 1,346,611

Future Biennia (Projected Costs) \$ 1,600,000

TOTAL \$ ((3,906,611))

**Sec. 18.** 1995 2nd sp.s. c 16 s 260 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Mechanical, electrical, heating, ventilation and air conditioning projects, Washington Soldiers' Home (95-1-006)**

**Reappropriation:**

**St Bldg Constr Acct--State \$ 250,000**

**Appropriation:**

**CEP & RI Acct--State \$ ((235,000))**

Prior Biennia (Expenditures) \$ 587,057

Future Biennia (Projected Costs) \$ 1,600,000

TOTAL \$ ((2,672,057))

NEW SECTION. **Sec. 19.** A new section is added to 1995 2nd sp.s. c 16 (uncodified) to read as follows:  
**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Replace failed steam and condensate lines at the Retsil Facility (97-1-001)**

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510,000

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4,056,611

335,000

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2,772,057

**Appropriation:**

CEP & RI Acct--State \$ 400,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 400,000

Sec. 20. 1995 2nd sp.s. c 16 s 273 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

**Airway Heights Correctional Center 512-bed expansion (96-2-003)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct--State \$ 2,055,776

**Appropriation:**

St Bldg Constr Acct--State \$ ((17,155,382))

Prior Biennia (Expenditures) \$ 4,439,774  
Future Biennia (Projected Costs) \$ 0

16,298,370

TOTAL \$ ((23,650,932))

22,793,920

Sec. 21. 1995 2nd sp.s. c 16 s 274 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

**1936-bed multicustody facility design, land acquisition, utilities, and site work (96-2-007)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) In order to coordinate the initial development of the new prison funded in this section with the privatization evaluation in Engrossed Substitute House Bill No. 1410 (omnibus operating budget), moneys in this appropriation may be spent solely for land acquisition, utility development, site work, design and engineering activities related to utilities and site work, schematic design of buildings to determine placement on the building site, and related activities. Moneys in this appropriation may also be spent for detailed design and engineering of buildings with the approval of the office of financial management and concurrence of the chairs of the house of representatives capital budget committee and senate ways and means committee.

**Reappropriation:**

St Bldg Constr Acct--State \$ 100,000

**Appropriation:**

St Bldg Constr Acct--State \$ ((19,263,733))

Prior Biennia (Expenditures) \$ 900,000  
Future Biennia (Projected Costs) \$ (166,190,016))

12,162,723

173,291,026

TOTAL \$ 186,453,749

Sec. 22. 1995 2nd sp.s. c 16 s 276 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

**Larch and Cedar Creek expansion to 400-bed camps and work ethic camp (96-2-010)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The design and construction phase of this appropriation shall not be expended until the facility predesign documents developed in accordance with the predesign manual published by the office of financial management have been reviewed and approved. The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) If the appropriation in this section is in excess of the amount required to complete the expansion of the Larch and Cedar Creek camps, the office of financial management may authorize the transfer of excess appropriation authority to match federal grant funds received by the department to expand inmate capacity at the work ethic camp on McNeil Island. The office of financial management may also

authorize the transfer of excess appropriation authority to expand the inmate capacity of the Olympic corrections center. The office of financial management shall notify the appropriate committees of the house of representatives and senate within ten days of any such transfer.

(3) It is the intent of the legislature that inmate labor be used to reduce costs so that as much as \$2,000,000 in project cost savings may be realized.

(4) The department shall construct secure perimeter fencing as part of the expansion of the Larch corrections center.

**Appropriation:**

**St Bldg Constr Acct--State \$ 22,000,000**

**General Fund--Federal \$ 1,800,000**

Subtotal Appropriation \$ 23,800,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ ((22,000,000))

23,800,000

**Sec. 23.** 1995 2nd sp.s. c 16 s 277 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

**Special Offenders Unit: Predesign (96-2-011)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. The predesign will be coordinated with the department of social and health services and will address civil commitment needs as well as the department of corrections need for expanded mental health services. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Appropriation:**

**St Bldg Constr Acct--State \$ ((427,400))**

327,400

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 15,985,140

TOTAL \$ ((46,412,540))

16,312,540

**NEW SECTION. Sec. 24.** A new section is added to 1995 2nd sp.s. c 16 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

**Replace chilled and hot water systems at Airway Heights Corrections Center (97-1-001)**

The appropriation in this section is subject to the following conditions and limitations:

The agency shall seek recovery of damages to the greatest extent possible from parties determined to be responsible for the failure of the condensate and steam distribution systems. Funds recovered will be deposited in the state building construction account.

**Appropriation:**

**St Bldg Constr Acct--State \$ 5,335,354**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,335,354

**NEW SECTION. Sec. 25.** A new section is added to 1995 2nd sp.s. c 16 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

**Convert medium custody housing to close custody at the Washington State Reformatory (97-2-001)**

**Appropriation:**

**St Bldg Constr Acct--State \$ 3,236,266**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,236,266 -----

**PART 3  
NATURAL RESOURCES**

**Sec. 26.** 1995 2nd sp.s. c 16 s 332 (uncodified) is amended to read as follows:

**FOR THE STATE CONSERVATION COMMISSION**

**Water quality account projects (90-2-001)**

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,253,101 of the reappropriation is provided solely for technical assistance and grants for dairy waste management and facility planning and implementation.

(2) The new appropriation provided in this section shall be allocated by the commission for nonpoint source pollution prevention facilities and activities.

(3) \$130,000 of the water quality account appropriation is provided for the implementation of the Puget Sound water quality management plan.

**Reappropriation:**

**Water Quality Acct--State \$ 3,360,475**

**Appropriation:**

**Water Quality Acct--State \$ ((5,500,000))**

**5,381,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 10,000,000

TOTAL \$ ((18,860,475)) -----

**18,741,475**

NEW SECTION. **Sec. 27.** A new section is added to 1995 2nd sp.s. c 16 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Problem wildlife fencing (97-2-002)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation in this section is to provide design and materials for fencing that will be installed by private owners.

**Appropriation:**

**St Bldg Constr Acct--State \$ 300,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000 -----

NEW SECTION. **Sec. 28.** A new section is added to 1995 2nd sp.s. c 16 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Contingency Reserve:** To provide funds to expedite state projects **(97-1-001)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation in this section may be expended for the following projects if, by June 30, 1996, federal reimbursement for the Chelan fire costs is not sufficient to meet appropriation levels authorized in chapter 16, Laws of 1995 2nd sp. sess. The office of financial management shall approve allotments for use of these funds in the following priority order:

Nemah Hatchery Building and incubation system replacement (96-1-006)

Coast and Puget Sound wildstock restoration: Hatchery improvements (96-2-013)

Fish protection facilities (96-2-014)

**Appropriation:**

**St Bldg Constr Acct--State \$ 2,000,000**

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,000,000

NEW SECTION. **Sec. 29.** A new section is added to 1995 2nd sp.s. c 16 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES--SPECIAL LAND PURCHASES AND COMMON SCHOOL CONSTRUCTION**

**Special land purchases and common school construction (97-2-001)**

The appropriations in this section are subject to the following conditions and limitations:

- (1) The total appropriation is provided to the department of natural resources solely to transfer from trust status certain trust lands of state-wide significance deemed appropriate for state park, wildlife habitat, and natural area preserve, natural resources conservation area, open space or recreation purposes.
- (2) The following trust properties were identified by the department of natural resources as suitable for transfer for the benefit of the common schools, in accordance with the identification process approved by the board of natural resources. The department of natural resources shall make reasonable efforts to transfer the trust properties in the priority order listed below to the identified agency until the appropriation is expended.
  - (a) Hendrickson Canyon, Wahkiakum county, to the department of natural resources for natural area preserve purposes;
  - (b) Willapa Divide, Pacific county, to the department of natural resources for natural area preserve purposes;
  - (c) West Columbia Falls, Skamania county, to the department of natural resources for natural area preserve purposes;
  - (d) Klickitat Wildlife Area, Klickitat county, to the department of fish and wildlife for wildlife habitat purposes;
  - (e) South Nemah, Pacific county, the department of natural resources for natural resources conservation area purposes;
  - (f) Iron Horse/Bandera, King county, to the state parks and recreation commission for state park purposes;
  - (g) Kitsap Forest, Kitsap county, to the department of natural resources for natural area preserve purposes;
  - (h) Mount Peak, King county, to King county for open space and recreation purposes; and
  - (i) Upper Sultan Basin, Snohomish county, to the department of natural resources for natural resources conservation area purposes and protection of the city of Everett watershed.
- (3) Lands may be transferred under the authority provided in this section only if timber on these lands are commercially unsuitable for harvest due to economic considerations, good forest practices, or other interests of the state. Upon authorization of transfer by the board of natural resources, the department shall report to the office of financial management and the appropriate legislative committees regarding the determination of the reason for transfer.
- (4) Property transferred under this section shall be appraised and transferred at fair market value. The value of the timber transferred shall be deposited by the department of natural resources in the same manner as timber revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040.
- (5) All reasonable costs incurred by the department of natural resources to implement this section are hereby authorized to be paid out of the appropriation. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys and other similar costs.
- (6) Intergrant exchanges between common school and other trust lands of equal value may occur if the exchange is in the interest of each trust, as determined by the board of natural resources.
- (7) Prior to or concurrent with conveyance of these properties, the department of natural resources, with full cooperation of the receiving agencies, shall execute and record a real property instrument which dedicates the transferred properties to the purposes identified in subsection (2) of this section for a minimum period of twenty years. The department of natural resources, in consultation with the receiving agencies, shall develop policy to address requests to replace transferred properties subject to the recorded property instrument that are no longer deemed appropriate for the purposes identified in subsection (2) of this section.
- (8) It is the intention of the legislature that the entire appropriation in this section shall be used to acquire timber on the lands listed in subsection (1) of this section and that the proceeds from the sale of the timber shall be deposited in the common school construction fund. Funds provided in section 305(14) of Senate Bill No. 6251 are provided for the acquisition and replacement of the land value associated with the parcels. On June 30, 1997, the state treasurer shall transfer all remaining uncommitted funds from the state building construction account appropriation to the common school construction fund.
- (9) The department shall enter into an agreement with a private nonprofit organization to provide management services on lands transferred out of trust status. The agreement shall provide for a minimum contribution of \$100,000 from private sources that will be used to augment the department's current budget for management of these lands. The contribution may be in the form of cash or in-kind services. The agreement shall stipulate that the department will retain primary management authority over the lands.
- (10) If Senate Bill No. 6774 is not enacted by June 30, 1996, the appropriation in this section shall lapse.

**Appropriation:**

**St Bldg Constr Acct--State \$ 50,000,000**  
Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 50,000,000

Sec. 30. 1995 2nd sp.s. c 16 s 306 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

**Local toxics control account (88-2-008)**

The appropriations in this section are subject to the following conditions and limitations:

(1) No more than \$200,000 of the appropriation may be used for development of a bay-wide demonstration project to clean up contaminated sediments. The appropriation in this subsection shall be used specifically to facilitate local government involvement in developing and implementing the demonstration project. By December 1, 1996, the department shall submit to the legislature a plan for implementing the bay-wide demonstration project in the 1997-99 biennium. The plan shall include the following information: (a) The geographic area chosen for the project; (b) goals and objectives of the demonstration project; (c) specific results to be achieved during the biennium; and (d) a detailed expenditure plan to achieve the intended results.

(2) \$1,000,000 of the appropriation in this section shall be expended by the department of ecology as grants to assist local governments in developing and implementing area-wide strategies for the cleanup and reuse of industrial lands. The department shall provide a priority to funding activities by local governments that were developed with and facilitate active participation of property owners, businesses, and residents in the area, and that address industrial areas with one or more sites ranked highly under the state's hazard ranking system.

**Reappropriation:**

**Local Toxics Control Acct--**

State \$ 29,538,197

**Appropriation:**

**Local Toxics Control Acct--**

State \$ ((42,467,860))

41,967,860

Prior Biennia (Expenditures) \$ 81,326,814

Future Biennia (Projected Costs) \$ 201,245,135

TOTAL \$ ((354,578,006))

354,078,006

Sec. 31. 1995 2nd sp.s. c 16 s 307 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

**Water pollution control revolving account (90-2-002)**

The appropriations in this section are subject to the following conditions and limitations:

If, by October 1, 1996, any portion of the funds appropriated in this section from the water pollution control revolving fund--state account are not needed as state matching funds for federal capitalization grants, the department shall use these funds to provide grants to small communities that are experiencing hardship in financing wastewater treatment needs. Such moneys shall be administered under centennial clean water fund guidelines in a special application cycle beginning no later than October 15, 1996. Eligible jurisdictions must: (1) Have a population of 8,000 or fewer residents; and (2) have sewer rates at or near 1.5 percent of the jurisdiction's median household income.

**Reappropriation:**

**Water Pollution Cont Rev**

Fund--State \$ 12,000,000

**Water Pollution Cont Rev**

Fund--Federal \$ 77,857,990

Subtotal Reappropriation \$ 89,857,990

**Appropriation:**

**Water Pollution Cont Rev Fund--**

State \$ 13,000,000

**Water Pollution Cont Rev Fund--**

Federal \$ 62,000,000

**Water Pollution Cont Rev Fund--**  
**Private/Local \$ 4,265,272**

Subtotal Appropriation \$ 79,265,272  
Prior Biennia (Expenditures) \$ 111,343,108  
Future Biennia (Projected Costs) \$ 175,000,000

TOTAL \$ 455,466,370

**PART 4**  
**EDUCATION**

**Sec. 32.** 1995 2nd sp.s. c 16 s 508 (uncodified) is amended to read as follows:

**FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (96-2-001)**

The appropriations in this subsection are subject to the following conditions and limitations:

(1) Not more than \$210,000,000 from this appropriation may be obligated in fiscal year 1996 for school district project design and construction.

(2) A maximum of \$630,000 may be expended for three full-time equivalent field staff with construction and architectural experience to assist in evaluation project requests and reviewing information reported by school districts and certifying the building condition data submitted by school districts.

(3) From the appropriation in this section the state board shall maintain a reserve contingency fund for emergency repair projects for school buildings which present imminent health and safety hazards to building occupants. Expenditures shall not exceed \$5,000,000 per fiscal year. The board shall establish policies for recovery of expenditures from subsequent releases of funds approved by the school board to any school district receiving funds under this subsection (3), from any insurance payments for the same repair projects for which a school district has received funds under this subsection (3), and from local funding sources.

(4) \$250,000 of the appropriation in this section may be expended for the office of the superintendent of public instruction and the office of financial management to jointly contract with qualified specially trained teams to conduct a value engineering and a constructability review on at least five pilot school facility construction projects. The purpose of the pilot program is to determine the potential advantages and savings of value engineering and constructability review processes on school facility construction. The pilot projects shall be wholly paid from this appropriation without a requirement for local matching, and project sites shall be selected jointly by the superintendent of public instruction and the office of financial management on the basis of size, geographical area, and grade level. The results of the pilot program and recommendations on the use of value engineering and constructability reviews and how the current value engineering process can be improved shall be reported to the state board of education and the legislature by January 1997.

(5) The state board shall conduct a study of school districts with less than twenty-five percent taxable property in the district. The study shall identify the school districts with less than twenty-five percent taxable property and for the identified districts calculate the percentage of state match for financial assistance for school facilities, compare the school levy rate per one thousand dollars of taxable property to the state average, verify the number of unhoused students, and make an assessment of the condition of existing school buildings in the district. The state board shall make recommendations to the 1996 legislature on potential state policy changes.

**Appropriation:**

**Common School Constr Fund--State \$ (265,600,000)**

**315,600,000**

**St Bldg Constr Acct--State \$ ((100,000,000))**

**50,000,000**

Subtotal Appropriation \$ 365,600,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 365,600,000

Sec. 33. 1995 2nd sp.s. c 16 s 511 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE BLIND**

**Old Main: Seismic stabilization (96-1-001)**

**Appropriation:**

St Bldg Constr Acct--State \$ ((850,000))

975,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ ((850,000))

975,000

NEW SECTION. Sec. 34. A new section is added to 1995 2nd sp.s. c 16 (uncodified) to read as follows:

**FOR THE STATE SCHOOL FOR THE BLIND**

**Cottage fire doors:** To install fire doors in cottages 1, 2, 3, and 4 (97-1-001)

**Appropriation:**

St Bldg Constr Acct--State \$ 30,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 30,000

Sec. 35. 1995 2nd sp.s. c 16 s 514 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE DEAF**

**MacDonald and Deer Halls: Elevators (96-2-002)**

The appropriation in this section is subject to the following conditions and limitations:

\$30,000 of these funds may be used for a feasibility and cost-benefit study of alternatives for student housing. The study shall be presented to the office of financial management and the appropriate legislative committees by September 1, 1996. Upon approval of the office of financial management, the remaining funds may be used for design and construction of new housing.

**Appropriation:**

St Bldg Constr Acct--State \$ 550,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 550,000

Sec. 36. 1995 2nd sp.s. c 16 s 519 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

**Physics/Astronomy building construction (90-2-009)**

**Reappropriation:**

H Ed Reimb Constr Acct \$ ((3,000,000))

2,592,427

Prior Biennia (Expenditures) \$ ((69,564,000))

69,971,573

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 72,564,000

Sec. 37. 1995 2nd sp.s. c 16 s 543 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

**Ocean and Fisheries Science Buildings II & III: Design and site preparation:** To design the 125,673 gross square foot OFS II (Fisheries) and 106,000 gross square foot OFS III (Oceanography) buildings and clear and prepare sites for future construction (96-2-006)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$991,000 of the amount reappropriated in section 521 of this act for predesign of this project shall be used for design.

(2) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

**UW Bldg Acct--State \$ 1,548,150**  
**St Bldg Constr Acct--State \$ ((5,932,025))**  
**4,941,025**

Subtotal Appropriation \$ ((7,480,175))  
**6,489,175**

Prior Biennia (Expenditures) \$ 558,400  
Future Biennia (Projected Costs) \$ 65,758,625

**TOTAL \$ ((73,797,200))**  
**72,806,200**

NEW SECTION. **Sec. 38.** A new section is added to 1995 2nd sp.s. c 16 (uncodified) to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

**Bothell Branch Campus enrollment expansion (97-1-001)**

The appropriation in this section is provided for the improvements to the Canyon Park facility to accommodate enrollment growth for undergraduate students in computer science/software engineering authorized in the 1996 supplemental operating budget.

**Appropriation:**

**UW Bldg Acct--State \$ 150,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

**TOTAL \$ 150,000**

**PART 5  
MISCELLANEOUS**

**Sec. 39.** 1995 2nd sp.s. c 16 s 802 (uncodified) is amended to read as follows:

**ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.** The following agencies may enter into financial contracts, paid for from operating revenues, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements, or financial contracts using certificates of participation. The director of general administration shall ensure that the clustering of state facilities and the collocation and consolidation of state agencies take place where such configurations are economical and consistent with agency space needs. Agencies shall assist the department of general administration with facility collocation and consolidation efforts. Prior to the finalization of a financing contract authorized under this act there shall be placed on file with the office of financial management an amortization statement which provides a schedule of contracted payments by source of fund. In addition, the contracting agency shall provide to the office of financial management a condition statement regarding any existing facility which is acquired listing the expected renovation or improvement costs which shall be incurred within five years of occupancy. The office of financial management shall provide annual reports to the appropriate legislative committees summarizing the information regarding the payment schedule and facility condition.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(1) Department of general administration:

Long-term lease with an option to purchase or lease-purchase for office space and associated parking in downtown Tacoma. A financial plan identifying all costs related to this project, and the sources and amounts of payments to cover these costs, shall be submitted for approval to the office of financial management prior to the execution of any contract. Copies of the financial plan shall also be provided to the senate ways and means committee and the house of representatives capital budget committee.

(2) Liquor control board:

~~((Lease-develop with an option to purchase a new liquor distribution center and materials handling center costing approximately \$30,000,000 to replace the current Seattle facility-))~~ (a) Enter into a financing contract in the amount of \$30,000,000 or less, depending on need, plus financing expenses and reserves pursuant to chapter 39.94 RCW for a new liquor distribution center and materials handling system;

(b) Up to \$4,000,000, or such portion thereof that is available and necessary, is appropriated in section 6 of this act from the liquor control board construction and maintenance account for costs incurred prior to the financing contract, and any such portion of the appropriation that is used reduces the amount of the financing contract by a like amount;

(c) The board will adjust its prices as needed, and such moneys will be deposited in a separate newly established interest-bearing account in the state treasury, notwithstanding RCW 43.84.092, to be known as the liquor control board construction and maintenance account, and all such costs will be paid therefrom; and

(d) A financial plan identifying all costs related to this project, and the sources and amounts of payments to cover these costs, shall be submitted for approval to the office of financial management prior to the execution of any contract. Copies of the financial plan shall also be provided to the senate ways and means committee and the house of representatives capital budget committee.

(3) Department of corrections:

(a) Lease-purchase property from the department of natural resources on which Cedar Creek, Larch, and Olympic correctional centers are located for up to \$1,000,000; and

(b) Lease-develop with the option to purchase or lease-purchase 240 work release beds in facilities throughout the state for \$10,080,000.

(4) Community and technical colleges:

(a) Enter into a financing contract on behalf of Clark College in the amount of \$4,200,000 and reserves pursuant to chapter 39.94 RCW, to purchase 12 acres and a 60,000 square foot building as an expansion site for the main campus.

~~(b) ((Enter into a long-term lease or lease-purchase contract for Clover Park Technical College in the amount of \$5,600,000 for off-campus aircraft training programs;~~

~~(c))~~ Purchase from local funds or enter into a financing contract on behalf of Edmonds Community College in the amount of \$2,000,000 and reserves pursuant to chapter 39.94 RCW, to purchase 3.3 acres and a 67,000 square foot building to house classrooms, office facilities, and physical plant activities;

~~((d))~~ (c) Enter into a financing contract on behalf of Edmonds Community College in the amount of \$1,600,000 and reserves pursuant to chapter 39.94 RCW, to purchase 1.2 acres and a 10,923 square foot building to house international programs and adult basic education and English as a second language instruction and student and faculty services;

~~((e))~~ (d) Purchase in a lump sum from local funds or enter into a financing contract on behalf of Edmonds Community College in the amount of \$2,600,000 and reserves pursuant to chapter 39.94 RCW, to purchase 1.1 acres and a 32,000 square foot building to house the extended learning center. This facility is currently being leased and maintained by the college;

~~((f))~~ (e) Enter into a financing contract on behalf of Green River Community College in the amount of \$4,000,000 and reserves pursuant to chapter 39.94 RCW, to purchase a 28,000 square foot building, site and associated parking to house extension and business related programs;

~~((g))~~ (f) Enter into a financing contract on behalf of Highline Community College in the amount of \$300,000 and reserves pursuant to chapter 39.94 RCW, to purchase 0.45 acres and a 1,500 square foot building;

~~((h))~~ (g) Lease-purchase or enter into a financing contract on behalf of South Puget Sound Community College in the amount of \$1,400,000 and reserves pursuant to chapter 39.94 RCW, to purchase 6.69 acres contiguous to the main campus;

~~((i))~~ (h) Lease-purchase or enter into a financing contract on behalf of Walla Walla Community College in the amount of \$1,000,000 and reserves pursuant to chapter 39.94 RCW, to purchase 18 acres of land and 27,500 square feet of improvements contiguous to the site;

~~((j))~~ (i) Lease-purchase or enter into a financing contract on behalf of Wenatchee Valley College in the amount of \$250,000 and reserves pursuant to chapter 39.94 RCW, to purchase 3 acres of land and erect a 7,500 square foot metal building to house physical plant shops.

~~((k))~~ (j) Lease-develop with option to purchase or enter into a financing contract on behalf of Wenatchee Valley College in the amount of \$150,000 and reserves pursuant to chapter 39.94 RCW, to purchase 2 acres of land and construct additional parking for college faculty, staff, and students. This project is required by the City of Omak for the Wenatchee Valley College - North Campus;

~~((l))~~ (k) Lease-purchase or enter into a financing contract on behalf of Tacoma Community College in the amount of \$150,000 and reserves pursuant to chapter 39.94 RCW, to purchase 0.275 acres contiguous to the campus;

~~((m))~~ (l) Enter into a financing contract on behalf of Skagit Valley Community College in the amount of \$800,000 and reserves pursuant to chapter 39.94 RCW for the purchase and development of a 5,000 square foot educational and support services facility to provide instructional and meeting space for Skagit Valley Community College on San Juan Island;

~~((#))~~ (m) Lease-purchase or enter into a financing contract on behalf of Yakima Valley College in the amount of \$115,000 and reserves pursuant to chapter 39.94 RCW, to purchase two undeveloped lots adjacent to the campus for use as parking areas;

~~((#))~~ (n) Enter into a financing contract on behalf of Tacoma Community College in the amount of \$2,880,000 and reserves pursuant to chapter 39.94 RCW, to purchase the Gig Harbor extension center and site;

~~((#))~~ (o) Enter into a financing contract on behalf of South Seattle Community College in the amount of \$5,350,000 and reserves pursuant to chapter 39.94 RCW, to purchase approximately 11.08 acres of land to accommodate expansion of the Duwamish industrial education center;

~~((#))~~ (p) Enter into a long-term lease in a 11,097 square foot former bank building in Enumclaw by Green River Community College extension program for approximately \$90,000;

~~((#))~~ (q) Enter into a financing contract on behalf of Bellingham Technical College in the amount of \$1,100,000 and reserves pursuant to chapter 39.94 RCW, to purchase approximately 8.5 acres of land to accommodate expansion of the Bellingham Technical College;

~~((#))~~ (r) Lease-develop with option to purchase or lease-purchase a central data processing and telecommunications facility to serve the 33 community and technical colleges for \$5,000,000, subject to the approval of the office of financial management; ~~and~~

~~((#))~~ (s) Lease-purchase 1.66 acres of land adjacent to Lake Washington Technical College for \$500,000;

~~((#))~~ (t) Lease-develop or lease-purchase property for the carpentry and electrical apprentice programs for Wenatchee Valley College for \$350,000;

~~((#))~~ (u) Acquire a residence that abuts the Bellevue Community College campus, valued at \$200,000, for use as an English language center and long term campus expansion;

~~((#))~~ (v) Enter into a financing contract on behalf of Columbia Basin College in the amount of \$3,000,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for construction of a \$4,000,000 work force and vocational training facility. Columbia Basin College shall provide the balance of project cost in local funds; and

~~((#))~~ (w) Enter into a financing contract on behalf of Shoreline Community College in the amount of \$400,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for construction of a \$3,500,000 vocational art facility. The balance of construction funds are appropriated in the capital budget.

(5) State parks and recreation:

Enter into a financing contract on behalf of state parks and recreation in the amount of \$600,000 and reserves pursuant to chapter 39.94 RCW, to develop new campsite electrical hookups and expand group camp facilities statewide.

(6) Washington State University:

(a) Enter into a financing contract for \$8,600,000 plus financing costs to construct a facility on the Vancouver Branch Campus. The facility will be leased to the federal general services administration to house the Cascades Volcano Observatory and the lease payments shall reimburse Washington State University for the cost of the financing contract; and

(b) Enter into a financing contract for \$7,500,000 plus financing costs to construct a portion of the Consolidated Information Center at the Tri-Cities Branch Campus. Washington State University will be reimbursed for the cost of the financing contract from federal money received for the operation and/or construction of the center.

(7) Western Washington State University:

Lease-purchase property adjacent or near to the campus for future expansion for \$2,000,000.

(8) Washington state fruit commission:

Enter into a financing contract for the purpose of completing its new headquarters and visitor center facility in the principal amount of \$300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW.

(9) The office of the state treasurer is authorized to enter into a financing contract pursuant to chapter 39.94 RCW for \$4,000,000 plus issuance expenses and required reserves to assist a consortium of Washington counties in the lease/purchase of leasehold improvements to Martin Hall, on the campus of eastern state hospital, in Medical Lake, and the renovation of the hall for use as a juvenile rehabilitation center. The participating counties shall be primarily and directly liable for the payments under the financing contract for the project and the office of the state treasurer shall be limited to a contingent obligation under the financing contract. In the event of any deficiency of payments by any of the participating counties under the financing contract, the office of the state treasurer is directed to withdraw from that county's share of state revenues for distribution an amount sufficient to fulfill the terms and conditions of the contract authorized under this subsection.

(10) Washington state convention and trade center:

(a) Enter into a financing contract in the amount of \$8,000,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for refinancing the parking revenue note issued by the corporation to Industrial Indemnity Corporation and held by its successor, Resolution Credit Service Corporation; and

(b) Enter into a financing contract in the amount of \$111,700,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for the construction of a \$130,000,000 expansion of the Washington state convention and trade center as authorized under chapter 386, Laws of 1995 in lieu of bonds described therein. The balance of the expansion project funds shall be provided from interest earnings and public or private funds.

NEW SECTION. Sec. 40. 1995 2nd sp.s. c 16 s 223 (uncodified) is repealed.

NEW SECTION. Sec. 41. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately. "

#### MOTIONS

On motion of Senator Loveland, the following title amendment was adopted:

On page 1, line 1 of the title, after "budget;" strike the remainder of the title and insert "amending 1995 2nd sp.s. c 16 ss 2, 107, 126, 115, 125, 230, 241, 242, 243, 244, 246, 258, 260, 273, 274, 276, 277, 332, 306, 307, 508, 511, 514, 519, 543, and 802 (uncodified); adding new sections to 1995 2nd sp.s. c 16 (uncodified); repealing 1995 2nd sp.s. c 16 s 223 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency."

On motion of Senator Loveland, the rules were suspended, Substitute House Bill No. 2284, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2284, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2284, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, Moyer, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Thibaudeau, Winsley, Wojahn and Wood - 35.

Voting nay: Senators Cantu, Hochstatter, Johnson, McCaslin, McDonald, Morton, Newhouse, Oke, Roach, Schow, Swecker, West and Zarelli - 13.

Excused: Senator Anderson, A. - 1.

SUBSTITUTE HOUSE BILL NO. 2284, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2345, by House Committee on Appropriations (originally sponsored by Representatives Huff and H. Sommers) (by request of Office of Financial Management)

Making supplemental operating budget appropriations.

The bill was read the second time.

#### MOTION

On motion of Senator Rinehart, the following amendment was adopted:

Strike everything after the enacting clause and insert the following:

#### **"PART I GENERAL GOVERNMENT**

**Sec. 101.** 1995 2nd sp.s. c 18 s 103 (uncodified) is amended to read as follows:

**FOR THE LEGISLATIVE BUDGET COMMITTEE**

General Fund Appropriation (FY 1996) \$ ((1,557,000))

1,567,000

General Fund Appropriation (FY 1997) \$ 1,268,000

TOTAL APPROPRIATION \$ ((2,825,000))

2,835,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$288,000 is provided solely for the legislative budget committee to conduct a performance audit of the office of the superintendent of public instruction and report its finding to the appropriate committees of the legislature by December 31, 1995. In addition to the standard items reviewed in a performance audit, the committee is directed to provide the following: (a) A determination of methods to maximize the amount of federal funds received by the state; (b) the identification of potential cost savings from any office programs which could be eliminated or transferred to the private sector; (c) an analysis of gaps and overlaps in office programs; and (d) an evaluation of the efficiency with which the office of the superintendent of public instruction operates the programs under its jurisdiction and fulfills the duties assigned to it by law. In conducting the performance audit, the legislative budget committee is also directed to use performance measures or standards used by other states or other large education organizations in developing its findings.

(2) The general fund appropriation contains sufficient funds for the legislative budget committee to perform the study required in Second Substitute Senate Bill No. 5574 regarding the transfer of forest board lands to the counties.

(3) \$10,000 is provided for a study to determine if a category for rear engine transit-style school buses should be added to the competitive price quote process under RCW 28A.160.195. The study shall compare identically equipped front engine and rear engine transit-style school buses of the same model year and the same capacity to determine if there is a definitive advantage in either type of bus in performance for transporting students to and from school and if there are documented savings in operating costs. The study shall include information from other states and national data regarding the use of front engine and rear engine transit-style school buses. The study shall also include information from private contractors' fleets as well as publicly owned and operated fleets. In addition, the study shall identify the cost differences, as provided by the manufacturer of the school buses, of identically equipped front engine and rear engine transit-style school buses of the same capacity. The study shall be submitted to the fiscal committees of the legislature and the superintendent of public instruction by August 1, 1996.

(4) The legislative budget committee shall conduct a study of the use, in the state's public schools, of school nurses and other health workers and the sources of funding therefor. The study shall be conducted during the 1996-97 school year and shall be reported to the appropriate committees of the legislature by December 1, 1997.

**Sec. 102.** 1995 2nd sp.s. c 18 s 106 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE STATE ACTUARY**

Department of Retirement Systems Expense Account

Appropriation \$ 1,573,000

The appropriation in this section is subject to the following conditions and limitations: Sufficient funding is provided to study options for expanding state and school district retiree access to health benefits purchased through the health care authority and the fiscal impacts of each option. The state actuary shall conduct this study in conjunction with the office of financial management, the health care authority, and the fiscal committees of the legislature.

**NEW SECTION. Sec. 103.** A new section is added to Laws of 1995 2nd sp.s. c 18 (uncodified) to read as follows:

**FOR THE LEGISLATIVE OFFICE OF PERFORMANCE REVIEW**

General Fund Appropriation (FY 1997) \$ 677,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely to implement Senate Bill No. 6680 (performance reviews). If the bill is not enacted by June 30, 1996, the appropriation shall lapse.

**Sec. 104.** 1995 2nd sp.s. c 18 s 110 (uncodified) is amended to read as follows:

**FOR THE SUPREME COURT**

General Fund Appropriation (FY 1996) \$ 4,419,000

General Fund Appropriation (FY 1997) \$ ((4,456,000))

4,536,000

TOTAL APPROPRIATION \$ ((8,875,000))

8,955,000

**Sec. 105.** 1995 2nd sp.s. c 18 s 111 (uncodified) is amended to read as follows:

**FOR THE LAW LIBRARY**

General Fund Appropriation (FY 1996) \$ 1,607,000

General Fund Appropriation (FY 1997) \$ ((1,608,000))

1,597,000

TOTAL APPROPRIATION \$ ((3,215,000))

3,204,000

**Sec. 106.** 1995 2nd sp.s. c 18 s 112 (uncodified) is amended to read as follows:

**FOR THE COURT OF APPEALS**

General Fund Appropriation (FY 1996) \$ ((8,834,000))

9,000,000

General Fund Appropriation (FY 1997) \$ ((8,834,000))

9,550,000

TOTAL APPROPRIATION    \$ ((17,668,000))

18,550,000

**Sec. 107.** 1995 2nd sp.s. c 18 s 113 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON JUDICIAL CONDUCT**

General Fund Appropriation (FY 1996)    \$ ((595,000))

755,000

General Fund Appropriation (FY 1997)    \$ ((606,000))

646,000

TOTAL APPROPRIATION    \$ ((1,201,000))

1,401,000

**Sec. 108.** 1995 2nd sp.s. c 18 s 114 (uncodified) is amended to read as follows:

**FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund Appropriation (FY 1996)    \$ 11,658,000

General Fund Appropriation (FY 1997)    \$ ((11,728,000))

11,832,000

Public Safety and Education Account

Appropriation    \$ ((41,403,000))

36,605,000

Judicial Information Systems Account

Appropriation    \$ ((6,446,000))

13,074,000

TOTAL APPROPRIATION    \$ ((71,235,000))

73,169,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in the judicial information systems account shall be used to fund computer systems for the supreme court, the court of appeals, and the office of the administrator for the courts. Expanding services to the courts, technology improvements, and criminal justice proposals shall receive priority consideration for the use of these funds.

(2) \$63,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 5235 (judgeship for Clark county). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$6,510,000 of the public safety and education account appropriation is provided solely for the continuation of treatment alternatives to street crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(4) ~~(\$9,326,000 of the public safety and education account is provided solely for the indigent appeals program.)~~ \$69,000 of the general fund appropriation is provided solely to implement Senate Bill No. 6151 (judgeship for Thurston county). If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

(5) \$35,000 of the general fund appropriation is provided solely to implement Senate Bill No. 6495 (judgeships for Chelan/Douglas counties). If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

~~((5))~~ (6) \$26,000 of the public safety and education account and ~~\$(110,000))~~ 1,385,000 of the judicial information systems account are to implement Engrossed Substitute Senate Bill No. 5219 (domestic violence). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

~~((6))~~ (7) \$138,000 of the public safety and education account is provided solely for Thurston county impact costs.

~~((7))~~ (8) \$223,000 of the public safety and education account is provided solely for the gender and justice commission.

~~((8))~~ (9) \$308,000 of the public safety and education account appropriation is provided solely for the minority and justice commission.

~~((9))~~ (10) No moneys appropriated in this section may be expended by the administrator for the courts for payments in excess of fifty percent of the employer contribution on behalf of superior court judges for insurance and health care plans and federal social security and medicare and medical aid benefits. Consistent with Article IV, section 13 of the state Constitution and 1996 Attorney General's Opinion No. 2, it is the intent of the legislature that the cost of these employer contributions shall be shared equally between the state and the county or counties in which the judges serve. The administrator for the courts shall establish procedures for the collection and disbursement of these employer contributions.

**NEW SECTION. Sec. 109.** A new section is added to Laws of 1995 2nd sp.s. c 18 (uncodified) to read as follows:

**FOR THE OFFICE OF PUBLIC DEFENSE**

Public Safety and Education Account

Appropriation (FY 1997)    \$ 5,805,000

The appropriation in this section is subject to the following conditions and limitations: If Substitute Senate Bill No. 6189 is not enacted by June 30, 1996, the appropriation in this section shall be made to the administrator for the courts.

**Sec. 110.** 1995 2nd sp.s. c 18 s 117 (uncodified) is amended to read as follows:

**FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund Appropriation (FY 1996) \$ ((1,107,000))	<u>1,125,000</u>
General Fund Appropriation (FY 1997) \$ ((1,045,000))	
	<u>1,503,000</u>
Industrial Insurance Premium Refund Account	
Appropriation \$ 725	
TOTAL APPROPRIATION \$ ((2,152,725))	
	<u>2,628,725</u>

**Sec. 111.** 1995 2nd sp.s. c 18 s 118 (uncodified) is amended to read as follows:

**FOR THE SECRETARY OF STATE**

General Fund Appropriation (FY 1996) \$ ((9,175,000))	
	<u>10,857,000</u>
General Fund Appropriation (FY 1997) \$ ((5,924,000))	
	<u>5,992,000</u>
Archives and Records Management Account	
Appropriation \$ ((4,330,000))	
	<u>5,215,000</u>
Department of Personnel Service Account	
Appropriation \$ 647,000	
TOTAL APPROPRIATION \$ ((20,076,000))	
	<u>22,711,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$((3,859,975)) 5,559,975 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$((5,183,762)) 5,233,762 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) \$140,000 of the general fund appropriation is provided solely for the state's participation in the United States census block boundary suggestion program.

(4) ~~((The general fund appropriation for fiscal year 1996 shall be reduced by \$726,000 if Engrossed Senate Bill No. 5852 (presidential preference primary) is enacted by March 15, 1996.))~~ \$1,440,000 of the archives and records management account appropriation is provided solely for records services to local governments under Senate Bill No. 6718 and shall be paid solely out of revenue collected under that bill. If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

(5) \$10,000 of the archives and records management account appropriation is provided solely for the purposes of Substitute House Bill No. 1497 (preservation of electronic public records)((,)).

**Sec. 112.** 1995 2nd sp.s. c 18 s 119 (uncodified) is amended to read as follows:

**FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund Appropriation (FY 1996) \$ ((151,000))	
	<u>168,000</u>
General Fund Appropriation (FY 1997) \$ ((152,000))	
	<u>169,000</u>
TOTAL APPROPRIATION \$ ((303,000))	
	<u>337,000</u>

**Sec. 113.** 1995 2nd sp.s. c 18 s 120 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS**

General Fund Appropriation (FY 1996) \$ ((173,000))	
	<u>183,000</u>
General Fund Appropriation (FY 1997) \$ ((173,000))	
	<u>181,000</u>
TOTAL APPROPRIATION \$ ((346,000))	

364,000

Sec. 114. 1995 2nd sp.s. c 18 s 121 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER**

State Treasurer's Service Account

Appropriation \$ ((10,454,000))

10,654,000

Sec. 115. 1995 2nd sp.s. c 18 s 122 (uncodified) is amended to read as follows:

**FOR THE STATE AUDITOR**

General Fund Appropriation (FY 1996) \$ ((12,000))

78,000

General Fund Appropriation (FY 1997) \$ ((10,000))

430,000

~~(Municipal Revolving Account~~

~~Appropriation \$ 24,886,000))~~

Auditing Services Revolving Account

Appropriation \$ 11,814,000

TOTAL APPROPRIATION \$ ((36,722,000))

12,322,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) The state auditor, in consultation with the legislative budget committee, shall conduct a performance audit of the state investment board. In conducting the audit, the state auditor shall: (a) Establish and publish a schedule of the performance audit and shall solicit public comments relative to the operations of the state investment board at least three months prior to conducting the scheduled performance audit; (b) under the provisions of chapter 39.29 RCW, obtain and utilize a private firm to conduct the audit. The firm selected shall utilize professional staff possessing the education, training, and practical experience in auditing private and governmental entities responsible for the investment of funds necessary to capably conduct the audit required by this subsection. The firm selected for the audit shall determine the extent to which the state investment board is operating consistently with the performance audit measures developed by the state auditor, acting together with the board, the legislative budget committee, the office of financial management, the state treasurer, and other state agencies, as appropriate. The audit measures shall incorporate appropriate institutional investment industry criteria for measuring management practices and operations. The firm shall recommend in its report any actions deemed appropriate that the board can take to operate more consistently with such measures. The cost of the performance audit conducted shall be paid by the board from nonappropriated investment earnings.

(3) \$486,000 of the general fund appropriation is provided solely to conduct audits of school district special education programs. School districts to be audited shall be determined in consultation with the state oversight committee appointed by the superintendent of public instruction pursuant to section 506 of this act and may involve school districts applying for special education safety net funds or school districts that exhibit unusual patterns of growth in special education enrollment.

Sec. 116. 1995 2nd sp.s. c 18 s 125 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FINANCIAL INSTITUTIONS**

Securities Regulation Account

Appropriation \$ 4,515,000

Pursuant to RCW 43.135.055, the director of financial institutions is authorized to increase fees charged to credit unions and other persons subject to regulation of the department of financial institutions under chapters 31.12, 31.12A, and 31.13 RCW in order to cover the costs of the operation of the department's division of credit unions and to establish a reasonable reserve for the division. The fees shall be set by the director so that the projected revenue to the department's dedicated nonappropriated credit unions examination fund in fiscal year 1997 does not exceed \$1,120,500, plus a one-time special assessment of \$184,000.

Sec. 117. 1995 2nd sp.s. c 18 s 126 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

General Fund--State Appropriation (FY 1996) \$ ((48,627,000))

51,023,000

General Fund--State Appropriation (FY 1997) \$ ((47,328,000))

51,273,000

General Fund--Federal Appropriation \$ ((147,991,000))

	<u>149,221,000</u>
General Fund--Private/Local Appropriation \$ ((1,676,000))	
	<u>4,290,000</u>
Public Safety and Education Account	
Appropriation \$ ((8,764,000))	
	<u>9,764,000</u>
Waste Reduction, Recycling, and Litter Control	
Account Appropriation \$ 2,006,000	
Washington Marketplace Program Account	
Appropriation \$ 150,000	
Public Works Assistance Account	
Appropriation \$ ((1,068,000))	
	<u>1,166,000</u>
Building Code Council Account	
Appropriation \$ 1,289,000	
Administrative Contingency Account	
Appropriation \$ 1,776,000	
Low-Income Weatherization Assistance Account	
Appropriation \$ 923,000	
Violence Reduction and Drug Enforcement Account	
Appropriation \$ 6,027,000	
Manufactured Home Installation Training Account	
Appropriation \$ ((150,000))	
	<u>250,000</u>
Washington Housing Trust Account	
Appropriation \$ ((4,686,000))	
	<u>7,986,000</u>
Public Facility Construction Revolving Account	
Appropriation \$ ((238,000))	
	<u>320,000</u>
Solid Waste Management Account Appropriation \$ 700,000	
<u>Vehicle Tire Recycling Account Appropriation \$ 699,000</u>	
Growth Management Planning and Environmental	
Review Fund Appropriation \$ 3,000,000	
TOTAL APPROPRIATION \$ ((276,399,000))	
	<u>291,863,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$6,065,000 of the general fund--state appropriation is provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1993-95 biennium.
- (2) \$400,000 of the general fund--state appropriation is provided solely to operate a value-added forest products development industrial extension program as required by RCW 43.31.641. The department may provide the required services directly or through contract and shall collect a fee for the services provided.
- (3) \$538,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 1724 (growth management).
- ~~((3))~~ (4) \$744,000 of the general fund--state appropriation is provided to offset reductions in federal community services block grant funding for community action agencies~~((s))~~. The department shall set aside ~~(((\$4,800,000))~~ \$4,056,000 of federal community development block grant funds for distribution to local governments to allocate to community action agencies state-wide.
- ~~((4))~~ (5) \$8,915,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 1996 as follows:
  - (a) \$3,603,250 to local units of government to continue multijurisdictional drug task forces;
  - (b) \$934,000 to the Washington state patrol for coordination, technical assistance, and investigative and supervisory staff support for multijurisdictional narcotics task forces;
  - (c) \$456,000 to the department to continue the state-wide drug prosecution assistance program;

(d) \$93,000 to the department to continue a substance-abuse treatment in jails program, to test the effect of treatment on future criminal behavior;

(e) \$744,000 to the department to continue the youth violence prevention and intervention projects;

(f) \$240,000 to the department for grants to support tribal law enforcement needs;

(g) \$495,000 is provided to the Washington state patrol for a state-wide integrated narcotics system;

(h) \$538,000 to the department for grant administration and program evaluation, monitoring, and reporting, pursuant to federal requirements;

(i) \$51,000 to the Washington state patrol for data collection;

(j) \$445,750 to the office of financial management for the criminal history records improvement program;

(k) \$42,000 to the department to support local services to victims of domestic violence;

(l) \$300,000 to the department of community, trade, and economic development for domestic violence legal advocacy;

(m) \$300,000 to the department of community, trade, and economic development for grants to provide a defender training program; and

(n) \$673,000 to the department of corrections for the expansion of correctional industries projects that place inmates in a realistic working and training environment.

~~((5))~~ (6) \$8,699,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 1997 as follows:

(a) \$3,600,000 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$934,000 to the Washington state patrol for coordination, technical assistance, and investigative and supervisory support staff for multijurisdictional narcotics task forces;

(c) \$500,000 to the department to continue the state-wide drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(d) \$450,000 to drug courts in eastern and western Washington;

(e) \$744,000 to the department to continue the youth violence prevention and intervention projects;

(f) \$93,000 to the department to continue a substance-abuse treatment in jails program to test the effect of treatment on future criminal behavior;

(g) \$42,000 to the department to provide training to local law enforcement officers, prosecutors, and domestic violence experts on domestic violence laws and procedures;

(h) \$300,000 to the department to support local services to victims of domestic violence;

(i) \$240,000 to the department for grants to support tribal law enforcement needs;

(j) \$300,000 to the department for grants to provide juvenile sentencing alternative training programs to defenders;

(k) \$560,000 to the department for grant administration, evaluation, monitoring, and reporting on Byrne grant programs, and the governor's council on substance abuse;

(l) \$435,000 to the office of financial management for the criminal history records improvement program;

(m) \$51,000 to the Washington state patrol for data collection; and

(n) \$450,000 to the department of corrections for the expansion of correctional industries projects that place inmates in a realistic working and training environment.

If additional funds become available or if any funds remain unexpended for the drug control and system improvement formula grant program under this subsection, up to \$95,000 additional may be used for the operation of the governor's council on substance abuse, including implementation of the recommendations of the legislative budget committee report on drug and alcohol abuse programs.

~~(7)~~ \$3,960,000 of the public safety and education account appropriation is provided solely for the office of crime victims' advocacy.

~~((6))~~ (8) \$216,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

~~((7))~~ (9) \$200,000 of the general fund--state appropriation is provided solely as a grant for the community connections program in Walla Walla county.

~~((8))~~ (10) \$30,000 of the Washington housing trust account appropriation is provided solely for the department to conduct an assessment of the per square foot cost associated with constructing or rehabilitating buildings financed by the housing trust fund for low-income housing. The department may contract with specially trained teams to conduct this assessment. The department shall report to the legislature by December 31, 1995. The report shall include:

(a) The per square foot cost of each type of housing unit financed by the housing trust fund;

(b) An assessment of the factors that affect the per square foot cost;

(c) Recommendations for reducing the per square foot cost, if possible;

(d) Guidelines for housing costs per person assisted; and

(e) Other relevant information.

~~((9))~~ (11) \$350,000 of the general fund--state appropriation is provided solely for the retired senior volunteer program.

~~((10))~~ (12) \$300,000 of the general fund--state appropriation is provided solely to implement House Bill No. 1687 (court-appointed special advocates). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

~~((11))~~ (13) \$50,000 of the general fund--state appropriation is provided solely for the purpose of a feasibility study of the infrastructure, logistical, and informational needs for the region involving Washington, Oregon, and British Columbia to host the summer Olympic Games in the year 2004 or 2008. The feasibility study shall be conducted using the services of a nonprofit corporation currently pursuing and having shown progress toward this purpose. The amount provided in this subsection may be expended only to the extent that it is matched on a dollar-for-dollar basis by funds for the same purpose from nonstate sources.

~~((12))~~ (14) \$100,000 of the general fund--state appropriation is provided solely as a grant to a nonprofit organization for costs associated with development of the Columbia Breaks Fire Interpretive Center.

~~((14))~~ (15) \$100,000 of the general fund--state appropriation is provided solely for the Pierce county long-term care ombudsman program.

~~((15))~~ (16) \$60,000 of the general fund--state appropriation is provided solely for the Pacific Northwest economic region.

~~((16))~~ (17) \$500,000 of the general fund--state appropriation is provided solely for distribution to the city of Burien for analysis of the proposed Port of Seattle third runway including preparation of a draft environmental impact statement and other technical studies. The amount provided in this subsection shall not be expended directly or indirectly for litigation, public relations, or any form of consulting services for the purposes of opposing the construction of the proposed third runway.

~~((17))~~ (18) Not more than \$458,000 of the general fund--state appropriation may be expended for the operation of the Pacific northwest export assistance project. The department will continue to implement a plan for assessing fees for services provided by the project. It is the intent of the legislature that the revenues raised to defray the expenditures of this program will be increased to fifty percent of the expenditures in fiscal year 1996 and seventy-five percent of the expenditures in fiscal year 1997. Beginning in fiscal year 1998, the legislature intends that this program will be fully self-supporting.

~~((18))~~ (19) \$4,804,000 of the public safety and education account appropriation is provided solely for contracts with qualified legal aid programs for civil indigent legal representation pursuant to RCW 43.08.260. It is the intent of the legislature to ensure that legal aid programs receiving funds appropriated in this act pursuant to RCW 43.08.260 comply with all applicable restrictions on use of these funds. To this end, during the 1995-97 fiscal biennium the department shall monitor compliance with the authorizing legislation, shall oversee the implementation of this subsection, and shall report directly to the appropriations committee of the house of representatives and the ways and means committee of the senate.

(a) It is the intent of the legislature to improve communications between legal aid programs and persons affected by the activities of legal aid programs. There is established for the 1995-97 fiscal biennium a task force on agricultural interests/legal aid relations. The task force shall promote better understanding and cooperation between agricultural interests and legal aid programs and shall provide a forum for discussion of issues of common concern. The task force shall not involve itself in pending litigation.

(i) The task force shall consist of the following sixteen members: Four representatives of agricultural organizations, to be appointed by the legislator members; two individuals who represent the corresponding interests of legal clients, to be appointed by organizations designated by the three legal services programs; two representatives of Evergreen Legal Services, to be appointed by its board of directors; one representative each from Puget Sound Legal Assistance Foundation and Spokane Legal Services Center, each to be appointed by its directors; one member from each of the majority and minority caucuses of the house of representatives, to be appointed by the speaker of the house of representatives; one member from each of the majority and minority caucuses of the senate, to be appointed by the president of the senate; and two members of the supreme court-appointed access to justice board, to be appointed by the board. During fiscal year 1996, the task force shall be chaired by a legislative member, to be selected by the task force members. During fiscal year 1997, the committee shall be chaired by a nonlegislator member, to be selected by the task force members.

(ii) All costs associated with the meetings shall be borne by the individual task force members or by the organizations that the individuals represent. No task force member shall be eligible for reimbursement of expenses under RCW 43.03.050 or 43.03.060. Nothing in this subsection prevents the legal aid programs from using funds appropriated in this act to reimburse their representatives or the individuals representing legal clients.

(iii) The task force will meet at least four times during the first year of the biennium and as frequently as necessary thereafter at mutually agreed upon times and locations. Any member of the task force may place items on meeting agendas. Members present at the first two task force meetings shall agree upon a format for subsequent meetings.

(b) The legislature recognizes that farmworkers have the right to receive basic information and to consult with attorneys at farm labor camps without fear of intimidation or retaliation. It is the intent of the legislature and in the interest of the public to ensure the safety of all persons affected by legal aid programs' farm labor camp outreach activities. Legal aid program employees have the legal right to enter the common areas of a labor camp or to request permission of employees to enter their dwellings. Employees living in grower supplied housing have the right to refuse entry to anyone including attorneys unless they have a warrant. Individual employees living in employer supplied

housing do not have the right to force legal aid program employees to leave common areas of housing (outside) as long as one person who resides in the associated dwellings wants that person to be there. Any legal aid program employee wishing to visit employees housed on grower property has the right to enter the driveway commonly used by the housing occupants. This means that if agricultural employees must use a grower's personal driveway to get to their housing, legal aid program employees also may use that driveway to access the housing without a warrant so long as at least some of the housing is occupied. When conducting outreach activities that involve entry onto labor camps, legal aid programs shall establish and abide by policies regarding conduct of outreach activities. The policies shall include a requirement that legal aid program employees identify themselves to persons whom they encounter at farm labor camps. The legal aid programs shall provide copies of their current outreach policies to known agricultural organizations and shall provide copies upon request to any owner of property on which farmworkers are housed. Legal aid program employees involved in outreach activities shall attempt to inform operators of licensed farm labor camps or their agents, and known grower organizations of the approximate time frame for outreach activities and shall cooperate with operators of farm labor camps at which farmworkers are housed in assuring compliance with all pertinent laws and ordinances, including those related to trespass and harassment. Employers who believe that Evergreen Legal Services Outreach Guidelines have been violated shall promptly provide all available information on the alleged violation to the director of Evergreen Legal Services and to the chair of the Task Force on Agricultural Interests/Legal Aid Relations. Evergreen Legal Services will promptly investigate any alleged violations of the outreach guidelines and inform the complaining party of the result. If the resolution of the investigation is not satisfactory to the complainant, the matter shall be placed on the Task Force agenda for discussion at the next scheduled meeting. Employers who believe that Evergreen Legal Services staff members have trespassed should immediately contact local law enforcement authorities.

(c) It is the intent of the legislature to provide the greatest amount of legal services to the largest number of clients by discouraging inefficient use of state funding for indigent legal representation. To this end, it is the intent of the legislature that, prior to the commencement of litigation against any private employer relating to the terms and conditions of employment legal aid programs receiving funds appropriated in this act make good faith written demand for the requested relief, a good faith offer of settlement or an offer to submit to nonbinding arbitration prior to filing a lawsuit, unless the making of the offer is, in the opinion of the director of the legal services program or his/her designee, clearly prejudicial to: (i) The health, safety, or security of the client; or (ii) the timely availability of judicial relief. The director of the legal aid program may designate not more than two persons for purposes of making the determination of prejudice permitted by this section.

(d)(i) The legislature encourages legal aid programs to devote their state and nonstate funding to the basic, daily legal needs of indigent persons. No funds appropriated under this act may be used for legal representation and activities outside the scope of RCW 43.08.260.

(ii) No funds appropriated in this act may be used for lobbying as defined in RCW 43.08.260(3). Legal aid programs receiving funds appropriated in this act shall comply with all restrictions on lobbying contained in Federal Legal Services Corporation Act (P.L. 99-951) and regulations promulgated thereunder.

(e) No funds appropriated in this act may be used by legal aid programs for representation of undocumented aliens.

(f) The legislature recognizes the duty of legal aid programs to preserve inviolate and prevent the disclosure of, in the absence of knowing and voluntary client consent, client information protected by the United States Constitution, the Washington Constitution, the attorney-client privilege, or any applicable attorney rule of professional conduct. However, to the extent permitted by applicable law, legal aid programs receiving funds appropriated in this act shall, upon request, provide information on their activities to the department and to legislators for purposes of monitoring compliance with authorizing legislation and this subsection.

(g) Nothing in this subsection is intended to limit the authority of existing entities, including but not limited to the Washington state bar association, the public disclosure commission, and the Federal Legal Services Corporation, to resolve complaints or disputes within their jurisdiction.

(20) \$3,050,000 of the general fund--federal appropriation is provided solely to develop and operate housing for low-income farmworkers. The housing assistance program shall implement this initiative in consultation with the department of social and health services, the department of health, and the department of labor and industries.

(21) \$719,000 of the general fund--state appropriation is provided solely for energy-related functions transferred by House Bill No. 2009 or Senate Bill No. 6451 (state energy office). Of this amount:

(a) \$379,000 is provided solely for expenses related to vacation leave buyout and unemployment payments resulting from the closure of the state energy office;

(b) \$44,000 is provided solely for extended insurance benefits for employees separated as a result of Second Substitute Senate Bill No. 6451. An eligible employee may receive a state subsidy of \$150 per month toward his or her insurance benefits purchased under the federal consolidated omnibus budget reconciliation act (COBRA) for a period not to exceed one year from the date of separation; and

(c) \$296,000 is provided to match oil surcharge funding for energy policy and planning staff and for costs of closing out the financial reporting systems and contract obligations of the state energy office, and to connect the department's wide area network to workstations in the energy office building.

(22) \$2,614,000 of the general fund--private/local appropriation is provided solely to operate the energy facility site evaluation council.

(23) \$1,000,000 of the general fund--state appropriation is provided solely to increase state matching funds for the federal headstart program.

(24) \$3,862,000 of the general fund--state appropriation is provided solely to increase the number of children served through the early childhood education and assistance program. These funds shall be used to serve children that are on waiting lists to enroll in the federal headstart program or the state early childhood education and assistance program.

**Sec. 118.** 1995 2nd sp.s. c 18 s 127 (uncodified) is amended to read as follows:

**FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund Appropriation (FY 1996) \$ ~~((410,000))~~

422,000

General Fund Appropriation (FY 1997) \$ ~~((410,000))~~

1,341,000

TOTAL APPROPRIATION \$ ~~((820,000))~~

1,763,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$883,000 of the fiscal year 1997 appropriation is provided solely to implement Substitute Senate Bill No. 6671 (economic, revenue, and caseload forecast council). If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

(2) \$12,000 of the fiscal year 1996 appropriation and \$48,000 of the fiscal year 1997 appropriation are provided solely to implement Substitute Senate Bill No. 6618 (state fiscal conditions). If the bill is not enacted by June 30, 1996, the amounts provided in this subsection shall lapse.

**Sec. 119.** 1995 2nd sp.s. c 18 s 128 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund--State Appropriation (FY 1996) \$ ~~((9,482,000))~~

9,282,000

General Fund--State Appropriation (FY 1997) \$ ~~((9,138,000))~~

9,323,000

General Fund--Federal Appropriation \$ 12,432,000

General Fund--Private/Local Appropriation \$ 720,000

Health Services Account Appropriation \$ 330,000

Public Safety and Education Account

Appropriation \$ 200,000

TOTAL APPROPRIATION \$ ~~((32,302,000))~~

32,287,000

The appropriations in this subsection are subject to the following conditions and limitations: \$300,000 of the general fund--state appropriation is provided solely as the state's share of funding for the "Americorps" youth employment program.

**Sec. 120.** 1995 2nd sp.s. c 18 s 129 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account

Appropriation \$ ~~((14,487,000))~~

14,503,000

The appropriation in this section is subject to the following conditions and limitations: \$16,000 of the administrative hearings revolving account appropriation is provided solely for implementation of Senate Bill No. 6448 or House Bill No. 2676 (juvenile offenders). If neither bill is enacted by June 30, 1996, the amount specified shall lapse.

**Sec. 121.** 1995 2nd sp.s. c 18 s 130 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF PERSONNEL**

General Fund--State Appropriation (FY 1996) \$ 360,000

General Fund--State Appropriation (FY 1997) \$ 360,000

General Fund--Federal Appropriation \$ 700,000

Personnel Data Revolving Account Appropriation \$ 880,000

Department of Personnel Service Account

Appropriation \$ 15,354,000

Higher Education Personnel Services Account

Appropriation \$ 1,656,000

TOTAL APPROPRIATION \$ 19,310,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The department shall reduce its charge for personnel services to the lowest rate possible.
- (2) \$32,000 of the department of personnel service fund appropriation is provided solely for the creation, printing, and distribution of the personal benefits statement for state employees.
- (3) The general fund--state appropriation, the general fund--federal appropriation, the personnel data revolving account appropriation, and \$300,000 of the department of personnel service account appropriation shall be used solely for the establishment of a state-wide human resource information data system and network within the department of personnel and to improve personnel data integrity. Authority to expend these amounts is conditioned on compliance with section 902 of this act. The personnel data revolving account is hereby created in the state treasury to facilitate the transfer of moneys from dedicated funds and accounts. To allocate the appropriation from the personnel data revolving account among the state's dedicated funds and accounts based on each fund or account's pro rata share of the state salary base, the state treasurer is directed to transfer sufficient money from each fund or account to the personnel data revolving account in accordance with schedules provided by the office of financial management.
- (4) The department of personnel shall charge all administrative services costs incurred by the committee for deferred compensation or the department of retirement systems for the deferred compensation program to the deferred compensation administrative account. Department billings to the committee or the department of retirement systems shall be for actual costs only.
- (5) The department of personnel service fund appropriation contains sufficient funds to continue the employee exchange program with the Hyogo prefecture in Japan.
- (6) \$500,000 of the department of personnel service account appropriation is provided solely for a career transition program to assist state employees who are separated or are at risk of lay-off due to reduction-in-force, including employee retraining and career counseling.
- (7) The department of personnel has the authority to charge agencies for expenses resulting from the administration of a benefits contribution plan established by the health care authority. Fundings to cover these expenses shall be realized from agency FICA tax savings associated with the benefits contributions plan.

(8) By December 1, 1996, the department of personnel and the department of social and health services shall jointly report to the legislature on strategies for increasing, within existing funds, supported employment opportunities in state government for persons with developmental and other substantial and chronic disabilities. In developing the report, the departments shall consult with employee representatives, with organizations involved in job training and placement for persons with severe disabilities, and with other state and local governments that have successfully offered supported employment opportunities for their citizens with disabilities.

**Sec. 122.** 1995 2nd sp.s. c 18 s 134 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund Appropriation (FY 1996) \$ ((195,000))	<u>206,000</u>
General Fund Appropriation (FY 1997) \$ ((195,000))	<u>199,000</u>
TOTAL APPROPRIATION \$ ((390,000))	<u>405,000</u>

**Sec. 123.** 1995 2nd sp.s. c 18 s 135 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund Appropriation (FY 1996) \$ ((148,000))	<u>151,000</u>
General Fund Appropriation (FY 1997) \$ ((146,000))	<u>150,000</u>
TOTAL APPROPRIATION \$ ((294,000))	<u>301,000</u>

**Sec. 124.** 1995 2nd sp.s. c 18 s 137 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS**

Department of Retirement Systems Expense Account	
Appropriation \$ ((30,152,000))	<u>30,866,000</u>
Dependent Care Administrative Account	
Appropriation \$ 183,000	
TOTAL APPROPRIATION \$ ((30,335,000))	<u>31,049,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$857,000 of the department of retirement systems expense account appropriation is provided solely for information systems projects known by the following names or successor names: Support of member database, support of audit, and audit of member files. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(2) \$779,000 of the department of retirement systems expense account appropriation is provided solely for the in-house design development, and implementation of the information systems project known as the disbursement system. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(3) \$1,900,000 of the department of retirement systems expense account appropriation and the entire dependent care administrative account appropriation are provided solely for the implementation of Substitute House Bill No. 1206 (restructuring retirement systems). If the bill is not enacted by June 30, 1995, the amount provided in this subsection from the department of retirement systems expense account shall lapse, and the entire dependent care administrative account appropriation shall be transferred to the committee for deferred compensation.

(4) \$650,000 of the department of retirement systems expense account appropriation is provided solely to provide information and education to members of teachers' retirement system plan II concerning the decision to transfer to plan III. In order to insure the impartiality of the information and education materials, no firm, business, or consultant awarded a contract to provide any information, education materials, or services to teachers' retirement system plan II members shall be eligible to provide self-directed investment options pursuant to RCW 41.34.060.

**Sec. 125.** 1995 2nd sp.s. c 18 s 138 (uncodified) is amended to read as follows:

**FOR THE STATE INVESTMENT BOARD**

State Investment Board Expense Account

Appropriation     \$ ((8,068,000))

8,480,000

The appropriation in this section is subject to the following conditions and limitations: The board shall conduct a feasibility study on the upgrade or replacement of the state-wide investment accounting system and report its findings to the fiscal committees of the legislature by January 1, 1996.

**Sec. 126.** 1995 2nd sp.s. c 18 s 141 (uncodified) is amended to read as follows:

**FOR THE MUNICIPAL RESEARCH COUNCIL**

General Fund Appropriation (FY 1996)     \$ 1,593,000

General Fund Appropriation (FY 1997)     \$ 1,637,000

County Research Services Account

Appropriation     \$ 294,000

TOTAL APPROPRIATION     \$ ((3,230,000))

3,524,000

The appropriations in this section are subject to the following conditions and limitations: The county research services account appropriation is provided solely to implement Second Substitute Senate Bill No. 5049 (county research services). If the bill is not enacted by June 30, 1996, the appropriation shall lapse.

**Sec. 127.** 1995 2nd sp.s. c 18 s 143 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

General Fund--State Appropriation (FY 1996)     \$ ((284,000))

1,117,000

General Fund--State Appropriation (FY 1997)     \$ ((283,000))

1,950,000

General Fund--Federal Appropriation     \$ ((1,304,000))

1,846,000

General Fund--Private/Local Appropriation     \$ 388,000

Motor Transport Account Appropriation     \$ 10,814,000

Industrial Insurance Premium Refund Account

Appropriation     \$ ((140,000))

274,000

Air Pollution Control Account

Appropriation     \$ 111,000

Department of General Administration Facilities

and Services Revolving Account

Appropriation     \$ 21,271,000

Energy Efficiency Services Account Appropriation \$ 90,000

Central Stores Revolving Account

Appropriation \$ 3,056,000

Risk Management Account Appropriation \$ 2,033,000

TOTAL APPROPRIATION \$ ((39,684,000))

42,950,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,776 of the industrial insurance premium refund account appropriation is provided solely for the Washington school directors association.

(2) The cost of purchasing and material control operations may be recovered by the department through charging agencies utilizing these services. The department must begin directly charging agencies utilizing the services on September 1, 1995. Amounts charged may not exceed the cost of purchasing and contract administration. Funds collected may not be used for purposes other than cost recovery and must be separately accounted for within the central stores revolving fund.

(3) \$542,000 of the general fund--federal appropriation and \$90,000 of the energy efficiency services account appropriation are provided solely for implementation of Senate Bill No. 6451 or House Bill No. 2009 (state energy office). If neither bill is enacted by June 30, 1996, the amounts specified in this subsection shall lapse.

(4) \$833,000 of the general fund--state fiscal year 1996 appropriation and \$1,667,000 of the general fund--state fiscal year 1997 appropriation are provided solely for the purchase of foods for distribution to the state's food bank network. The department shall provide an evaluation of the emergency food assistance program to the legislature by February 1, 1997. The evaluation shall identify: (a) The number of people served by the food distributed to the state's food banks and soup kitchens; (b) ways in which to maximize the amount of food being distributed to low-income individuals in the state through this program; and (c) other methods by which to increase access to nutritionally balanced food by low-income individuals in the state.

**Sec. 128.** 1995 2nd sp.s. c 18 s 144 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF INFORMATION SERVICES**

Data Processing Revolving Account

Appropriation \$ ((3,847,000))

3,847,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall provide a toll-free telephone number and operator service staff for the general public to call for information about state agencies. The department may provide such staff, equipment, and facilities as are necessary for this purpose. The director shall adopt rules to fix terms and charges for these services. All state agencies and the legislature shall participate in the information program and shall reimburse the department of information services in accordance with rules established by the director. The department shall also provide conference calling services for state and other public agencies on a fee-for-service basis.

(2) \$364,000 of the data processing revolving account appropriation is provided solely for maintenance and support of the WIN Network. The department is authorized to recover the costs through billings to affected agencies.

**NEW SECTION. Sec. 129.** A new section is added to 1995 2nd sp.s. c 18 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF INFORMATION SERVICES--HIGHER EDUCATION TECHNOLOGY**

General Fund Appropriation (FY 1996) \$ 19,400,000

Washington Higher Education Technology Account

Appropriation \$ 19,400,000

State Building Construction Account

Appropriation \$ 15,300,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The funds appropriated in this section are intended to provide a telecommunications service for public institutions in Washington. The intent of the legislature is to significantly enhance the public higher education system's ability to provide citizen access to quality higher education courses and degree programs throughout the state. It is also the intent of the legislature that these services be a collaborative endeavor and that resources be used carefully. In developing these services, the institutions are encouraged to actively seek the assistance and cooperation of the department of information services, the higher education coordinating board, and the state board for community and technical colleges.

(2) The general fund appropriation in this section is provided solely for deposit in the Washington higher education technology account which is hereby created in the state treasury. The account shall be subject to appropriation and may be expended solely for higher education telecommunication services.

(3) Prior to any allocation or transfer of these funds to a public institution of postsecondary education, the information services board shall approve a telecommunications plan that (a) maximizes connectivity with existing state owned and operated data and communications networks, (b) provides for purchasing equipment, software, and other items necessary for the Washington higher education

network project in joint institutional contracts, and (c) provides system integration with K-12 education telecommunication systems and the community and technical college telecommunication system. The information services board shall ensure that the benefits of purchasing additional hardware to expand the current telecommunications network versus leasing network services from the department of information services or from private sector providers are considered in approving and implementing the Washington higher education network.

(4) The information services board shall provide formal project approval and oversight during the period of development and implementation. In providing project approval, the information services board shall use a two-step process. First, a request or requests for proposals shall be developed and approved in accordance with information services board guidelines. Second, after receipt of proposals from the private sector and thorough analysis by information services board staff, following the guidelines of the information services board and instructions contained in this section, acquisition approval by the information services board shall be considered.

(5) Before a public institution of higher education may expend any of the funds provided in this section, the following shall occur: (a) A process to develop a programming and location plan shall be developed by participating education institutions in collaboration with and approval by the higher education coordinating board; and (b) a governance structure for the Washington higher education network shall be approved by the higher education coordinating board.

(6) All moneys appropriated in this section from the Washington higher education technology account and the state building construction account shall be held in allotment reserve until (a) the higher education coordinating board has approved a preliminary statewide program plan including a governance structure for the Washington higher education network and (b) the information services board has approved the network necessary to implement the telecommunication plan described in subsection (3) of this section. The office of financial management shall approve allotments of only those funds necessary to acquire and implement the Washington higher education network approved by the information services board. Any funds in excess of those required to acquire and implement the Washington higher education network shall not be allotted and shall be held in reserve.

(7) Expenditure of funds from the state building construction account appropriation may be made only for capital purposes. Acquisitions made from these funds shall meet the criteria of the bondability guidelines published by the office of financial management in the capital budget instruction manual.

**Sec. 130.** 1995 2nd sp.s. c 18 s 146 (uncodified) is amended to read as follows:

**FOR THE BOARD OF ACCOUNTANCY**

Certified Public Accountant's Account

Appropriation \$ ((1,293,000))

1,312,000

The appropriation in this section is subject to the following conditions and limitations: \$19,000 of the certified public accountant's account appropriation is provided solely for the implementation of Senate Bill No. 6062 or Senate Bill No. 5375 (child support enforcement). If neither bill is enacted by June 30, 1996, this amount shall lapse.

**Sec. 131.** 1995 2nd sp.s. c 18 s 149 (uncodified) is amended to read as follows:

**FOR THE LIQUOR CONTROL BOARD**

Liquor Revolving Account Appropriation \$ ((113,461,000))

113,604,000

The appropriation in this section is subject to the following conditions and limitations: \$143,000 is provided solely for the implementation of Senate Bill No. 6191 or House Bill No. 2341 (credit cards in liquor stores). If neither bill is enacted by June 30, 1996, this amount shall lapse.

**Sec. 132.** 1995 2nd sp.s. c 18 s 152 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

General Fund--State Appropriation (FY 1996) \$ ((7,474,000))

10,152,000

General Fund--State Appropriation (FY 1997) \$ ((7,477,000))

10,075,000

General Fund--Federal Appropriation \$ ((28,293,000))

53,079,000

General Fund--Private/Local Appropriation \$ 237,000

Enhanced 911 Account Appropriation \$ ((18,541,000))

26,781,000

Industrial Insurance Premium Refund Account

Appropriation \$ 34,000

TOTAL APPROPRIATION \$ ((62,056,000))

100,358,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$205,238 of the total appropriation is provided solely to pay loan obligations on the energy partnership contract number 90-07-01. This obligation includes unpaid installments from September 1993 through June 1997. This amount may be reduced by any payments made in the 1993-95 Biennium on installments made in the 1993-95 Biennium on installments due between September 1993 and June 1995.

(2) \$70,000 of the general fund--state appropriation is provided solely for the north county emergency medical service.

**Sec. 133.** 1995 2nd sp.s. c 18 s 153 (uncodified) is amended to read as follows:

**FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund Appropriation (FY 1996) \$ 1,647,000

General Fund Appropriation (FY 1997) \$ ((1,667,000))

1,882,000

TOTAL APPROPRIATION \$ ((3,314,000))

3,529,000

The appropriations in this section are subject to the following conditions and limitations: \$215,000 of the fiscal year 1997 appropriation is provided solely to implement Second Substitute Senate Bill No. 6736 (school employee arbitration). If the bill is not enacted by June 30, 1996, the amount provided shall lapse.

**PART II  
HUMAN SERVICES**

**Sec. 201.** 1995 2nd sp.s. c 18 s 201 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.** (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The appropriations in sections 202 through 213 of chapter 18, Laws of 1995 2nd sp. sess., as amended, shall be expended for the programs and in the amounts specified in those sections. However, after May 1, 1996, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 1996 among programs after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviations.

(4) The fiscal committees of the house of representatives and the senate shall review and make recommendations regarding state payment rates for contracted social services programs, including the equity of rates and rate-setting methods among programs, and an examination of education requirements and wages paid to child care workers.

**Sec. 202.** 1995 2nd sp.s. c 18 s 202 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund--State Appropriation (FY 1996) \$ ((144,801,000))

147,643,000

General Fund--State Appropriation (FY 1997) \$ ((151,569,000))

186,777,000

General Fund--Federal Appropriation \$ ((263,843,000))

269,388,000

General Fund--Private/Local Appropriation \$ 400,000

Violence Reduction and Drug Enforcement Account

Appropriation \$ 5,719,000

TOTAL APPROPRIATION \$ ((566,332,000))

609,927,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,660,000 of the general fund--state appropriation for fiscal year 1996 and \$10,086,000 of the general fund--federal appropriation are provided solely for the modification of the case and management information system (CAMIS). Authority to expend these funds is conditioned on compliance with section 902 of this act.

(2) \$5,524,000 of the general fund--state appropriation is provided solely to implement the division's responsibilities under Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth). Of this amount:

(a) \$150,000 of the general fund--state appropriation is provided in fiscal year 1996 to develop a plan for children at risk. The department shall work with a variety of service providers and community representatives, including the community public health and safety networks, and shall present the plan to the legislature and the governor by December 1, 1995. The plan shall contain a strategy for the development of an intensive treatment system with outcome-based information on the level of services that are achievable under an annual appropriation of \$5,000,000, \$7,000,000, and \$9,000,000; address the issue of chronic runaways; and determine caseload impacts.

(b) \$219,000 of the general fund--state appropriation is provided in fiscal year 1996 and \$4,678,000 of the general fund--state appropriation is provided in fiscal year 1997 for crisis residential center training and administrative duties and secure crisis residential center contracts.

(c) \$266,000 of the general fund--state appropriation is provided for the multidisciplinary teams and \$211,000 of the general fund--state appropriation is provided in fiscal year 1997 for family reconciliation services.

(d) The state may enter into agreements with the counties to provide residential and treatment services to runaway youth at a rate of reimbursement to be negotiated by the state and county.

(3) \$1,997,000 of the violence reduction and drug enforcement account appropriation and \$8,421,000 of the general fund--federal appropriation are provided solely for the operation of the family policy council, the community public health and safety networks, and delivery of services authorized under the federal family preservation and support act. Of these amounts:

(a) \$1,060,000 of the violence reduction and drug enforcement account appropriation is provided solely for distribution to the community public health and safety networks for planning in fiscal year 1996.

(b) \$937,000 of the violence reduction and drug enforcement account appropriation is provided for staff in the children and family services division of the department of social and health services to support family policy council activities. The family policy council is directed to provide training, design, technical assistance, consultation, and direct service dollars to the networks. Of this amount, \$300,000 is provided for the evaluation activities outlined in RCW 70.190.050, to be conducted exclusively by the Washington state institute for public policy. To the extent that private funds can be raised for the evaluation activities, the state funding may be retained by the department to support the family policy council activities.

(c) \$8,421,000 of the general fund--federal appropriation is provided solely for the delivery of services authorized by the federal family preservation and support act.

(4) \$2,575,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5885 (family preservation services). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse. Of this amount:

(a) \$75,000 is provided in fiscal year 1996 to develop an implementation and evaluation plan for providing intensive family preservation services and family preservation services. The department shall present the plan to the legislature and the governor no later than December 1, 1995. The plan shall contain outcome based information on the level of services that are achievable under an annual appropriation of \$3,000,000, \$5,000,000, and \$7,000,000; and

(b) \$2,500,000 is provided in fiscal year 1997 for additional family preservation services based upon the report.

(5) \$4,646,000 of the general fund--state is provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(6) \$2,672,000 of the general fund--state is provided solely to increase payment rates to contracted social services child care providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(7) \$854,000 of the violence reduction and drug enforcement account appropriation and \$300,000 of the general fund--state appropriation are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to twelve children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility also shall provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(8) \$700,000 of the general fund--state appropriation and \$262,000 of the drug enforcement and education account appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference

shall be given to programs whose federal or private funding sources have expired or have successfully performed under the existing pediatric interim care program.

(9) \$6,751,000 of the general fund--state appropriation is provided solely for implementation of chapter 312, Laws of 1995 (Engrossed Substitute Senate Bill No. 5439, nonoffender at-risk youth and their families). Of this amount, \$580,000 is provided solely for assessment of at-risk youth in crisis residential centers, \$1,500,000 is provided solely for detoxification and treatment for substance abuse, \$2,440,000 is provided solely for costs incurred by local courts in processing petitions authorized by the law, \$500,000 is provided solely for therapeutic child care, \$571,000 is provided solely for family reconciliation services, and \$1,160,000 shall be allocated to the superintendent of public instruction for competitive grants to assist the operation of community truancy boards established by school districts pursuant to RCW 28A.225.025.

(10) \$4,490,000 of the general fund--state appropriation is provided solely for implementation of chapter 311, Laws of 1995 (Engrossed Substitute Senate Bill No. 5885, services to families). Of this amount, \$1,500,000 is provided solely to expand the category of services titled "intensive family preservation services," \$2,000,000 is provided solely to create a new category of services titled "family preservation services," \$325,000 is provided solely for training and data collection relating to family preservation and intensive family preservation services, and \$625,000 is provided solely for costs incurred by the attorney general for parental termination cases.

(11) \$1,327,000 of the general fund--state appropriation and \$1,244,000 of the general fund--federal appropriation are provided solely for transfer to the public health and safety networks. Each public health and safety network may receive up to \$2,600 general fund--state and up to \$2,500 general fund--federal per month for the purposes of infrastructure funding, including planning, network meeting support, fiscal agent payments, and liability insurance. Funding may be provided only after the network's plan is submitted to the family policy council and only after the plan is approved.

(12) \$100,000 of the general fund--state appropriation and \$45,000 of the general fund--federal appropriation are provided solely to implement Engrossed Third Substitute Senate Bill No. 6062 (making welfare work). If the bill is not enacted by June 30, 1996, the amounts provided in this subsection shall lapse.

(13) \$277,000 of the general fund--state appropriation and \$124,000 of the general fund--federal appropriation are provided solely to implement Second Substitute Senate Bill No. 6230 (child care licensing action notification). If the bill is not enacted by June 30, 1996, the amounts provided in this subsection shall lapse.

(14) \$1,100,000 of the general fund--state appropriation is provided solely for the public policy institute at The Evergreen State College to direct a management improvement project for the division of children and family services. The public policy institute shall execute a contract with an objective, impartial expert in the field of organizational structure and process improvement to examine the structure and processes of the children and family services division of the department of social and health services. Activities performed pursuant to the contract must include, but are not limited to, study and development of the division's mission, goals, strategic plan, and performance-based outcome measures. The process used in examining the division must include managers, supervisors, and front-line workers employed by the division and clients of the division. The contract must be completed by December 1, 1996, and results reported to the appropriate standing committees of the legislature by January 1, 1997.

**Sec. 203.** 1995 2nd sp.s. c 18 s 203 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM**

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 1996) \$ ((24,944,000))	<u>25,645,000</u>
General Fund--State Appropriation (FY 1997) \$ ((25,771,000))	<u>30,869,000</u>
General Fund--Federal Appropriation \$ ((20,167,000))	<u>20,191,000</u>
General Fund--Private/Local Appropriation \$ 286,000	
Violence Reduction and Drug Enforcement Account	
Appropriation \$ 5,695,000	
TOTAL APPROPRIATION \$ ((76,863,000))	<u>82,686,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$650,000 of the general fund--state appropriation for fiscal year 1996 and \$650,000 of the general fund--state appropriation for fiscal year 1997 are provided solely for operation of learning and life skills centers established pursuant to chapter 152, Laws of 1994.

(b) \$1,379,000 of the general fund--state appropriation and \$134,000 of the violence reduction and drug enforcement account appropriation are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(c) \$2,350,000 of the general fund--state appropriation is provided solely for an early intervention program to be administered at the county level. Funds shall be awarded on a competitive basis to counties which have submitted a plan for implementation of an early intervention program consistent with proven methodologies currently in place in the state. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996) \$ ((25,701,000))	<u>29,810,000</u>
General Fund--State Appropriation (FY 1997) \$ ((29,120,000))	<u>34,879,000</u>
General Fund--Federal Appropriation \$ ((23,011,000))	<u>23,011,000</u>
General Fund--Private/Local Appropriation \$ 830,000	
Violence Reduction and Drug Enforcement Account Appropriation \$ ((10,634,000))	<u>10,894,000</u>
TOTAL APPROPRIATION \$ ((89,296,000))	<u>99,424,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$750,000 of the general fund--state appropriation and \$1,011,000 of the general fund--federal appropriation are provided solely to implement Substitute Senate Bill No. 6448 (juvenile offender sentencing). If the bill is not enacted by June 30, 1996, the amounts provided in this subsection shall lapse.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996) \$ ((1,021,000))	<u>1,231,000</u>
General Fund--State Appropriation (FY 1997) \$ ((1,024,000))	<u>1,314,000</u>
General Fund--Federal Appropriation \$ 881,000	
Violence Reduction and Drug Enforcement Account Appropriation \$ 421,000	
TOTAL APPROPRIATION \$ ((3,347,000))	<u>3,847,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$80,000 of the general fund--state appropriation is provided solely to implement Substitute Senate Bill No. 6448 (juvenile offender sentencing). If the bill is not enacted by June 30, 1996, the amount provided shall lapse.

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$ 107,000	
Violence Reduction and Drug Enforcement Account Appropriation \$ 1,177,000	
TOTAL APPROPRIATION \$ 1,284,000	

**Sec. 204.** 1995 2nd sp. s. c 18 s 204 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM**

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 1996) \$ ((162,878,000))	<u>165,166,000</u>
General Fund--State Appropriation (FY 1997) \$ ((169,206,000))	<u>169,343,000</u>
General Fund--Federal Appropriation \$ ((241,564,000))	<u>240,456,000</u>
General Fund--Private/Local Appropriation \$ ((9,000,000))	<u>4,000,000</u>
Health Services Account Appropriation \$ ((19,647,000))	<u>17,897,000</u>
TOTAL APPROPRIATION \$ ((602,295,000))	<u>596,862,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$8,160,000 of the general fund--state appropriation and \$279,000 of the health services account appropriation are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(b) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(c) From the general fund--state appropriation in this section, the secretary of social and health services shall assure that regional support networks reimburse the aging and adult services program for the general fund--state cost of medicaid personal care services that are used by enrolled regional support network consumers by reason of their psychiatric disability. The secretary of social and health services shall convene representatives from the aging and adult services program, the mental health division, and the regional support networks to establish an equitable and efficient mechanism for accomplishing this reimbursement.

(d) The appropriations in this section assume that expenditures for voluntary psychiatric hospitalization total ~~\$(23,600,000)~~ 23,388,000 from the general fund--state appropriation and ~~\$(4,300,000)~~ 2,352,000 from the health services account appropriation in fiscal year 1996, and ~~\$(26,200,000)~~ 24,359,000 from the general fund--state appropriation and ~~\$(4,600,000)~~ 4,847,000 from the health services account appropriation in fiscal year 1997. To the extent that regional support networks succeed in reducing hospitalization costs below these levels, one-half of the funds saved shall be provided as bonus payments to regional support networks for delivery of additional community mental health services, and one-half shall revert to the state treasury. Actual expenditures and bonus payments shall be calculated at the end of each biennial quarter, except for the final quarter, when expenditures and bonuses shall be projected based on actual experience through the end of April 1997. The appropriation in this subsection for voluntary psychiatric hospitalizations shall not be incorporated into capitated prepaid health plans without specific authorization in the 1997-99 appropriations act.

(e) \$1,000,000 of the general fund--state appropriation is provided solely to implement the division's responsibilities under Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth).

(f) By July 1, 1996, the mental health division shall report to the appropriations committee of the house of representatives and the ways and means committee of the senate on estimated expenditures for voluntary psychiatric hospitalization during fiscal years 1995 and 1996, and alternative methodologies for projecting such expenditures during fiscal years 1997, 1998, and 1999.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996) <del>\$(56,033,000)</del>	<u>52,673,000</u>
General Fund--State Appropriation (FY 1997) <del>\$(56,579,000)</del>	<u>56,293,000</u>
General Fund--Federal Appropriation <del>\$(412,097,000)</del>	<u>119,325,000</u>
General Fund--Private/Local Appropriation <del>\$(42,512,000)</del>	<u>39,130,000</u>
Industrial Insurance Premium Refund Account Appropriation \$ 747,000	
TOTAL APPROPRIATION <del>\$(267,968,000)</del>	<u>268,168,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The mental health program at Western state hospital shall continue to utilize labor provided by the Tacoma prerelease program of the department of corrections.

(b) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations, when it is cost-effective to do so.

(3) CIVIL COMMITMENT

General Fund Appropriation (FY 1996) <del>\$(3,378,000)</del>	<u>3,470,000</u>
General Fund Appropriation (FY 1997) <del>\$(3,378,000)</del>	<u>3,533,000</u>
TOTAL APPROPRIATION <del>\$(6,756,000)</del>	<u>7,003,000</u>

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$ 6,341,000	
<u>General Fund--State Appropriation (FY 1997) \$ 950,000</u>	
TOTAL APPROPRIATION \$ 7,291,000	

The appropriations in this subsection are subject to the following conditions and limitations: The general fund--state appropriation in this section is provided solely for continued operation of the primary intervention program, in the school districts in which those projects previously operated, to the extent they continue to meet contract terms and performance standards.

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996) \$ 2,549,000  
 General Fund--State Appropriation (FY 1997) \$ 2,544,000  
 General Fund--Federal Appropriation \$ 1,511,000  
 TOTAL APPROPRIATION \$ 6,604,000

Sec. 205. 1995 2nd sp.s. c 18 s 205 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 1996) \$ ((117,802,000))	<u>122,601,000</u>
General Fund--State Appropriation (FY 1997) \$ ((121,580,000))	<u>127,420,000</u>
General Fund--Federal Appropriation \$ ((165,632,000))	<u>170,479,000</u>
Health Services Account Appropriation \$ ((4,699,000))	<u>4,679,000</u>
TOTAL APPROPRIATION \$ ((409,713,000))	<u>425,179,000</u>

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996) \$ ((62,357,000))	<u>62,141,000</u>
General Fund--State Appropriation (FY 1997) \$ ((62,953,000))	<u>61,313,000</u>
General Fund--Federal Appropriation \$ ((139,600,000))	<u>139,645,000</u>
General Fund--Private/Local Appropriation \$ 9,100,000	
TOTAL APPROPRIATION \$ ((274,010,000))	<u>272,199,000</u>

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996) \$ ((2,837,000))	<u>2,964,000</u>
General Fund--State Appropriation (FY 1997) \$ ((2,848,000))	<u>3,000,000</u>
General Fund--Federal Appropriation \$ ((777,000))	<u>940,000</u>
TOTAL APPROPRIATION \$ ((6,462,000))	<u>6,904,000</u>

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$ 7,878,000

(5) The appropriations in this section are subject to the following conditions and limitations:

(a) \$6,569,000 of the general fund--state appropriation and \$19,000 of the health services account appropriation and \$4,298,000 of the general fund--federal appropriation are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(b) \$1,447,000 of the general fund--state appropriation is provided solely for employment or other day programs for eligible persons who complete a high school curriculum during the 1995-97 biennium.

(c) \$500,000 of the health services account appropriation is provided solely for fiscal year 1996 and \$3,500,000 of the health services account appropriation is provided solely for fiscal year 1997 for family support services for families who need but are currently unable to receive such services because of funding limitations. The fiscal year 1996 amount shall be prioritized for unserved families who have the most critical need for assistance. The fiscal year 1997 amount shall be distributed among unserved families according to priorities developed in consultation with organizations representing families of people with developmental disabilities.

~~((f))~~ (d) The secretary of social and health services shall investigate and by November 15, 1995, report to the appropriations committee of the house of representatives and the ways and means committee of the senate on the feasibility of obtaining a federal managed-care waiver under which growth which would otherwise occur in state and federal spending for the medicaid personal care and targeted case management programs is instead capitated and used to provide a flexible array of employment, day program, and in-home supports.

~~((g))~~ (e) \$1,015,000 of the program support general fund--state appropriation is provided solely for distribution among the five regional deaf centers for services for the deaf and hard of hearing.

(f) The department shall consolidate and close vacant beds in the state residential habilitation centers in a manner sufficient to save at least \$1,800,000 from the level originally allotted for operation of the residential habilitation centers in the 1995-97 biennium. The funds saved in this fashion shall be used to provide community residential and other services for at least fifty-two adults who would otherwise be unserved. First priority for such services is to be given to adults living with parents who are nearing a time when the parents will no longer be able to care for their son or daughter at home.

(g) \$25,000 of the program support general fund--state appropriation is provided solely for a vendor rate increase in fiscal year 1997 for an organization specializing in the provision of case management and support services to persons with both deafness and blindness.

**Sec. 206.** 1995 2nd sp.s. c 18 s 206 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM**

General Fund--State Appropriation (FY 1996) \$ <del>((378,972,000))</del>	<u>369,086,000</u>
General Fund--State Appropriation (FY 1997) \$ <del>((393,491,000))</del>	<u>385,377,000</u>
General Fund--Federal Appropriation \$ <del>((793,250,000))</del>	<u>774,281,000</u>
Health Services Account--State Appropriation \$ <del>((9,885,000))</del>	<u>9,858,000</u>
<b>TOTAL APPROPRIATION \$ <del>((1,575,598,000))</del></b>	<u><b>1,538,602,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,492,000 of the general fund--state appropriation is provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

~~((4))~~ (2) The department shall seek a federal plan amendment to increase the home maintenance needs allowance for unmarried COPES recipients only to 100 percent of the federal poverty level. No changes shall be implemented in COPES home maintenance needs allowances until the amendment has been approved.

~~((5))~~ (3) The secretary of social and health services shall transfer funds appropriated under section 207(2) of this act to this section for the purpose of integrating and streamlining programmatic and financial eligibility determination for long-term care services.

~~((6))~~ (4) A maximum of \$2,603,000 of the general fund--state appropriation and \$2,670,000 of the general fund--federal appropriation for fiscal year 1996 and \$5,339,000 of the general fund--state appropriation and \$5,380,000 of the general fund--federal appropriation for fiscal year 1997 are provided to fund the medicaid share of any prospective payment rate adjustments as may be necessary in accordance with RCW 74.46.460.

~~((7))~~ (5) The health services account appropriation is to be used solely for the enrollment of home care workers employed through state contracts in the basic health plan.

(6) \$31,000 of the general fund--state appropriation for fiscal year 1996 and \$126,000 of the general fund--state appropriation for fiscal year 1997 are provided solely for adult day health services for persons with AIDS. These services shall be provided through a state-only program by a single agency specializing in long-term care for persons with AIDS.

(7) \$403,000 of the general fund--state appropriation for fiscal year 1996 and \$698,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to reimburse the medical assistance administration for medicaid services used by persons not previously eligible for medical assistance services who become so as a result of transferring from the chore services to the COPES program.

**Sec. 207.** 1995 2nd sp.s. c 18 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM**

(1) GRANTS AND SERVICES TO CLIENTS

General Fund--State Appropriation (FY 1996) \$ <del>((403,859,000))</del>	<u>380,025,000</u>
General Fund--State Appropriation (FY 1997) \$ <del>((405,332,000))</del>	<u>390,645,000</u>
General Fund--Federal Appropriation \$ <del>((677,127,000))</del>	

633,643,000

TOTAL APPROPRIATION    \$ ((1,486,318,000))

1,404,313,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$300,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size: 1 2 3 4 5 6 7 8 or more  
 Exemption: \$55 71 86 102 117 133 154 170

(b) \$18,000 of the general fund--state appropriation for fiscal year 1996 and \$37,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(c) \$1,466,000 of the general fund--state appropriation is provided solely for implementation of Engrossed Third Substitute Senate Bill No. 6062 (making welfare work). If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

(2) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996)    \$ ((413,329,000))	<u>112,427,000</u>
General Fund--State Appropriation (FY 1997)    \$ ((410,137,000))	
	<u>117,344,000</u>
General Fund--Federal Appropriation    \$ ((202,152,000))	
	<u>207,608,000</u>
Health Services Account Appropriation    \$ 750,000	
TOTAL APPROPRIATION    \$ ((426,368,000))	
	<u>438,129,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$16,000 of the general fund--state appropriation for fiscal year 1996 and \$34,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social service providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(b) The department shall report to the fiscal committees of the legislature no later than December 20, 1995, concerning the number and dollar value of contracts for services provided as part of the job opportunities and basic skills program. This report shall indicate the criteria used in the choice of state agencies or private entities for a particular contract, the total value of contracts with state agencies, and the total value of contracts with private entities. The report shall also indicate what, if any, performance criteria are included in job opportunities and basic skills program contracts.

(c) The department shall:

~~((#))~~ (i) Coordinate with other state agencies, including but not limited to the employment security department, to ensure that persons receiving federal or state funds are eligible in terms of citizenship and residency status; ~~((and))~~ and

~~((#))~~ (ii) Systematically use all processes available to verify eligibility in terms of the citizenship and residency status of applicants and recipients for public assistance.

(d) \$175,000 of the general fund--state appropriation is provided solely to implement Senate Bill No. 6769 (general assistance eligibility). If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

(e) \$8,001,000 of the general fund--state appropriation and \$7,054,000 of the general fund--federal appropriation are provided solely to implement Engrossed Third Substitute Senate Bill No. 6062 (making welfare work). If the bill is not enacted by June 30, 1996, the amounts provided in this subsection shall lapse.

**Sec. 208.** 1995 2nd sp.s. c 18 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM**

General Fund--State Appropriation (FY 1996)    \$ 8,199,000	
General Fund--State Appropriation (FY 1997)    \$ ((8,736,000))	
	<u>11,366,000</u>
General Fund--Federal Appropriation    \$ ((76,400,000))	
	<u>77,238,000</u>
Violence Reduction and Drug Enforcement Account	

Appropriation	\$ ((71,900,000))	
		<u>72,380,000</u>
Health Services Account Appropriation	\$ 969,000	
TOTAL APPROPRIATION	\$ ((166,204,000))	<u>170,152,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,544,000 of the total appropriation is provided solely for the grant programs for school districts and educational service districts set forth in RCW 28A.170.080 through 28A.170.100, including state support activities, as administered through the office of the superintendent of public instruction.

(2) \$400,000 of the health services account appropriation is provided solely to implement Second Substitute Senate bill No. 5688 (fetal alcohol syndrome). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$502,000 of the general fund--state appropriation and \$435,000 of the violence reduction and drug enforcement account appropriation for fiscal year 1996 and \$1,015,000 of the general fund--state appropriation and \$1,023,000 of the violence reduction and drug enforcement account appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted and subcontract social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(4) \$552,000 of the general fund--state appropriation is provided solely to implement the division's responsibilities under Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth).

(5) \$2,665,000 of the general fund--state appropriation is provided solely for alcohol and substance abuse assessment, treatment, and child care services for clients of the division of children and family services. Assessment shall be provided as deemed necessary by child protective services personnel in the division of children and family services. Treatment shall be outpatient treatment for parents of children who are under investigation by the division of children and family services. Child care shall be provided as deemed necessary by the division of children and family services while parents requiring alcohol and substance abuse treatment are attending treatment programs.

**Sec. 209.** 1995 2nd sp.s. c 18 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 1996)	\$ ((670,792,000))	<u>669,447,000</u>
General Fund--State Appropriation (FY 1997)	\$ ((692,015,000))	<u>661,532,000</u>
General Fund--Federal Appropriation	\$ ((1,761,005,000))	<u>1,778,674,000</u>
General Fund--Private/Local Appropriation	\$ ((242,525,000))	<u>199,160,000</u>
Health Services Account Appropriation	\$ ((199,571,000))	<u>208,150,000</u>
TOTAL APPROPRIATION	\$ ((3,565,908,000))	<u>3,516,963,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall continue to make use of the special eligibility category created for children through age 18 and in households with incomes below 200 percent of the federal poverty level made eligible for medicaid as of July 1, 1994. The department shall also continue to provide consistent reporting on other medicaid children served through the basic health plan.

(2) The department shall contract for the services of private debt collection agencies to maximize financial recoveries from third parties where it is not cost-effective for the state to seek the recovery directly.

(3) It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized.

(4) \$3,682,000 of the general fund--state appropriation for fiscal year 1996 and \$7,844,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted medical services providers.

(5)(a) Pursuant to RCW 74.09.700, the medically needy program shall be limited to include only the following groups: Those persons who, except for income and resources, would be eligible for the medicaid categorically needy aged, blind, or disabled programs and medically needy persons under age 21 or over age 65 in institutions for mental diseases or in intermediate care facilities for the mentally retarded. Existing departmental rules concerning income, resources, and other aspects of eligibility for the medically needy program shall continue to apply to these groups. The medically needy program will not provide coverage for caretaker relatives of medicaid-eligible children or for adults in families with dependent children who, except for income and resources, would be eligible for the medicaid categorically needy aid to families with dependent children program.

(b) Notwithstanding (a) of this subsection, the medically needy program shall provide coverage until December 31, 1995, to those persons who, except for income and resources, would be eligible for the medicaid aid to families with dependent children program. ~~((Not more than \$2,020,000 of the general fund--state appropriation may be expended for this purpose.))~~

(6) These appropriations may not be used for any purpose related to a supplemental discount drug program or agreement created under WAC 388-91-007 and 388-91-010.

(7) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons and to provide foot care services by podiatric physicians and surgeons.

(8) \$160,000 of the general fund--state appropriation and \$160,000 of the general fund--federal appropriation are provided solely for the prenatal triage clearinghouse to provide access and outreach to reduce infant mortality.

(9) \$3,128,000 of the general fund--state appropriation is provided solely for treatment of low-income kidney dialysis patients.

(10) Funding is provided in this section to fund payment of insurance premiums for persons with human immunodeficiency virus who are not eligible for medicaid.

(11) ~~Not more than \$11,410,000 of the general fund--state appropriation~~ during fiscal year 1996 and \$11,410,000 of the health services account appropriation during fiscal year 1997 may be expended for the purposes of operating the medically indigent program ~~((during fiscal year 1996)).~~ Funding is provided solely for emergency transportation and acute emergency hospital services, including emergency room physician services and related inpatient hospital physician services. In any twelve-month period, funding for such services is to be provided to an eligible individual for a maximum of three months following a hospital admission and only after \$2,000 of emergency medical expenses have been incurred ~~((in any twelve-month period)).~~

~~(12) ((Not more than \$10,000,000 of the health services account appropriation may be expended for the purposes of providing reimbursement during fiscal year 1997 to those hospitals and physicians most adversely affected by the provision of uncompensated emergency room and uncompensated inpatient hospital care. The department shall develop rules stating the conditions for and rates of compensation.~~

~~(13))~~ \$21,525,000 of the health services account appropriation and \$21,031,000 of the general fund--federal appropriation are provided solely to increase access to dental services and to increase the use of preventative dental services for title XIX categorically eligible children.

~~((14))~~ (13) After considering administrative and cost factors, the department shall adopt measures to realize savings in the purchase of prescription drugs, hearing aids, home health services, wheelchairs and other durable medical equipment, and disposable supplies. Such measures may include, but not be limited to, point-of-sale pharmacy adjudication systems, modification of reimbursement methodologies or payment schedules, selective contracting, and inclusion of such services in managed care rates.

~~((15))~~ (14) As part of the long-term care reforms contained in Engrossed Second Substitute House Bill No. 1908, after receiving acute inpatient hospital care, eligible clients shall be transferred from the high cost institutional setting to the least restrictive, least costly, and most appropriate facility as soon as medically reasonable. Physical medicine and rehabilitation services (acute rehabilitation) shall take place in the least restrictive environment, at the least cost and in the most appropriate facility as determined by the department in coordination with appropriate health care professionals and facilities. Facilities providing physical medicine and rehabilitation services must meet the quality care certification standards required of acute rehabilitation hospitals and rehabilitation units of hospitals.

~~((16))~~ (15) The department is authorized to provide no more than five chiropractic service visits per person per year for those eligible recipients with acute conditions.

(16) The department shall achieve an actual reduction in the per capita rates paid to managed care plans in calendar year 1997 by taking actions including but not limited to the following: (a) Selectively contracting with only those managed care plans in a given county that offer the lowest price, while meeting specified standards of service quality; (b) revising program procedures, through a federal waiver if necessary, so that recipients may enroll in only one managed care plan during a contract period, except for documented good cause related to access or medical necessity; and (c) assuring that managed care rates are adjusted to reflect all savings that would accrue to the state through lower inflation rates, selective contracting, drug utilization reviews and discounts, and other cost control measures if recipients were instead served in a fee-for-service system.

(17) By July 1, 1996, the department shall report to the committees on health care and appropriations of the house of representatives, and to the committees on health and long-term care and ways and means of the senate, on the projected costs and benefits of: (a) Alternative point-of-service copay requirements for recipients with incomes at various percentages of the federal poverty level; and (b) alternative premium-sharing requirements for recipients with incomes at or above 100 percent of the federal poverty level.

(18) \$5,000,000 of the general fund--state appropriation is provided solely to reimburse designated trauma centers at the medicaid rate for trauma services provided to medically indigent, general assistance, and charity care clients who have an index of severity score of 16 or higher. To be eligible for this higher reimbursement, the trauma center must: (a) Be designated a level I through V trauma center by the department of health; (b) provide complete trauma care data to the trauma care registry in accordance with WAC 246-976-430; (c) establish an internal quality assurance trauma program that complies with WAC 246-976-880; and (d) encourage and assist medically indigent and charity care patients to enroll in the basic health plan.

Sec. 210. 1995 2nd sp.s. c 18 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 25,933,000	
General Fund--State Appropriation (FY 1997) \$ <del>((25,934,000))</del>	
	<u>26,198,000</u>
General Fund--Federal Appropriation \$ <del>((41,503,000))</del>	
	<u>41,752,000</u>
General Fund--Private/Local Appropriation \$ 270,000	
TOTAL APPROPRIATION \$ <del>((93,640,000))</del>	
	<u>94,153,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The secretary of social and health services and the director of labor and industries shall report to the appropriate fiscal and policy committees of the legislature by July 1, 1995, and every six months thereafter, on the measurable changes in employee injury and time-loss rates that have occurred in the state developmental disabilities, juvenile rehabilitation, and mental health institutions as a result of the upfront loss-control discount agreement between the agencies.

(2) \$500,000 of the general fund--state appropriation and \$300,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). The department may transfer all or a portion of these amounts to the appropriate divisions of the department for this purpose. If Engrossed Substitute House Bill No. 1010 (regulatory reform) is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(3) By December 1, 1996, the department of personnel and the department of social and health services shall jointly report to the legislature on strategies for increasing, within existing funds, supported employment opportunities in state government for persons with developmental and other substantial and chronic disabilities. In developing the report, the departments shall consult with employee representatives, organizations involved in job training and placement for persons with severe disabilities, and other state and local governments that have successfully offered supported employment opportunities for their citizens with disabilities.

Sec. 211. 1995 2nd sp.s. c 18 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILD SUPPORT PROGRAM**

General Fund--State Appropriation (FY 1996) \$ <del>((18,058,000))</del>	
	<u>19,019,000</u>
General Fund--State Appropriation (FY 1997) \$ <del>((18,169,000))</del>	
	<u>19,343,000</u>
General Fund--Federal Appropriation \$ <del>((135,488,000))</del>	
	<u>140,234,000</u>
General Fund--Local Appropriation \$ <del>((33,232,000))</del>	
	<u>32,289,000</u>
TOTAL APPROPRIATION \$ <del>((204,947,000))</del>	
	<u>210,885,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall contract with private collection agencies to pursue collection of AFDC child support arrearages in cases that might otherwise consume a disproportionate share of the department's collection efforts. The department's child support collection staff shall determine which cases are appropriate for referral to private collection agencies. In determining appropriate contract provisions, the department shall consult with other states that have successfully contracted with private collection agencies to the extent allowed by federal support enforcement regulations.

(2) The department shall request a waiver from federal support enforcement regulations to replace the current program audit criteria, which is process-based, with performance measures based on program outcomes.

(3) The amounts appropriated in this section for child support legal services shall only be expended by means of contracts with local prosecutor's offices.

(4) \$523,000 of the general fund--state appropriation and \$1,014,000 of the general fund--federal appropriation are provided solely to implement Engrossed Third Substitute Senate Bill No. 6062 (making welfare work) or Engrossed Second Substitute Senate Bill No. 5375 (license suspension for failure to pay child support). If neither bill is enacted by June 30, 1996, the amounts provided in this subsection shall lapse.

Sec. 212. 1995 2nd sp.s. c 18 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 21,112,000

General Fund--State Appropriation (FY 1997) \$ ((20,668,000))	21,012,000
General Fund--Federal Appropriation \$ ((46,281,000))	16,932,000
TOTAL APPROPRIATION \$ ((58,061,000))	59,056,000

**Sec. 213.** 1995 2nd sp.s. c 18 s 215 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY**

General Fund--State Appropriation (FY 1996) \$ 3,403,000	
General Fund--State Appropriation (FY 1997) \$ 3,403,000	
State Health Care Authority Administrative	
Account Appropriation \$ 15,744,000	
Health Services Account Appropriation \$ ((249,642,000))	
TOTAL APPROPRIATION \$ ((272,492,000))	256,660,000
	279,210,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$6,806,000 of the general fund appropriation and \$5,590,000 of the health services account appropriation are provided solely for health care services provided through local community clinics.
- (2) \$((1,268,000)) 1,189,000 of the health care authority administrative fund appropriation is provided to accommodate additional enrollment from school districts that voluntarily choose to purchase employee benefits through public employee benefits board programs. The office of financial management is directed to monitor K-12 enrollment in PEBB plans and to reduce allotments proportionally if the number of K-12 active employees enrolled after January ((4995)) 1997 is less than 11,837.
- (3) The health care authority shall provide subsidized basic health plan enrollment for no more than 100,000 individual enrollees and for no more than 100,000 employer-sponsored enrollees in any month.
- (4) \$4,593,000 of the health services account appropriation is provided to subsidize basic health plan enrollment for social services workers with incomes below 200 percent of the federal poverty level at a cost of no more than ten dollars per month to the worker or their employer. For purposes of this subsection, "social services workers" means: Employees of agencies licensed under chapter 74.15 RCW; employees of nursing homes licensed under chapter 18.51 RCW; employees of adult family homes licensed under chapter 70.128 RCW; employees of boarding homes licensed under chapter 18.20 RCW; employees of assisted living facilities licensed under chapter 70.128 RCW; and employees of organizations serving persons with developmental disabilities in accordance with RCW 71A.12.040. The health care authority shall endeavor to provide basic health plan coverage to a monthly average of 5,400 such workers during state fiscal year 1997, and no more than 10,000 shall be enrolled by the end of the 1995-97 biennium. For purposes of the maximum enrollment levels established in subsection (3) of this section, social services workers shall be counted as employer-sponsored enrollees.
- (5) In accordance with Second Substitute Senate Bill No. 6121, funds are provided in this section for the health care authority to research and design a state-subsidized medicare supplemental insurance program for seniors with incomes below 200 percent of the federal poverty level. By December 1, 1996, the health care authority shall report to the committees on health care and appropriations of the house of representatives, and to the committees on health and long-term care and ways and means of the senate, on alternative designs and costs for such a program. The report shall address the feasibility of offering a program which covers prescription drugs only, and shall discuss the costs and benefits of alternative subsidy schedules, enrollment levels, and administrative approaches.
- (6) The state health care authority administrative account appropriation includes sufficient funds to study options for expanding state and school district retiree access to health benefits purchased through the health care authority and the fiscal impacts of each option. The health care authority shall conduct this study in conjunction with the state actuary, the office of financial management, and the fiscal committees of the legislature.
- (7) \$79,000 of the state health care authority administrative account appropriation is provided to implement Substitute Senate Bill No. 6295 (public employees long-term care).

**Sec. 214.** 1995 2nd sp.s. c 18 s 218 (uncodified) is amended to read as follows:

**FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Death Investigations Account Appropriation \$ 38,000	
Public Safety and Education Account	
Appropriation \$ ((10,654,000))	
Violence Reduction and Drug Enforcement Account	
Appropriation \$ 344,000	11,009,000

TOTAL APPROPRIATION \$ ((11,036,000))

11,391,000

The appropriations in this section are subject to the following conditions and limitations: ~~(((\$28,000 of the public safety and education account is provided solely to implement Engrossed Second Substitute Senate Bill No. 5219 (domestic violence). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.))~~ \$45,000 of the public safety and education account appropriation is provided solely for the implementation of Senate Bill No. 6402 or House Bill No. 2323. If neither bill is enacted by June 30, 1996, this amount shall lapse.

**Sec. 215.** 1995 2nd sp.s. c 18 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund Appropriation (FY 1996) \$ 5,270,000

General Fund Appropriation (FY 1997) \$ ((5,311,000))

5,404,000

Public Safety and Education Account--State

Appropriation \$ 19,547,000

Public Safety and Education Account--Federal

Appropriation \$ 6,002,000

Public Safety and Education Account--Private/Local

Appropriation \$ 972,000

Electrical License Account Appropriation \$ ((19,321,000))

20,125,000

Farm Labor Revolving Account--Private/Local

Appropriation \$ 28,000

Worker and Community Right-to-Know Account

Appropriation \$ 2,138,000

Public Works Administration Account

Appropriation \$ 1,928,000

Accident Account--State Appropriation \$ ((137,909,000))

139,599,000

Accident Account--Federal Appropriation \$ 9,112,000

Medical Aid Account--State Appropriation \$ ((148,204,000))

149,892,000

Medical Aid Account--Federal Appropriation \$ 1,592,000

Plumbing Certificate Account Appropriation \$ ((682,000))

713,000

Pressure Systems Safety Account Appropriation \$ 2,053,000

TOTAL APPROPRIATION \$ ((360,069,000))

364,375,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of funds appropriated in this section for the information systems projects identified in agency budget requests as "crime victims--prime migration" and "document imaging--field offices" are conditioned upon compliance with section 902 of this act. In addition, funds for the "document imaging--field offices" project shall not be released until the required components of a feasibility study are completed and approved by the department of information services.

(2) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) Institute copayments for services; (b) develop preferred provider and managed care contracts; and (c) coordinate with the department of social and health services to use public safety and education account funds as matching funds for federal Title XIX reimbursement, to the extent this maximizes total funds available for services to crime victims.

(3) \$108,000 of the general fund appropriation is provided solely for an interagency agreement to reimburse the board of industrial insurance appeals for crime victims appeals.

(4) The secretary of social and health services and the director of labor and industries shall report to the appropriate fiscal and policy committees of the legislature by July 1, 1995, and every six months thereafter, on the measurable changes in employee injury and time-loss rates that have occurred in the state developmental disabilities, juvenile rehabilitation, and mental health institutions as a result of the upfront loss-control discount agreement between the agencies.

~~((6))~~ (5) The appropriations in this section may not be used to implement or enforce rules that the joint administrative rules review committee finds are not within the intent of the legislature as expressed by the statute that the rule implements.

~~((7))~~ (6) \$450,000 of the accident account--state appropriation and \$450,000 of the medical aid account--state appropriation are provided solely to implement an on-line claims data access system that will include all employers in the retrospective rating plan program.

~~((8))~~ (7) Within the appropriations provided in this section, the department shall implement an integrated state-wide on-line verification system for pharmacy providers. The system shall be implemented by means of contracts that are competitively bid. Until this system is implemented, no department rules may take effect that reduce the dispensing fee for industrial insurance pharmacy services in effect on January 1, 1995.

(8) \$4,000 of the accident account--state appropriation and \$4,000 of the medical aid--state appropriation is provided solely for the implementation of Senate Bill No. 6223 or House Bill No. 2498 (construction trade procedures). If neither bill is enacted by June 30, 1996, these amounts shall lapse.

(9) \$38,000 of the accident account--state appropriation and \$37,000 of the medical aid--state appropriation is provided solely for the implementation of Senate Bill No. 6225 or House Bill No. 2499 (employer assessments). If neither bill is enacted by June 30, 1996, these amounts shall lapse.

(10) \$7,000 of the accident account--state appropriation and \$6,000 of the medical aid--state appropriation is provided solely for the implementation of Senate Bill No. 6224 or House Bill No. 2496 (disability pilot project). If neither bill is enacted by June 30, 1996, these amounts shall lapse.

(11) \$93,000 of the general fund--state appropriation and \$31,000 of the plumbing certificate account appropriation is provided solely for the implementation of Senate Bill No. 6062 or Senate Bill No. 5375 (child support enforcement). If neither bill is enacted by June 30, 1996, these amounts shall lapse.

**Sec. 216.** 1995 2nd sp.s. c 18 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

(1) HEADQUARTERS

General Fund Appropriation (FY 1996)	\$ 1,227,000	
General Fund Appropriation (FY 1997)	\$ 1,226,000	
Industrial Insurance Refund Account		
Appropriation	\$ 25,000	
Charitable, Educational, Penal, and Reformatory		
Institutions Account Appropriation	\$ 4,000	
		TOTAL APPROPRIATION \$ 2,482,000

(2) FIELD SERVICES

General Fund--State Appropriation (FY 1996)	\$ 1,853,000	
General Fund--State Appropriation (FY 1997)	\$ <del>((1,852,000))</del>	
		<u>1,902,000</u>
General Fund--Federal Appropriation	\$ <del>((736,000))</del>	
		<u>381,000</u>
General Fund--Private/Local Appropriation	\$ 85,000	
		<u>4,221,000</u>
	TOTAL APPROPRIATION	\$ <del>((4,526,000))</del>

(3) VETERANS HOME

General Fund--State Appropriation (FY 1996)	\$ <del>((4,127,000))</del>	
		<u>3,893,000</u>
General Fund--State Appropriation (FY 1997)	\$ <del>((3,984,000))</del>	
		<u>3,788,000</u>
General Fund--Federal Appropriation	\$ <del>((40,703,000))</del>	
		<u>11,475,000</u>
General Fund--Private/Local Appropriation	\$ <del>((7,527,000))</del>	
		<u>7,392,000</u>
	TOTAL APPROPRIATION	\$ <del>((26,341,000))</del>

26,548,000

(4) SOLDIERS HOME

General Fund--State Appropriation (FY 1996)	\$ <del>((3,135,000))</del>	
		<u>2,927,000</u>
General Fund--State Appropriation (FY 1997)	\$ <del>((3,049,000))</del>	

General Fund--Federal Appropriation	\$ ((6,158,000))	<u>2,825,000</u>
General Fund--Private/Local Appropriation	\$ ((4,667,000))	<u>5,975,000</u>
		<u>5,312,000</u>
TOTAL APPROPRIATION	\$ ((17,009,000))	<u>17,039,000</u>

**Sec. 217.** 1995 2nd sp.s. c 18 s 222 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

General Fund--State Appropriation (FY 1996)	\$ ((44,314,000))	<u>44,328,000</u>
General Fund--State Appropriation (FY 1997)	\$ ((44,313,000))	<u>44,941,000</u>
General Fund--Federal Appropriation	\$ ((233,122,000))	<u>234,275,000</u>
General Fund--Private/Local Appropriation	\$ ((25,476,000))	<u>25,546,000</u>
Hospital Commission Account Appropriation	\$ 3,019,000	
Medical Disciplinary Account Appropriation	\$ 1,798,000	
Health Professions Account Appropriation	\$ ((32,592,000))	<u>32,611,000</u>
<u>Industrial Insurance Account Appropriation</u>	\$ 62,000	
Safe Drinking Water Account Appropriation	\$ 2,751,000	
Public Health Services Account Appropriation	\$ 23,753,000	
Waterworks Operator Certification		
Appropriation	\$ 605,000	
Water Quality Account Appropriation	\$ 3,079,000	
State Toxics Control Account Appropriation	\$ 2,824,000	
Violence Reduction and Drug Enforcement Account		
Appropriation	\$ 469,000	
Medical Test Site Licensure Account		
Appropriation	\$ 1,822,000	
Youth Tobacco Prevention Account Appropriation	\$ ((1,412,000))	<u>1,620,000</u>
Health Services Account Appropriation	\$ ((16,516,000))	<u>20,467,000</u>
State and Local Improvements Revolving		
Account--Water Supply Facilities		
Appropriation	\$ 40,000	
TOTAL APPROPRIATION	\$ ((437,905,000))	<u>444,010,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$2,466,000 of the general fund--state appropriation is provided for the implementation of the Puget Sound water quality management plan.
- (2) \$10,000,000 of the public health services account appropriation is provided solely for distribution to local health departments for distribution on a per capita basis. Prior to distributing these funds, the department shall adopt rules and procedures to ensure that these funds are not used to replace current local support for public health programs.
- (3) \$4,750,000 of the public health account appropriation is provided solely for distribution to local health departments for capacity building and community assessment and mobilization.
- (4) \$2,000,000 of the health services account appropriation is provided solely for public health information systems development. Authority to expend this amount is conditioned on compliance with section 902 of this act.
- (5) \$1,000,000 of the health services account appropriation is provided solely for state level capacity building.
- (6) \$1,000,000 of the health services account appropriation is provided solely for training of public health professionals.
- (7) \$200,000 of the health services account appropriation is provided solely for the American Indian health plan.

(8) \$1,640,000 of the health services account appropriation is provided solely for health care quality assurance and health care data standards activities as required by Engrossed Substitute House Bill No. 1589 (health care quality assurance).

(9) \$1,000,000 of the health services account appropriation is provided solely for development of a youth suicide prevention program at the state level, including a state-wide public educational campaign to increase knowledge of suicide risk and ability to respond and provision of twenty-four hour crisis hotlines, staffed to provide suicidal youth and caregivers a source of instant help.

(10) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(11) \$981,000 of the general fund--state appropriation and ~~\$(3,873,000))~~ 469,000 of the general fund--private/local appropriation are provided solely for implementing Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(12) The department is authorized to raise existing fees for nursing assistants and hypnotherapists in excess of the fiscal growth factor established by Initiative 601, if necessary, in order to meet the actual costs of investigative and legal services due to disciplinary activities.

(13) \$750,000 of the general fund--federal appropriation is provided solely for one-time costs for a health clinic for immigrants to be managed by a local public health entity.

(14) \$70,000 of the general fund--state appropriation is provided solely for implementing Engrossed Substitute House Bill No. 1908 (chapter 18, Laws of 1995 1st sp. sess., long-term care reform).

(15) \$210,000 of the general fund--state appropriation is provided solely for stabilizing the four existing child profile counties. The department is directed to develop a plan analyzing the progress of existing child profile immunization tracking systems in the state. The department shall make recommendations for expanding child profile systems to other areas of the state. The plan for expansion must take into account the current immunization rate for children between the ages of birth and two years, goals set by the local health departments in conjunction with their own public health improvement plan work plans, and estimated population growth. The secretary shall submit recommendations to the appropriate standing committees of the senate and the house of representatives on the proposed timeline for expansion of child profile systems, with a goal of state-wide coverage by July 1, 1997.

(16) \$195,000 of the general fund appropriation is provided solely for the cost of laboratory testing of shellfish for domoic acid.

(17) \$27,000 of the general fund--private/local appropriation and \$19,000 of the health professions account--state appropriation are provided solely to implement Engrossed Third Substitute Senate Bill No. 6062 (making welfare work) or Engrossed Second Substitute Senate Bill No. 5375 (license suspension for failure to pay child support). If neither bill is enacted by June 30, 1996, the amounts provided in this subsection shall lapse.

(18) \$43,000 of the general fund--private/local appropriation is provided solely to implement Substitute Senate Bill No. 5297 (regulation of ambulatory surgical centers). If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

(19) \$29,000 of the general fund--state appropriation is provided solely to implement Substitute Senate Bill No. 6120 (health benefits for newborn children). If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

(20) \$8,000 of the general fund--state appropriation is provided for a study to be completed by the board of health on the current and potential use of telemedicine in the state, including recommended changes in rules and statutes. The study shall be completed by November 1, 1997, and a report submitted to the appropriate committees of the legislature.

**Sec. 218.** 1995 2nd sp.s. c 18 s 223 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF CORRECTIONS**

The appropriations in this section shall be expended for the programs and in the amounts listed. However, after May 1, 1996, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 1996 among programs after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviations.

##### (1) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation (FY 1996) \$ 12,269,000

General Fund Appropriation (FY 1997) \$ ~~((12,047,000))~~

12,268,000

##### Industrial Insurance Premium Refund Account

Appropriation \$ 631,000

TOTAL APPROPRIATION \$ ((24,316,000))

25,168,000

The appropriations in this subsection are subject to the following conditions and limitations:

~~(a) (\$211,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 5088 (sexually violent predators). If the bill is not enacted by June 30, 1995, the amount provided in this subsection (a) shall lapse.~~

~~(b))~~ The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. If any funds are generated in excess of actual costs, they shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

~~((e))~~ (b) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

~~((d))~~ (c) Appropriations in this section provide sufficient funds to implement the provisions of Second Engrossed Second Substitute House Bill 2010 (corrections cost-efficiency and inmate responsibility omnibus act).

~~((e))~~ (d) In treating sex offenders at the Twin Rivers corrections center, the department of corrections shall prioritize treatment services to reduce recidivism and shall develop and implement an evaluation tool that: (i) States the purpose of the treatment; (ii) measures the amount of treatment provided; (iii) identifies the measure of success; and (iv) determines the level of successful and unsuccessful outcomes. The department shall report to the legislature by December 1, 1995, on how treatment services were prioritized among categories of offenses and provide a description of the evaluation tool and its incorporation into the treatment program.

~~(e) \$100,000 of the general fund fiscal year 1997 appropriation is provided solely for transfer to the jail industries board. The board shall use the amount specified in this subsection only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.~~

~~(f) \$7,000 of the general fund--state fiscal year 1996 appropriation and \$7,000 of the general fund--state fiscal year 1997 appropriation are provided solely for the implementation of Senate Bill No. 6274 (supervision of sex offenders). If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.~~

~~(g) \$7,000 of the general fund--state fiscal year 1996 appropriation and \$7,000 of the general fund--state fiscal year 1997 appropriation are provided solely for the implementation of Substitute Senate Bill No. 6620 (released sex offenders). If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.~~

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996) \$ ((265,008,000))

262,468,000

General Fund--State Appropriation (FY 1997) \$ ((270,221,000))

270,218,000

General Fund--Federal Appropriation \$ ((2,000,000))

2,153,000

Violence Reduction and Drug Enforcement Account

Appropriation \$ 1,214,000

TOTAL APPROPRIATION \$ ((538,443,000))

536,053,000

(3) COMMUNITY CORRECTIONS

General Fund Appropriation (FY 1996) \$ ((80,068,000))

78,843,000

General Fund Appropriation (FY 1997) \$ ((81,226,000))

80,348,000

Violence Reduction and Drug Enforcement Account

Appropriation \$ 400,000

TOTAL APPROPRIATION \$ ((161,694,000))

159,591,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$147,000 of the general fund appropriation for fiscal year 1997 is provided solely for costs associated with the Washington state law and justice advisory council. These activities include, but are not limited to: The development and printing of the criminal justice plan, meetings, conferences, and a feasibility study for a community justice act.

(b) \$94,000 of the general fund--state fiscal year 1997 appropriation is provided solely for the implementation of Substitute Senate Bill No. 6208 (supervision of misdemeanant). If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

(4) CORRECTIONAL INDUSTRIES

General Fund Appropriation (FY 1996) \$ 3,330,000  
General Fund Appropriation (FY 1997) \$ 3,503,000  
TOTAL APPROPRIATION \$ 6,833,000

(5) INTERAGENCY PAYMENTS

General Fund Appropriation (FY 1996) \$ 6,223,000  
General Fund Appropriation (FY 1997) \$ 6,223,000  
TOTAL APPROPRIATION \$ 12,446,000

Sec. 219. 1995 2nd sp.s. c 18 s 225 (uncodified) is amended to read as follows:

**FOR THE SENTENCING GUIDELINES COMMISSION**

General Fund Appropriation (FY 1996) \$ 517,000  
General Fund Appropriation (FY 1997) \$ ((469,000))

TOTAL APPROPRIATION \$ ((986,000)) 745,000  
1,262,000

The appropriations in this section are subject to the following conditions and limitations: \$276,000 of the total general fund appropriation is provided solely for the implementation of Senate Bill No. 6253, House Bill No. 2390, Senate Bill No. 6448, or House Bill No. 2676 (juvenile offenders). If none of these bills are enacted by June 30, 1996, this amount shall lapse.

Sec. 220. 1995 2nd sp.s. c 18 s 226 (uncodified) is amended to read as follows:

**FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund--State Appropriation (FY 1996) \$ ((334,000))

834,000

General Fund--State Appropriation (FY 1997) \$ ((334,000))

5,279,000

General Fund--Federal Appropriation \$ 190,936,000

General Fund--Private/Local Appropriation \$ 21,965,000

Unemployment Compensation Administration

Account--Federal Appropriation \$ 177,891,000

Administrative Contingency Account--((Federal)) State

Appropriation \$ ((8,146,000))

8,735,000

Employment Services Administrative Account--

((Federal)) State Appropriation \$ 12,294,000

Employment and Training Trust Account

Appropriation \$ 9,294,000

TOTAL APPROPRIATION \$ ((421,194,000))

427,228,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The employment security department shall spend no more than \$25,049,511 of the unemployment compensation administration account--federal appropriation for the general unemployment insurance development effort (GUIDE) project. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(2) The employment and training trust account appropriation shall not be expended until a plan for such expenditure is reviewed and approved by the work force training and education coordinating board for consistency with chapter 226, Laws of 1993 (employment and training for unemployed workers), and the comprehensive plan for work force training provided in RCW 28C.18.060(4).

(3) \$95,000 of the employment services administrative account--federal appropriation is provided solely for a study of the financing provisions of the state's unemployment insurance law pursuant to Engrossed Senate Bill No. 5925.

(4) \$500,000 of the general fund--state fiscal year 1996 appropriation and \$4,945,000 of the general fund--state fiscal year 1997 appropriation are provided solely for the department to administer a comprehensive set of employment and training programs to disadvantaged youth. In administering this program, the department shall adhere to the following guidelines: (a) Coordinate with the work force training and education board and the service delivery areas in program development and implementation; (b) maximize employment and training opportunities for youth, while at the same time minimize state fiscal resources required; (c) adhere to the state's comprehensive plan for work force training; (d) support the state's one-stop approach to service delivery; (e) maintain low administrative overhead; (f) support the school-to-work transition system; (g) encourage local and private support; and (h) report its findings and recommendations to the legislature on an annual basis.

**PART III  
NATURAL RESOURCES**

<b>Sec. 301.</b> 1995 2nd sp.s. c 18 s 303 (uncodified) is amended to read as follows:	
<b>FOR THE DEPARTMENT OF ECOLOGY</b>	
General Fund--State Appropriation (FY 1996) \$ <del>((22,125,000))</del>	<u>22,712,000</u>
General Fund--State Appropriation (FY 1997) \$ <del>((20,639,000))</del>	<u>24,686,000</u>
General Fund--Federal Appropriation \$ <del>((42,131,000))</del>	<u>41,534,000</u>
General Fund--Private/Local Appropriation \$ 1,385,000	
Special Grass Seed Burning Research Account	
Appropriation \$ 42,000	
Reclamation Revolving Account Appropriation \$ <del>((2,664,000))</del>	<u>3,689,000</u>
Flood Control Assistance Account Appropriation \$ <del>((4,000,000))</del>	<u>4,700,000</u>
State Emergency Water Projects Revolving Account	
Appropriation \$ 312,000	
<u>Industrial Insurance Premium Refund Account</u>	
<u>Appropriation</u> \$ 189,000	
Waste Reduction, Recycling, and Litter Control	
Account Appropriation \$ <del>((5,461,000))</del>	<u>5,561,000</u>
State and Local Improvements Revolving Account--	
Waste Disposal Appropriation \$ 1,000,000	
State and Local Improvements Revolving Account--	
Water Supply Facilities Appropriation \$ 1,344,000	
Basic Data Account Appropriation \$ 182,000	
Vehicle Tire Recycling Account Appropriation \$ <del>((3,283,000))</del>	<u>5,559,000</u>
Water Quality Account Appropriation \$ <del>((3,420,000))</del>	<u>3,583,000</u>
Worker and Community Right to Know Account	
Appropriation \$ 408,000	
State Toxics Control Account Appropriation \$ <del>((49,924,000))</del>	<u>50,024,000</u>
Local Toxics Control Account Appropriation \$ <del>((3,342,000))</del>	<u>3,842,000</u>
Water Quality Permit Account Appropriation \$ 19,600,000	
Underground Storage Tank Account	
Appropriation \$ 2,336,000	
Solid Waste Management Account Appropriation \$ 3,631,000	
Hazardous Waste Assistance Account	
Appropriation \$ 3,476,000	
Air Pollution Control Account Appropriation \$ <del>((13,458,000))</del>	<u>16,005,000</u>
Oil Spill Administration Account Appropriation \$ 2,939,000	
Water Right Permit Processing Account	
Appropriation \$ <del>((500,000))</del>	<u>1,254,000</u>
Wood Stove Education Account Appropriation \$ 1,251,000	
Air Operating Permit Account Appropriation \$ 4,548,000	

Freshwater Aquatic Weeds Account Appropriation \$ ((1,187,000))

2,047,000

Oil Spill Response Account Appropriation \$ 7,060,000

Metals Mining Account Appropriation \$ 300,000

Water Pollution Control Revolving Account--State  
Appropriation \$ 165,000

Water Pollution Control Revolving Account--Federal  
Appropriation \$ ((1,019,000))

1,419,000

TOTAL APPROPRIATION \$ ((223,132,000))

236,783,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$((6,324,000))~~ 5,983,000 of the general fund--state appropriation is provided solely for the implementation of the Puget Sound water quality management plan. In addition, \$394,000 of the general fund--federal appropriation, \$819,000 of the state toxics control account appropriation, \$3,591,000 of the water quality permit fee account appropriation, ~~(\$883,000 of the water quality account appropriation,~~) and \$2,715,000 of the oil spill administration account appropriation may be used for the implementation of the Puget Sound water quality management plan.

~~((3))~~ (2) \$150,000 of the state toxics control account appropriation and \$150,000 of the local toxics control account appropriation are provided solely for implementing Engrossed Substitute House Bill No. 1810 (hazardous substance cleanup). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

~~((4))~~ (3) \$581,000 of the general fund--state appropriation, \$170,000 of the air operating permit account appropriation, \$80,000 of the water quality permit account appropriation, and \$63,000 of the state toxics control account appropriation are provided solely for implementing Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

~~((5))~~ (4) \$2,000,000 of the state toxics control account appropriation is provided solely for the following purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the cost of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with the orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

~~((6))~~ (5) \$250,000 of the flood control assistance account is provided solely for a grant or contract to the lead local entity for technical analysis and coordination with the Army Corps of Engineers and local agencies to address the breach in the south jetty at the entrance of Grays Harbor.

~~((7))~~ (6) \$70,000 of the general fund--state appropriation, \$90,000 of the state toxics control account appropriation, and \$55,000 of the air pollution control account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1724 (growth management). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

~~((8))~~ (7) If Engrossed Substitute House Bill No. 1125 (dam safety inspections), or substantially similar legislation, is not enacted by June 30, 1995, then the department shall not expend any funds appropriated in this section for any regulatory activity authorized under RCW 90.03.350 with respect to hydroelectric facilities which require a license under the federal power act, 16 U.S.C.S. Sec. 791a et seq. If Engrossed Substitute House Bill No. 1125, or substantially similar legislation, is enacted by June 30, 1995, then the department may apply all available funds appropriated under this section for regulatory activity authorized under RCW 90.03.350 for the purposes of inspecting and regulating the safety of dams under the exclusive jurisdiction of the state.

~~((9))~~ (8) \$425,000 of the general fund--state appropriation and \$525,000 of the general fund--federal appropriation are provided solely for the Padilla Bay national estuarine research reserve and interpretive center.

~~((11))~~ (9) The water right permit processing account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used solely for water right permit processing ~~(, regional water planning, and implementation of regional water plans)~~.

~~((12))~~ (10) \$1,298,000 of the general fund--state appropriation, \$188,000 of the general fund--federal appropriation, and \$883,000 of the water quality account appropriation are provided solely to coordinate and implement the activities required by the Puget Sound water quality management plan and to perform the powers and duties under chapter 90.70 RCW.

(11) \$60,000 of the freshwater aquatic weeds account appropriation is provided solely for a grant to the department of fish and wildlife to address purple loosestrife.

(12) \$500,000 of the local toxics control account appropriation is provided solely to satisfy nonfederal cost-sharing requirements for the Puget Sound confined disposal site feasibility study to be conducted jointly with the United States army corps of engineers. The study will address site design, construction standards, operational requirements, and funding necessary to establish a disposal site for contaminated aquatic sediments.

(13) \$1,100,000 of the air pollution control account appropriation is provided solely for grants to local air pollution control authorities to expedite the redesignation of nonattainment areas. These funds shall not be used to supplant existing local funding sources for air pollution control authority programs.

(14) \$400,000 of the general fund--state appropriation is provided solely for payment of attorney's fees pursuant to Rettkowski v. Department of Ecology (no. 62718-5).

(15) \$700,000 of the flood control assistance account appropriation is provided solely for the study and abatement of coastal erosion in the region of Willapa bay, Grays Harbor, and the lower Columbia river.

**Sec. 302.** 1995 2nd sp.s. c 18 s 304 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund--State Appropriation (FY 1996) \$ ((18,020,000))

18,145,000

General Fund--State Appropriation (FY 1997) \$ ((17,877,000))

18,202,000

General Fund--Federal Appropriation \$ 1,930,000

General Fund--Private/Local Appropriation \$ ((1,463,000))

31,000

Winter Recreation Program Account

Appropriation \$ 725,000

Off Road Vehicle Account Appropriation \$ 241,000

Snowmobile Account Appropriation \$ 2,174,000

Aquatic Lands Enhancement Account

Appropriation \$ 313,000

Public Safety and Education Account

Appropriation \$ 48,000

Industrial Insurance Premium Refund Account

Appropriation \$ 10,000

Waste Reduction, Recycling, and Litter Control

Account Appropriation \$ 34,000

Water Trail Program Account Appropriation \$ 26,000

Parks Renewal and Stewardship Account

Appropriation \$ ((22,461,000))

23,893,000

TOTAL APPROPRIATION \$ ((65,322,000))

65,772,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$189,000 of the aquatic lands enhancement account appropriation is provided solely to implement the Puget Sound water quality plan.

(2) The general fund--state appropriation and the parks renewal and stewardship account appropriation are provided to maintain full funding and continued operation of all state parks and state parks facilities.

(3) \$1,800,000 of the general fund--state appropriation is provided solely for the Washington conservation corps program established under chapter 43.220 RCW.

(4) \$3,591,000 of the parks renewal and stewardship account appropriation is provided for the operation of a centralized reservation system, to expand marketing, to enhance concession review, and for other revenue-generating activities.

(5) \$100,000 of the general fund--state appropriation is provided solely for a state match to local funds to prepare a master plan for Mt. Spokane state park.

**Sec. 303.** 1995 2nd sp.s. c 18 s 307 (uncodified) is amended to read as follows:

**FOR THE CONSERVATION COMMISSION**

General Fund Appropriation (FY 1996) \$ ((852,000))

867,000

General Fund Appropriation (FY 1997) \$ ((810,000))

Water Quality Account Appropriation	\$ ((292,000))	<u>825,000</u>
		<u>321,000</u>
TOTAL APPROPRIATION	\$ ((1,864,000))	<u>2,013,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Not more than eight percent of the water quality account moneys administered by the commission may be used by the commission for administration and program activities related to the grant and loan program.
- (2) \$362,000 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan. ~~((In addition, \$130,000 of the water quality account appropriation is provided for the implementation of the Puget Sound water quality management plan.))~~
- (3) \$42,000 of the general fund appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5616 (watershed restoration projects). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.
- (4) \$750,000 of the general fund appropriation is provided solely for grants to local conservation districts.

**Sec. 304.** 1995 2nd sp.s. c 18 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund--State Appropriation (FY 1996)	\$ ((32,380,000))	<u>33,297,000</u>
General Fund--State Appropriation (FY 1997)	\$ ((32,339,000))	<u>33,966,000</u>
General Fund--Federal Appropriation	\$ 54,098,000	
General Fund--Private/Local Appropriation	\$ 15,986,000	
Off Road Vehicle Account Appropriation	\$ 476,000	
Aquatic Lands Enhancement Account		
Appropriation	\$ 5,412,000	
Public Safety and Education Account		
Appropriation	\$ 590,000	
Industrial Insurance Premium Refund Account		
Appropriation	\$ 156,000	
Recreational Fisheries Enhancement Account		
Appropriation	\$ ((2,200,000))	<u>2,217,000</u>
Wildlife Account Appropriation	\$ ((49,741,000))	<u>50,983,000</u>
Special Wildlife Account Appropriation	\$ 1,884,000	
Oil Spill Administration Account		
Appropriation	\$ 831,000	
TOTAL APPROPRIATION	\$ ((196,093,000))	<u>199,896,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,532,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.
- (2) \$250,000 of the general fund--state appropriation is provided solely for attorney general costs on behalf of the department of fisheries, department of natural resources, department of health, and the state parks and recreation commission in defending the state and public interests in tribal shellfish litigation (*United States v. Washington*, subproceeding 89-3). The attorney general costs shall be paid as an interagency reimbursement.
- ~~((4))~~ (3) \$350,000 of the wildlife account appropriation ~~((is))~~ and \$145,000 of the general fund--state appropriation are provided solely for control and eradication of class B designate weeds on department owned and managed lands. The general fund--state appropriation is provided solely for control of *Spartina*.
- ~~((5))~~ (4) \$250,000 of the general fund--state appropriation is provided solely for costs associated with warm water fish production. Expenditure of this amount shall be consistent with the goals established under RCW 77.12.710 for development of a warm water fish program. No portion of this amount may be expended for any type of feasibility study.

~~((6))~~ (5) \$634,000 of the general fund--state appropriation and \$50,000 of the wildlife account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

~~((7))~~ (6) \$2,000,000 of the general fund--state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5157 (mass marking), chapter 372, Laws of 1995, under the following conditions:

(a) If, by October 1, 1995, the state reaches agreement with Canada on a marking and detection program, implementation will begin with the 1994 Puget Sound brood coho.

(b) If, by October 1, 1995, the state does not reach agreement with Canada on a marking and detection program, a pilot project shall be conducted with 1994 Puget Sound brood coho.

(c) Full implementation will begin with the 1995 brood coho.

(d) \$700,000 of the department's equipment funding and \$300,000 of the department's administration funding will be redirected toward implementation of Second Substitute Senate Bill No. 5157 during the 1995-97 biennium.

~~((8))~~ (7) The department shall request a reclassification study be conducted by the personnel resources board for hatchery staff. Any implementation of the study, if approved by the board, shall be pursuant to section 911 of this act.

~~((9))~~ (8) Within the appropriations in this section, the department shall maintain the Issaquah hatchery at the current 1993-95 operational level.

~~((10))~~ (9) \$140,000 of the wildlife account appropriation is provided solely for a cooperative effort with the department of agriculture for research and eradication of purple loosestrife on state lands.

~~((11))~~ (10) \$110,000 of the aquatic lands enhancement account appropriation may be used for publishing a brochure concerning hydraulic permit application requirements for the control of spartina and purple loosestrife.

(11) \$830,000 of the general fund--state appropriation is provided solely for providing technical assistance to landowners and for reviewing plans submitted to the state pursuant to the forest practices board's proposed rules for the northern spotted owl. If the rules are not adopted by June 30, 1996, the amount provided in this subsection shall lapse.

(12) \$145,000 of the general fund--state appropriation is provided solely for the fish and wildlife commission to support additional commission meetings, briefings, and other activities necessary to ensure effective implementation of Referendum No. 45 during the 1995-97 biennium.

(13) \$980,000 of the wildlife account appropriation is provided solely for implementation of the warm water game fish enhancement program pursuant to Fourth Substitute Senate Bill No. 5159. If the bill or substantially similar legislation is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

(14) \$15,000 of the fiscal year 1997 general fund appropriation and \$85,000 of the wildlife account appropriation are provided solely for the payment of claims during fiscal year 1997 arising from damages to crops by wildlife, pursuant to Second Substitute Senate Bill No. 6146 (wildlife claims). If the bill is not enacted by June 30, 1996, the amounts provided in this subsection shall lapse.

(15) \$813,000 of the general fund--state appropriation is provided solely to operate Columbia river fish hatcheries for which federal funding has been reduced.

**Sec. 305.** 1995 2nd sp.s. c 18 s 310 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund--State Appropriation (FY 1996) \$ ~~((20,300,000))~~

20,325,000

General Fund--State Appropriation (FY 1997) \$ ~~((20,299,000))~~

23,424,000

General Fund--Federal Appropriation \$ 3,024,000

General Fund--Private/Local Appropriation \$ 414,000

Forest Development Account Appropriation \$ ~~((37,946,000))~~

41,608,000

Off Road Vehicle Account Appropriation \$ 3,074,000

Surveys and Maps Account Appropriation \$ 1,788,000

Aquatic Lands Enhancement Account Appropriation \$ 2,512,000

Resource Management Cost Account Appropriation \$ 11,624,000

Waste Reduction, Recycling, and Litter Control

Account Appropriation \$ 440,000

Surface Mining Reclamation Account

Appropriation \$ 1,273,000

Wildlife Account Appropriation \$ 1,300,000

Water Quality Account Appropriation \$ ~~((2,000,000))~~

	<u>7,000,000</u>
Aquatic Land Dredged Material Disposal Site	
Account Appropriation   \$ 734,000	
Natural Resources Conservation Areas Stewardship	
Account Appropriation   \$ 1,003,000	
Air Pollution Control Account Appropriation \$ 921,000	
Watershed Restoration Account Appropriation \$ <del>((5,000,000))</del>	
	<u>1,600,000</u>
Metals Mining Account Appropriation   \$ 41,000	
<u>Industrial Insurance Premium Refund Account</u>	
<u>Appropriation       \$ 62,000</u>	
TOTAL APPROPRIATION   \$ <del>((13,693,000))</del>	

122,167,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$7,998,000 of the general fund--state appropriation is provided solely for the emergency fire suppression subprogram.
- (2) \$36,000 of the general fund--state appropriations is provided solely for the implementation of the Puget Sound water quality management plan. In addition, \$957,000 of the aquatics lands enhancement account is provided for the implementation of the Puget Sound water quality management plan.
- (3) \$450,000 of the resource management cost account appropriation is provided solely for the control and eradication of class B designate weeds on state lands.
- (4) \$22,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 1437 (amateur radio repeater sites). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.
- (5) \$49,000 of the air pollution control account appropriation is provided solely to implement Substitute House Bill No. 1287 (silvicultural burning). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.
- (6) \$290,000 of the general fund--state appropriation, \$10,000 of the surface mining reclamation account appropriation, and \$29,000 of the air pollution control account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). If this bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.
- (7) By September 30, 1995, the agency shall report to the appropriate fiscal committees of the legislature on fire suppression costs incurred during the 1993-95 biennium. The report shall provide the following information: (a) An object breakdown of costs for the 1993-95 fire suppression subprogram; (b) the amount of reimbursement provided for personnel, services, and equipment outside the agency; (c) FTE levels and salary amounts by fund of positions backfilled as a result of the fires; (d) overtime costs paid to agency personnel; (e) equipment replacement costs, and (f) final allocation of costs for the Hatchery and Tye fires between the United States forest service, local governments, and the state.
- (8) By December 1, 1995, the department shall report to the house committee on natural resources and the senate committee on natural resources on measures taken to improve the health of the Loomis state forest.
- (9) \$13,000 of the general fund--state appropriation is provided solely to pay a portion of the rent charged to nonprofit television reception improvement districts pursuant to chapter 294, Laws of 1994.
- (10) \$1,200,000 of the general fund--state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.
- (11) Up to \$572,000 of the general fund--state appropriation may be expended for the natural heritage program.
- (12) ~~\$((13,000,000))~~ 375,000 of the water quality account appropriation is provided solely for a grant to the department of ecology for continuing the Washington conservation corps program in fiscal year 1997.
- (13) \$14,600,000, of which ~~\$((5,000,000))~~ 1,600,000 is from the watershed restoration account appropriation, \$1,300,000 is from the wildlife account appropriation, \$2,500,000 is from the resource management cost account appropriation, \$500,000 is from the forest development account appropriation, ~~\$((2,000,000))~~ 7,000,000 is from the water quality account appropriation, and \$1,700,000 is from the general fund--federal appropriation, is provided solely for the jobs in the environment program and/or the watershed restoration partnership program.
  - (a) These funds shall be used to:
    - (i) Restore and protect watersheds in accordance with priorities established to benefit fish stocks in critical or depressed condition as determined by the watershed coordinating council;
    - (ii) Conduct watershed restoration and protection projects primarily on state lands in coordination with federal, local, tribal, and private sector efforts; and
    - (iii) Create market wage jobs in environmental restoration for displaced natural resource impact area workers, as defined under Second Substitute Senate Bill No. 5342 (rural natural resource impact areas).

(b) Except as provided in subsection (c) of this section, these amounts are solely for projects jointly selected by the department of natural resources and the department of fish and wildlife. Funds may be expended for planning, design, and engineering for projects that restore and protect priority watersheds identified by the watershed coordinating council and conform to priorities for fish stock recovery developed through watershed analysis conducted by the department of natural resources and the department of fish and wildlife. Funds expended shall be used for specific projects and not for on-going operational costs. Eligible projects include, but are not limited to, closure or improvement of forest roads, repair of culverts, clean-up of stream beds, removal of fish barriers, installation of fish screens, fencing of streams, and construction and planting of fish cover.

(c) The department of natural resources and the department of fish and wildlife, in consultation with the watershed coordinating council, the office of financial management, and other appropriate agencies, shall report to the appropriate committees of the legislature on January 1, 1996, and annually thereafter, on any expenditures made from these amounts and a plan for future use of the moneys provided in this subsection. The plan shall include a prioritized list of watersheds and future watershed projects. The plan shall also consider future funding needs, the availability of federal funding, and the integration and coordination of existing watershed and protection programs.

(d) All projects shall be consistent with any development regulations or comprehensive plans adopted under the growth management act for the project areas. No funds shall be expended to acquire land through condemnation.

(e) Funds from the wildlife account appropriation shall be available only to the extent that the department of fish and wildlife sells surplus property.

(f) Funds from the resource management cost account appropriation shall only be used for projects on trust lands. Funds from the forest development account shall only be used for projects on county forest board lands.

(g) Projects under contract as of June 1, 1995 will be given first priority.

(14) \$3,000,000 of the general fund--state appropriation is provided solely for purchase of replacement lands as part of the trust land transfer program authorized in section 29 of Senate Bill No. 6316. This amount shall be deposited into the school construction revolving account and shall be used for the exclusive purpose of acquiring real property of equal value to be managed as common school trust land.

(15) \$1,306,000 of the resource management cost account appropriation is provided solely for forest-health related management activities at the Loomis state forest.

(16) \$363,000 of the natural resources conservation areas stewardship account appropriation is provided solely for site-based management of state-owned natural area preserves and natural resource conservation areas.

**Sec. 306.** 1995 2nd sp.s. c 18 s 312 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

General Fund--State Appropriation (FY 1996) \$ ((6,770,000))	7,459,000
General Fund--State Appropriation (FY 1997) \$ ((6,572,000))	6,798,000
General Fund--Federal Appropriation \$ ((4,278,000))	5,169,000
General Fund--Private/Local Appropriation \$ 406,000	
Aquatic Lands Enhancement Account	
Appropriation \$ 800,000	
Industrial Insurance Premium Refund Account	
Appropriation \$ 178,000	
State Toxics Control Account Appropriation \$ 1,088,000	
TOTAL APPROPRIATION \$ ((20,092,000))	21,898,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the general fund--state appropriation is provided solely for consumer protection activities of the department's weights and measures program. Moneys provided in this subsection may not be used for device inspection of the weights and measures program.

(2) \$142,000 of the general fund--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$100,000 of the general fund--state appropriation is provided solely for grasshopper and mormon cricket control.

(4) \$200,000 of the general fund--state appropriation is provided solely for the agricultural showcase.

(5) \$71,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

**NEW SECTION. Sec. 307.** A new section is added to 1995 2nd sp.s. c 18 (uncodified) to read as follows:

**FOR THE OFFICE OF MARINE SAFETY**

Oil Spill Administration Account Appropriation \$ 2,467,000  
State Toxics Control Account Appropriation \$ 172,000

TOTAL APPROPRIATION \$ 2,639,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$385,000 of the oil spill administration account appropriation is provided solely for the defense of the Intertanko litigation.  
(2) \$2,082,000 of the oil spill administration account appropriation and \$172,000 of the state toxics account appropriation are provided solely for general operating funds for the agency beginning April 1, 1996. On April 1, 1996, the office of marine safety shall cease receiving quarterly reimbursements from the department of ecology for general operating expenses. To the extent that expenditures are made from the amounts provided in this subsection, an equal amount from the appropriation in section 412, chapter 14, Laws of 1995 2nd sp. sess. shall lapse.

NEW SECTION. Sec. 308. A new section is added to 1995 2nd sp.s. c 18 (uncodified) to read as follows:

**FOR THE PUGET SOUND WATER QUALITY AUTHORITY**

General Fund--State Appropriation (FY 1997) \$ 1,340,000

General Fund--Federal Appropriation (FY 1997) \$ 225,000

TOTAL APPROPRIATION \$ 1,565,000

The appropriations in this section are subject to the following conditions and limitations: \$358,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

**PART IV  
TRANSPORTATION**

**Sec. 401.** 1995 2nd sp.s. c 18 s 401 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING**

General Fund Appropriation (FY 1996) \$ ((4,229,000))

4,330,000

General Fund Appropriation (FY 1997) \$ ((4,257,000))

5,052,000

Architects' License Account Appropriation \$ ((872,000))

901,000

Cemetery Account Appropriation \$ ((167,000))

177,000

Professional Engineers' Account

Appropriation \$ ((2,235,000))

2,393,000

Real Estate Commission Account

Appropriation \$ ((6,172,000))

6,257,000

Master License Account Appropriation \$ ((5,800,000))

6,033,000

Uniform Commercial Code Account

Appropriation \$ ((4,929,000))

4,801,000

Real Estate Education Account

Appropriation \$ 606,000

Funeral Directors and Embalmers Account

Appropriation \$ ((400,000))

364,000

Industrial Insurance Premium Refund Account

Appropriation \$ 24,000

TOTAL APPROPRIATION \$ ((29,667,000))

30,938,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$637,000 of the general fund appropriation is provided solely to implement sections 1001 through 1007 of Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(2) \$629,000 of the general fund appropriation is provided solely for the implementation of Substitute Senate Bill No. 6206 (cosmetology). If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

**Sec. 402.** 1995 2nd sp.s. c 18 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE PATROL**

General Fund--State Appropriation (FY 1996) \$ ((7,198,000))	<u>8,011,000</u>
General Fund--State Appropriation (FY 1997) \$ ((7,883,000))	
	<u>11,232,000</u>
General Fund--Federal Appropriation \$ 1,035,000	
General Fund--Private/Local Appropriation \$ 254,000	
Public Safety and Education Account	
Appropriation \$ 4,492,000	
County Criminal Justice Assistance	
Appropriation \$ 3,572,000	
Municipal Criminal Justice Assistance Account	
Appropriation \$ 1,430,000	
Fire Services Trust Account Appropriation \$ 90,000	
Fire Services Training Account Appropriation \$ 1,740,000	
State Toxics Control Account Appropriation \$ 425,000	
Violence Reduction and Drug Enforcement	
Account Appropriation \$ 2,133,000	
TOTAL APPROPRIATION \$ ((30,252,000))	
	<u>34,414,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures from the nonappropriated fingerprint identification account for the automation of pre-employment background checks for public and private employers and background checks for firearms dealers and firearm purchasers are subject to office of financial management approval of a completed feasibility study.

(2) Expenditures from the county criminal justice assistance account appropriation and municipal criminal justice assistance account appropriation in this section shall be expended solely for enhancements to crime lab services.

(3) The Washington state patrol shall report to the department of information services and office of financial management by October 30, 1995, on the implementation and financing plan for the state-wide integrated narcotics system.

(4) \$300,000 of the violence reduction and drug enforcement account appropriation is provided solely for enhancements to the organized crime intelligence unit.

(5) \$813,000 of the general fund--state fiscal year 1996 appropriation and \$3,247,000 of the general fund--state fiscal year 1997 appropriation are provided solely for the implementation of Senate Bill No. 6272 (background checks for school employees). If the bill is not enacted by June 30, 1996, the amounts provided in this subsection shall lapse. Expenditures of the amounts specified in this subsection shall be expended at the following rate: As the state patrol initiates the fingerprint process on a school employee, sixty-six dollars shall be transferred from the amounts specified in this subsection. Upon completion of the background check, seven dollars of this amount shall be transferred by the state patrol to the superintendent of public instruction for final disposition of the records check.

**PART V  
EDUCATION**

**Sec. 501.** 1995 2nd sp.s. c 18 s 501 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION**

General Fund--State Appropriation (FY 1996) \$ ((18,341,000))	<u>19,031,000</u>
General Fund--State Appropriation (FY 1997) \$ ((17,819,000))	
	<u>89,829,000</u>
General Fund--Federal Appropriation \$ 39,791,000	
Health Services Account Appropriation \$ ((400,000))	
	<u>850,000</u>

Public Safety and Education Account

Appropriation \$ ~~(338,000)~~

3,155,000

Violence Reduction and Drug Enforcement Account

Appropriation \$ 3,122,000

TOTAL APPROPRIATION \$ ~~((79,811,000))~~

155,778,000

The appropriations in this section are subject to the following conditions and limitations:

(1) AGENCY OPERATIONS

(a) \$770,000 of the general fund--state appropriation is provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(b) \$659,000 of the general fund--state appropriation is provided solely for investigation activities of the office of professional practices.

(c) \$1,700,000 of the general fund--state appropriation is provided solely to reprogram computer applications for collecting and processing school fiscal, personnel, and student data and for calculating apportionment payments and to upgrade agency computer hardware. A maximum of \$600,000 of this amount shall be used for computer hardware.

By December 15, 1995, and before implementation of a new state-wide data system, the superintendent shall present a plan to the house of representatives and senate education and fiscal committees which identifies state data base uses that could involve potentially sensitive data on students and parents. The plan shall detail methods that the superintendent shall employ internally and recommend to school organizations to insure integrity and proper use of data in any student data base, with particular attention to eliminating unnecessary and intrusive data about nonschool related information.

(d) The entire public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) STATE-WIDE PROGRAMS

(a) \$2,174,000 of the general fund--state appropriation is provided for in-service training and educational programs conducted by the Pacific Science Center.

(b) \$63,000 of the general fund--state appropriation is provided for operation of the Cispus environmental learning center.

(c) \$2,654,000 of the general fund--state appropriation is provided for educational centers, including state support activities.

(d) \$3,093,000 of the general fund--state appropriation is provided for grants for magnet schools to be distributed as recommended by the superintendent of public instruction pursuant to chapter 232, section 516(13), Laws of 1992.

(e) \$4,370,000 of the general fund--state appropriation is provided for complex need grants. Grants shall be provided according to funding ratios established in LEAP Document 30C as developed on May 21, 1995, at 23:46 hours.

(f) \$3,050,000 of the drug enforcement and education account appropriation ~~((is))~~ and \$2,817,000 of the public safety and education account appropriation are provided solely for matching grants to enhance security in secondary schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in secondary schools during school hours and school events. Of the amount provided in this subsection, at least ~~\$(2,850,000))~~ 4,975,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(g) Districts receiving allocations from subsections (2)(d) and (e) of this section shall submit an annual report to the superintendent of public instruction on the use of all district resources to address the educational needs of at-risk students in each school building. The superintendent of public instruction shall make copies of the reports available to the office of financial management and the legislature.

(h) \$500,000 of the general fund--federal appropriation is provided for plan development and coordination as required by the federal goals 2000: Educate America Act. The superintendent shall collaborate with the commission on student learning for the plan development and coordination and submit quarterly reports on the plan development to the education committees of the legislature.

(i) ~~(\$400,000))~~ \$850,000 of the health services account appropriation is provided solely for media productions by students at up to 40 sites to focus on issues and consequences of teenage pregnancy and child rearing. The projects shall be consistent with the provisions of Engrossed Second Substitute House Bill No. 2798 as passed by the 1994 legislature, including a local/private or public sector match equal to fifty percent of the state grant; and shall be awarded to schools or consortia not granted funds in 1993-94.

(j) \$7,000 of the general fund--state appropriation is provided to the state board of education to establish teacher competencies in the instruction of braille to legally blind and visually impaired students.

(k) \$50,000 of the general fund--state appropriation is provided solely for matching grants to school districts for analysis of budgets for classroom-related activities as specified in chapter 230, Laws of 1995.

(l) \$3,050,000 of the general fund--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth). Of that amount, \$50,000 is provided for a contract in fiscal year 1996 to the Washington state institute for public policy to conduct an evaluation and review as outlined in section 81 of Engrossed Second Substitute Senate Bill No. 5439. Allocation of the remaining amount shall be based on the number of petitions filed in each district.

(m) \$300,000 of the general fund--state appropriation is provided for alcohol and drug prevention programs pursuant to RCW 66.08.180.

(n) \$1,000,000 of the general fund--state appropriation is provided for conflict resolution and anger management training.

(o) \$2,100,000 of the general fund--state appropriation is provided for early reading emphasis grants for training for primary teachers in using the new reading assessments developed by the commission on student learning.

(p) \$62,000,000 of the general fund--state appropriation is provided for technology investments.

(i) A maximum of \$50,000 may be expended to update the state technology plan to complete state standards for assessing school district technology plans, including conformity to the 1996 state networking guidelines as adopted by the superintendent of public instruction and approved by the information services board. The update shall be completed by July 30, 1996, and shall include continued development of compatible networks to connect school districts, institutions of higher learning, and other sources of on-line information.

(ii) A maximum of \$50,000 may be expended to determine whether technology plans submitted by school districts conform with the standards of the state plan. Determinations shall be made by the office of the superintendent of public instruction in consultation with the educational technology advisory council.

(iii) A school district shall be eligible for state technology funds if its technology plan conforms to the requirements of the state technology plan.

(iv) Eligible school districts shall receive allocations in the 1996-97 school year at a maximum of \$71.17 per full-time equivalent student, not including vocational full-time equivalent students. The funds shall be allocated prior to June 30, 1997. The grants shall be used to:

(A) Improve a district's available technology tools in the classroom;

(B) Link schools within or among districts;

(C) Link schools with institutions of higher education; or

(D) Expand educational opportunities within high schools by using technology to make the running start program available on high school campuses.

(q) \$5,000,000 of the general fund--state appropriation is provided to update high-technology vocational education equipment in the 1996-97 school year. The superintendent shall allocate the funds at a maximum rate of \$91.46 per full-time equivalent vocational education student. The funds shall be allocated prior to June 30, 1997.

(r) \$2,000,000 of the general fund--state appropriation is provided for start-up grants to establish alternative programs for middle school students who have been suspended or expelled or are subject to other disciplinary actions.

(s) \$250,000 of the general fund--state appropriation is provided solely for cooperatively developed pilot projects that bridge the public secondary and public post-secondary education systems. Projects receiving grants from these funds must have joint sponsorship from a K-12 and higher education institution and should incorporate the use, or development of programs for the use, of learning technology. The grants shall be jointly approved by the higher education coordinating board and the state board of education.

(t) \$50,000 of the general fund--state appropriation is provided solely for allocation to the primary coordinators of the state geographic alliance for the purpose of improving the teaching of geography in the common school system.

**Sec. 502.** 1995 2nd sp.s. c 18 s 502 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT (BASIC EDUCATION)**

General Fund Appropriation (FY 1996) \$ ((3,174,826,000))

3,166,013,000

General Fund Appropriation (FY 1997) \$ ((3,284,918,000))

3,262,106,000

TOTAL APPROPRIATION \$ ((6,459,744,000))

6,428,119,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) Allocations for certificated staff salaries for the 1995-96 and 1996-97 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;  
(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3; and  
(iii) An additional 5.3 certificated instructional staff units for grades K-3. Any funds allocated for these additional certificated units shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iii) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio equal to or greater than 54.3 certificated instructional staff per thousand full-time equivalent students in grades K-3. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-3 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-3 may dedicate up to 1.3 of the 54.3 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-3. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio equal to or greater than 54.3 certificated instructional staff per thousand full-time equivalent students in grades K-3 may use allocations generated under this subsection (2)(a)(iii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 4-6. Funds allocated under this subsection (2)(a)(iii) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants; and

(iv) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c) On the basis of full-time equivalent enrollment in:

(i) Vocational education programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 18.3 full-time equivalent vocational students;

(ii) Skills center programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students; and

(iii) Indirect cost charges to vocational-secondary programs shall not exceed 10 percent;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732

certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1995-96 and 1996-97 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 20.71 percent in the 1995-96 school year and 20.71 percent in the 1996-97 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 18.77 percent in the 1995-96 school year and ~~((18.77))~~ 18.81 percent in the 1996-97 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent;

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$7,656 per certificated staff unit in the 1995-96 school year and a maximum of \$7,893 per certificated staff unit in the 1996-97 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$14,587 per certificated staff unit in the 1995-96 school year and a maximum of \$15,039 per certificated staff unit in the 1996-97 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$341 for the 1995-96 school year and \$341 per year for the 1996-97 school year ~~((per))~~ per allocated classroom teacher~~((s))~~ excluding salary adjustments made in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1994-95 school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of ~~\$(3,122,000))~~ 5,820,000 outside the basic education formula during fiscal years 1996 and 1997 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$431,000 may be expended in fiscal year 1996 and a maximum of \$444,000 may be expended in fiscal year 1997;

(b) For summer vocational programs at skills centers, a maximum of \$1,938,000 may be expended in ~~((the 1995-96 school year))~~ fiscal year 1996 and a maximum of \$1,948,000 may be expended in fiscal year 1997; ((and))

(c) A maximum of \$309,000 may be expended for school district emergencies; and

(d) A maximum of \$250,000 may be expended for fiscal year 1996 and a maximum of \$500,000 may be expended for fiscal year 1997 for programs providing skills training for secondary students who are at risk of academic failure or who have dropped out of school and

are enrolled in the extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(10) For the purposes of RCW 84.52.0531, the increase per full-time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 2.2 percent from the 1994-95 school year to the 1995-96 school year, and ~~((1-5))~~ 1.3 percent from the 1995-96 school year to the 1996-97 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

**Sec. 503.** 1995 2nd sp.s. c 18 s 503 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION**

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a)(i) For the 1995-96 school year, salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12C, by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1A; and

(ii) For the 1996-97 school year, salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12C, by the district's average staff mix factor for basic education certificated instructional staff and special education certificated instructional staff for that year, computed using LEAP Document 1A; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12C.

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100;

(b) "LEAP Document 1A" means the computerized tabulation establishing staff mix factors for ~~((basic education))~~ certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:35 hours; and

(c) "LEAP Document 12C" means the computerized tabulation of 1995-96 and 1996-97 school year salary allocations for basic education certificated administrative staff and basic education classified staff and derived base salaries for basic education certificated instructional staff as developed by the legislative evaluation and accountability program committee on May 21, 1995, at 23:35 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments for certificated staff at a rate of 20.07 percent ~~((for certificated staff and 15.27 percent for classified staff))~~ for both years of the biennium and for classified staff at rates of 15.27 percent for the 1995-96 school year and 15.31 percent for the 1996-97 school year.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

STATE-WIDE SALARY ALLOCATION SCHEDULE  
FOR SCHOOL YEARS 1995-96 AND 1996-97

Years of

Service BA BA+ 15 BA+ 30 BA+ 45 BA+ 90

0	22,282	22,884	23,508	24,131	26,137
1	23,012	23,633	24,277	24,942	27,007
2	23,757	24,398	25,060	25,790	27,889
3	24,539	25,200	25,881	26,651	28,787
4	25,336	26,037	26,738	27,549	29,740
5	26,169	26,889	27,609	28,482	30,709
6	27,037	27,754	28,515	29,450	31,710
7	27,919	28,654	29,434	30,429	32,745
8	28,814	29,590	30,388	31,465	33,813

9	30,559	31,396	32,512	34,915
10	32,417	33,613	36,048	
11	34,746	37,235		
12	35,843	38,452		
13	39,700			
14	40,955			
15 or more	42,020			

Years of MA+ 90  
Service BA+ 135 MA MA+ 45 or PHD

0	27,429	26,715	28,720	30,012
1	28,316	27,526	29,590	30,899
2	29,238	28,374	30,472	31,820
3	30,195	29,235	31,370	32,779
4	31,188	30,133	32,324	33,771
5	32,214	31,065	33,292	34,797
6	33,253	32,033	34,294	35,837
7	34,347	33,013	35,329	36,931
8	35,473	34,048	36,397	38,057
9	36,632	35,095	37,499	39,215
10	37,822	36,196	38,632	40,405
11	39,044	37,329	39,818	41,627
12	40,316	38,508	41,036	42,900
13	41,620	39,726	42,284	44,203
14	42,972	40,981	43,619	45,556
15 or more	44,089	42,046	44,753	46,740

(b) As used in this subsection, the column headings "BA+ (N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+ (N)" refer to the total of:

- (i) Credits earned since receiving the masters degree; and
- (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

- (a) "BA" means a baccalaureate degree.
- (b) "MA" means a masters degree.
- (c) "PHD" means a doctorate degree.
- (d) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1994-95 school year.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 or as hereafter amended.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

- (a) The employee has a masters degree; or
- (b) The credits were used in generating state salary allocations before January 1, 1992.

(7)(a) Credits earned by certificated instructional staff after September 1, 1995, shall be counted only if the content of the course:

- (i) Is consistent with the school district's strategic plan for improving student learning; (ii) is consistent with a school-based plan for improving student learning developed under section 520(2) of this act for the school in which the individual is assigned; (iii) pertains to the individual's current assignment or expected assignment for the following school year; (iv) is necessary for obtaining an endorsement as prescribed by the state board of education; (v) is specifically required for obtaining advanced levels of certification; or (vi) is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certificated instructional staff.0

(b) Once credits earned by certificated instructional staff have been determined to meet one or more of the criteria in (a) of this subsection, the credits shall be counted even if the individual transfers to other school districts.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

**Sec. 504.** 1995 2nd sp.s. c 18 s 504 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund Appropriation (FY 1996) \$ ~~((96,500,000))~~

96,243,000

General Fund Appropriation (FY 1997) \$ ~~((123,377,000))~~

122,780,000

TOTAL APPROPRIATION \$ ~~((219,877,000))~~

219,023,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$~~((218,748,000))~~ 217,894,000 is provided for cost of living adjustments of 4.0 percent effective September 1, 1995, for state-formula staff units. The appropriation includes associated incremental fringe benefit allocations ~~((for both years at rates 20.07 percent for certificated staff and 15.27 percent for classified staff))~~ for certificated staff at a rate of 20.07 percent both years of the biennium and for classified staff at rates of 15.27 percent for the 1995-96 school year and 15.31 percent for the 1996-97 school year.

(a) The appropriation in this section includes the increased portion of salaries and incremental fringe benefits for all relevant state funded school programs in PART V of this act. Salary adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in the Special Appropriations sections of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 503 of this act.

(b) The appropriation in this section provides salary increase and incremental fringe benefit allocations for the following programs based on formula adjustments as follows:

(i) For pupil transportation, an increase of \$0.77 per weighted pupil-mile for the 1995-96 school year and maintained for the 1996-97 school year;

(ii) For learning assistance, an increase of \$11.24 per eligible student for the 1995-96 school year and maintained for the 1996-97 school year;

(iii) For education of highly capable students, an increase of \$8.76 per formula student for the 1995-96 school year and maintained for the 1996-97 school year; and

(iv) For transitional bilingual education, an increase of \$22.77 per eligible bilingual student for the 1995-96 school year and maintained for the 1996-97 school year.

(2) The maintenance rate for insurance benefits shall be \$313.95 for the 1995-96 school year and \$314.51 for the 1996-97 school year. Funding for insurance benefits is included within appropriations made in other sections of Part V of this act.

(3) Effective September 1, 1995, a maximum of \$1,129,000 is provided for a 4 percent increase in the state allocation for substitute teachers in the general apportionment programs.

(4) The rates specified in this section are subject to revision each year by the legislature.

**Sec. 505.** 1995 2nd sp.s. c 18 s 506 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION**

General Fund Appropriation (FY 1996) \$ ~~((155,970,000))~~

156,211,000

General Fund Appropriation (FY 1997) \$ ~~((164,511,000))~~

174,841,000

TOTAL APPROPRIATION \$ ~~((320,481,000))~~

331,052,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) A maximum of \$1,347,000 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district. The 1994 travel time to contiguous school district study shall be continued and a report submitted to the fiscal committees of the legislature by December 1, 1995.

(3) A maximum of \$40,000 is provided to complete the computerized state map project containing school bus routing information. This information and available data on school buildings shall be consolidated. Data formats shall be compatible with the geographic information system (GIS) and included insofar as possible in the GIS system.

(4) \$180,000 is provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(5) Beginning with the 1995-96 school year, the superintendent of public instruction shall implement a state bid process for the purchase of school buses pursuant to Engrossed Substitute Senate Bill No. 5408.

(6) Of this appropriation, a maximum of \$~~((8,807,000))~~ 11,238,000 may be allocated in the 1995-96 school year ~~((and a maximum of \$8,894,000 may be allocated in the 1996-97 school year))~~ for hazardous walking conditions. The superintendent shall ensure that the conditions specified in RCW 28A.160.160(4) for state funding of hazardous walking conditions for any district are fully and strictly adhered to, and that no funds are allocated in any instance in which a district is not actively and to the greatest extent possible engaged in efforts to mitigate hazardous walking conditions.

(7) For the 1996-97 school year, a maximum of \$13,549,000 may be allocated for transportation services in accordance with Senate Bill No. 6684 (student safety to and from school). A district's allocation shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile from their assigned school multiplied by the per pupil mile rate multiplied by 1.29. "Enrolled students in grades kindergarten through five" for purposes of this section means the number of kindergarten through fifth grade students, living within one radius mile, who are enrolled during the week in which each district's bus ridership count is taken.

(8) The minimum load factor in the operations funding formula shall be calculated based on all students transported to and from school.

(9) For the 1996-97 school year, the superintendent of public instruction shall revise the expected bus lifetimes used for determining bus reimbursement payments in the following manner:

(a) The twenty-year bus category shall be reduced to eighteen years; and

(b) The fifteen-year bus category shall be reduced to thirteen years.

**Sec. 506.** 1995 2nd sp.s. c 18 s 508 (uncodified) is amended to read as follows:

**SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 1996) \$ ~~((380,179,000))~~

379,771,000

General Fund--State Appropriation (FY 1997) \$ ~~((373,289,000))~~

371,142,000

General Fund--Federal Appropriation \$ 98,684,000

TOTAL APPROPRIATION \$ ~~((852,152,000))~~

849,597,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) In recognition of the need for increased flexibility at the local district level to facilitate the provision of appropriate education to children ~~((with disabilities))~~ in need of special education, and the need for substantive educational reform for a significant portion of the school population, the funding formula for special education is modified. These changes result from a 1994 study and recommendations by the institute for public policy and the legislative budget committee, aided by the office of the superintendent of public instruction and the statewide task force for the development of special education funding alternatives. The new formula is for allocation purposes only and is not intended to prescribe or imply any particular pattern of special education service delivery other than that contained in a properly formulated, locally determined, individualized education program.

(3) The superintendent of public instruction shall distribute state funds to school districts based on two categories, the mandatory special education program for special education students ages three to twenty-one and the optional birth through age two program for developmentally delayed infants and toddlers. The superintendent shall review current state eligibility criteria for the fourteen special education categories and consider changes which would reduce assessment time and administrative costs associated with the special education program.

(4) For the 1995-96 and 1996-97 school years, the superintendent shall distribute state funds to each district based on the sum of:

(a) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, times the district's average basic education allocation per full-time equivalent student, times 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment times the enrollment percent, times the district's average basic education allocation per full-time equivalent student times 0.9309.

(5) The definitions in this subsection apply throughout this section.

(a) "Average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 (i.e., 49/1000 certificated instructional staff in grades K-3, and 46/1000 in grades 4-12), and shall not include enhancements for K-3, secondary vocational education, or small schools.

(b) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(c) "Enrollment percent" shall mean the district's resident special education annual average enrollment including those students counted under the special education demonstration projects, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment. For the 1995-96 and the 1996-97 school years, each district's enrollment percent shall be:

(i) For districts whose enrollment percent for 1994-95 was at or below 12.7 percent, the lesser of the district's actual enrollment percent for the school year for which the allocation is being determined or 12.7 percent.

(ii) For districts whose enrollment percent for 1994-95 was above 12.7 percent, the lesser of:

(A) The district's actual enrollment percent for the school year for which the special education allocation is being determined; or

(B) The district's actual enrollment percent for the school year immediately prior to the school year for which the special education allocation is being determined; or

(C) For 1995-96, the 1994-95 enrollment percent reduced by 25 percent of the difference between the district's 1994-95 enrollment percent and 12.7. For 1996-97, the 1994-95 enrollment percent reduced by 50 percent of the difference between the district's 1994-95 enrollment percent and 12.7.

(6) For interdistrict cooperatives of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be 12.7, and shall be calculated in the aggregate rather than individual district units. For purposes of subsection (5) of this section, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

~~((6))~~ (7) A minimum of \$4.5 million of the general fund--federal appropriation shall be expended for safety net funding to meet the extraordinary needs of individual special education students.

~~((7))~~ (8) From the general fund--state appropriation, \$14,600,000 is provided for the 1995-96 school year, and \$19,575,000 for the 1996-97 school year, for safety net purposes for districts with demonstrable funding needs for special education beyond the combined amounts provided in subsection (4) of this section. The superintendent of public instruction shall, by rule, establish procedures and standards for allocation of safety net funds. In the 1995-96 school year, school districts shall submit their requests for safety net funds to the appropriate regional committee established by the superintendent of public instruction. Regional committees shall make recommendations to the state oversight committee for approval. For the 1996-97 school year, requests for safety net funds under this subsection shall be submitted to the state oversight committee. The following conditions and limitations shall be applicable to school districts requesting safety net funds:

(a) For a school district requesting state safety net funds due to special characteristics of the district and costs of providing services which differ significantly from the assumptions contained in the funding formula, the procedures and standards shall permit relief only if a district can demonstrate at a minimum that:

(i) Individualized education plans are appropriate and are properly and efficiently prepared and formulated;

(ii) The district is making a reasonable effort to provide appropriate program services for special education students utilizing state funds generated by the apportionment and special education funding formulas;

(iii) The district's programs are operated in a reasonably efficient manner and that the district has adopted a plan of action to contain or eliminate any unnecessary, duplicative, or inefficient practices;

(iv) Indirect costs charged to this program do not exceed the allowable percent for the federal special education program;

(v) Any available federal funds are insufficient to address the additional needs; and

(vi) The costs of any supplemental contracts are not charged to this program for purposes of making these determinations.

(b) For districts requesting safety net funds due to federal maintenance of effort requirements as a result of changes in the state special education funding formula, the procedures and standards shall permit relief only if a district can demonstrate at a minimum that:

(i) Individualized education plans are appropriate and are properly and efficiently prepared and formulated; and

(ii) The district is making a reasonable effort to provide appropriate program services for special education students utilizing state funds generated by the apportionment and special education funding formulas(~~(; and~~

~~(iii) Calculations made in accordance with subsection (8) of this section with respect to state fund allocations justify a need for additional funds for compliance with federal maintenance of effort requirements)).~~

(c) For districts requesting safety net funds due to federal maintenance of effort requirements as a result of changes in the state special education funding formula, amounts provided for this purpose shall be calculated by the superintendent of public instruction and adjusted periodically based on the most current information available to the superintendent. The amount provided shall not exceed the lesser of:

(i) The district's 1994-95 state excess cost allocation for resident special education students minus the relevant school year's state special education formula allocation;

(ii) The district's 1994-95 state excess cost allocation per resident special education student multiplied by the number of formula funded special education students for the relevant school year minus the relevant school year's special education formula allocation;

(iii) The amount requested by the district; or

(iv) The amount awarded by the state oversight committee.

~~((8))~~ (9)(a) For purposes of making safety net determinations pursuant to subsection ~~((7))~~ (8) of this section, the superintendent shall make available to each school district, from available data, prior to June 1st of each year:

(i) The district's 1994-95 enrollment percent;

(ii) For districts with a 1994-95 enrollment percent over 12.7 percent, the maximum 1995-96 enrollment percent, and prior to 1996-97 the maximum 1996-97 enrollment percent;

(iii) The estimate to be used for purposes of subsection ~~((7))~~ (8) of this section of each district's 1994-95 special education allocation showing the excess cost and the basic education portions; and

(iv) If necessary, a process for each district to estimate the 1995-96 school year excess cost allocation for special education and the portion of the basic education allocation formerly included in the special education allocation. This process may utilize the allocations generated pursuant to subsection (4) of this section, each district's 1994-95 estimated basic education backout percent for the 1994-95 school year, and state compensation increases for 1995-96.

(b) The superintendent, in consultation with the state auditor, shall take all necessary steps to successfully transition to the new formula and minimize paperwork at the district level associated with federal maintenance of effort calculations. The superintendent shall develop such rules and procedures as are necessary to implement this process ~~((for the 1995-96 school year, and may use the same process for the 1996-97 school year if found necessary for federal maintenance of effort calculations))~~.

~~((9))~~ (10) Prior to adopting any standards, procedures, or processes required to implement this section, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

~~((10))~~ (11) Membership of the regional committees, in the 1995-96 school year, may include, but not be limited to:

(a) A representative of the superintendent of public instruction;

(b) One or more representatives from school districts including board members, superintendents, special education directors, and business managers; and

(c) One or more staff from an educational service district.

~~((11))~~ (12) The state oversight committee appointed by the superintendent of public instruction shall consist of:

(a) Staff of the office of superintendent of public instruction;

(b) Staff of the office of the state auditor;

(c) Staff from the office of the financial management; and

(d) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

~~((12))~~ (13) The institute for public policy, in cooperation with the superintendent of public instruction, the office of financial management, and the fiscal committees of the legislature, shall evaluate the operation of the safety nets under subsections ~~((6))~~ (7) and ~~((7))~~ (8) of this section and shall prepare an interim report by December 15, 1995, and a final report on the first school year of operation by October 15, 1996.

~~((13))~~ (14) A maximum of \$678,000 may be expended from the general fund--state appropriation to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

~~((14))~~ (15) \$1,000,000 of the general fund--federal appropriation is provided solely for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

~~((15))~~ (16) Not more than \$80,000 of the general fund--federal appropriation shall be expended for development of an inservice training program to identify students with dyslexia who may be in need of special education.

(17) A maximum of \$933,600 of the general fund--state appropriation in fiscal year 1996 and a maximum of \$933,600 of the general fund--state appropriation for fiscal year 1997 may be expended for state special education coordinators housed at each of the educational service districts. Employment and functions of the special education coordinators shall be determined in consultation with the superintendent of public instruction.

**Sec. 507.** 1995 2nd sp.s. c 18 s 509 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS**

Public Safety and Education Account

Appropriation     \$ ~~((17,488,000))~~

16,928,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.
- (2) A maximum of \$507,000 shall be expended for regional traffic safety education coordinators.
- (3) The maximum basic state allocation per student completing the program shall be \$137.16 in the 1995-96 and 1996-97 school years.
- (4) Additional allocations to provide tuition assistance for students from low-income families who complete the program shall be a maximum of \$66.81 per eligible student in the 1995-96 and 1996-97 school years.

**Sec. 508.** 1995 2nd sp.s. c 18 s 510 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund Appropriation (FY 1996) \$ ((4,411,000))	<u>4,491,000</u>
General Fund Appropriation (FY 1997) \$ ((4,410,000))	<u>4,411,000</u>
TOTAL APPROPRIATION \$ ((8,821,000))	<u>8,902,000</u>

The appropriation in this section is subject to the following conditions and limitations:

- (1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).
- (2) \$225,000 of the general fund appropriation is provided solely for student teaching centers as provided in RCW 28A.415.100.
- (3) \$360,000 of the general fund appropriation is provided solely to continue implementation of chapter 109, Laws of 1993 (collaborative development school projects).

(4) A maximum of \$350,000 may be expended for centers for improvement of teaching pursuant to RCW 28A.415.010.

(5) \$80,000 is provided solely for allocation to educational service district no. 121 for dyslexia training services provided to teachers in the Tacoma school districts by a nonprofit organization with expertise in this field.

**Sec. 509.** 1995 2nd sp.s. c 18 s 511 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE**

General Fund Appropriation (FY 1996) \$ ((75,408,000))	<u>76,871,000</u>
General Fund Appropriation (FY 1997) \$ ((79,592,000))	<u>82,806,000</u>
TOTAL APPROPRIATION \$ ((155,000,000))	<u>159,677,000</u>

**Sec. 510.** 1995 2nd sp.s. c 18 s 513 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATION OF INDIAN CHILDREN**

General Fund--Federal Appropriation \$ ((370,000))	<u>55,000</u>
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**Sec. 511.** 1995 2nd sp.s. c 18 s 514 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 1996) \$ ((45,417,000))	<u>15,798,000</u>
General Fund--State Appropriation (FY 1997) \$ ((45,795,000))	<u>17,928,000</u>
General Fund--Federal Appropriation \$ 8,548,000	
TOTAL APPROPRIATION \$ ((39,760,000))	<u>42,274,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.
- (2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution and other state funding assumptions shall be those specified in the legislative budget notes.

**Sec. 512.** 1995 2nd sp.s. c 18 s 515 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund Appropriation (FY 1996) \$ ((4,254,000))	<u>4,200,000</u>
General Fund Appropriation (FY 1997) \$ ((4,277,000))	<u>4,254,000</u>
TOTAL APPROPRIATION \$ ((8,531,000))	<u>8,454,000</u>

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.
- (2) Allocations for school district programs for highly capable students shall be distributed for up to one and one-half percent of each district's full-time equivalent basic education act enrollment.
- (3) \$436,000 of the appropriation is for the Centrum program at Fort Worden state park.

**Sec. 513.** 1995 2nd sp.s. c 18 s 518 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund Appropriation (FY 1996) \$ ((27,286,000))	<u>26,378,000</u>
General Fund Appropriation (FY 1997) \$ ((29,566,000))	<u>28,432,000</u>
TOTAL APPROPRIATION \$ ((56,852,000))	<u>54,810,000</u>

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.
- (2) The superintendent shall distribute a maximum of \$623.21 per eligible bilingual student in the 1995-96 school year and \$623.31 in the 1996-97 school year.

**Sec. 514.** 1995 2nd sp.s. c 18 s 519 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund Appropriation (FY 1996) \$ ((56,293,000))	<u>56,417,000</u>
General Fund Appropriation (FY 1997) \$ ((57,807,000))	<u>58,216,000</u>
TOTAL APPROPRIATION \$ ((114,100,000))	<u>114,633,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.
- (2) For making the calculation of the percentage of students scoring in the lowest quartile as compared with national norms, beginning with the 1991-92 school year, the superintendent shall multiply each school district's 4th and 8th grade test results by 0.86.
- (3) Funding for school district learning assistance programs shall be allocated at a maximum rate of \$366.74 per unit for the 1995-96 school year and a maximum of \$((366.81)) 366.86 per unit in the 1996-97 school year. School districts may carryover up to 10 percent of funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.
  - (a) A school district's units for the 1995-96 school year shall be the sum of the following:
    - (i) The 1995-96 full-time equivalent enrollment in kindergarten through 6th grade, times the 5-year average 4th grade test result as adjusted pursuant to subsection (2) of this section, times 0.96; and
    - (ii) The 1995-96 full-time equivalent enrollment in grades 7 through 9, times the 5-year average 8th grade test result as adjusted pursuant to subsection (2) of this section, times 0.96; and
    - (iii) If the district's percentage of October 1994 headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeds the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's 1995-96 K-12 annual average full-time equivalent enrollment times 11.68 percent.
  - (b) A school district's units for the 1996-97 school year shall be the sum of the following:
    - (i) The 1996-97 full-time equivalent enrollment in kindergarten through 6th grade, times the 5-year average 4th grade test result as adjusted pursuant to subsection (2) of this section, times 0.92; and

(ii) The 1996-97 full-time equivalent enrollment in grades 7 through 9, times the 5-year average 8th grade test result as adjusted pursuant to subsection (2) of this section, times 0.92; and

(iii) If the district's percentage of October 1995 headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeds the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's 1996-97 K-12 annual average full-time equivalent enrollment times 22.30 percent.

**Sec. 515.** 1995 2nd sp.s. c 18 s 520 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL ENHANCEMENT FUNDS**

General Fund Appropriation (FY 1996) \$ ((57,126,000))

56,846,000

General Fund Appropriation (FY 1997) \$ ((58,429,000))

58,123,000

TOTAL APPROPRIATION \$ ((115,555,000))

114,969,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.

(2) School districts receiving moneys pursuant to this section shall expend at least fifty-eight percent of such moneys in school buildings for building based planning, staff development, and other activities to improve student learning, consistent with the student learning goals in RCW 28A.150.210 and RCW 28A.630.885. Districts receiving the moneys shall have a policy regarding the involvement of school staff, parents, and community members in instructional decisions. Each school using the moneys shall, by the end of the 1995-96 school year, develop and keep on file a building plan to attain the student learning goals and essential academic learning requirements and to implement the assessment system as it is developed. The remaining forty-two percent of such moneys may be used to meet other educational needs as identified by the school district. Program enhancements funded pursuant to this section do not fall

within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder, nor shall such funding constitute levy reduction funds for purposes of RCW 84.52.0531.

(3) Forty-two percent of the allocations to school districts shall be calculated on the basis of full-time enrollment at an annual rate per student of up to \$26.30 for the 1995-96 and 1996-97 school years. For school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(a) Enrollment of not more than 60 average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;

(b) Enrollment of not more than 20 average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and

(c) Enrollment of not more than 60 average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.

(4) Fifty-eight percent of the allocations to school districts shall be calculated on the basis of full-time enrollment at an annual rate per student of up to \$36.69 for the 1995-96 and 1996-97 fiscal years. The state schools for the deaf and the blind may qualify for allocations of funds under this subsection. For school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(a) Enrollment of not more than 60 average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;

(b) Enrollment of not more than 20 average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and

(c) Enrollment of not more than 60 average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.

(5) Beginning with the 1995-96 school year, to provide parents, the local community, and the legislature with information on the student learning improvement block grants, schools receiving funds for such purpose shall include, in the annual performance report required in RCW 28A.320.205, information on how the student learning improvement block grant moneys were spent and what results were achieved. Each school district shall submit the reports to the superintendent of public instruction and the superintendent shall provide the legislature with an annual report.

(6) Receipt by a school district of one-fourth of the district's allocation of funds under this section, shall be conditioned on a finding by the superintendent that the district is enrolled as a medicaid service provider and is actively pursuing federal matching funds for medical services provided through special education programs, pursuant to RCW 74.09.5241 through 74.09.5256 (Title XIX funding).

**Sec. 516.** 1995 2nd sp.s. c 18 s 516 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS**

General Fund--State Appropriation (FY 1996) \$ ~~((17,904,000))~~

16,715,000

General Fund--State Appropriation (FY 1997) \$ ~~((18,062,000))~~

19,251,000

General Fund--Federal Appropriation \$ 12,500,000

TOTAL APPROPRIATION \$ 48,466,000

The appropriation in this section is subject to the following conditions and limitations:

~~(1) ((\$3,819,000 of the general fund--state appropriation is provided solely for the operation of the commission on student learning under RCW 28A.630.883 through 28A.630.953. The commission on student learning shall report on a regular basis regarding proposed activities and expenditures of the commission.~~

~~(2) \$4,890,000 of the general fund--state appropriation and \$800,000 of the general fund--federal appropriation are provided solely for development of assessments as required in RCW 28A.630.885 as amended by House Bill No. 1249.~~

~~(3)) \$8,709,000 of the general fund--state appropriation and \$800,000 of the general fund--federal appropriation are provided for the operation of the commission on student learning and development of assessments. The commission shall report on a regular basis regarding proposed activities and expenditures to the education and fiscal committees of the legislature.~~

~~(2) \$2,190,000 of the general fund--state appropriation is provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.~~

~~((4)) (3) \$2,970,000 of the general fund--state appropriation is provided for school-to-work transition projects in the common schools, including state support activities, under RCW 28A.630.861 through 28A.630.880.~~

~~((5)) (4) \$2,970,000 of the general fund--state appropriation is provided for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260. Funds for the teacher assistance program shall be allocated to school districts based on the number of beginning teachers.~~

~~((6)) (5) \$1,620,000 of the general fund--state appropriation is provided for superintendent and principal internships, including state support activities, under RCW 28A.415.270 through 28A.415.300.~~

~~((7)) (6) \$4,050,000 of the general fund--state appropriation is provided for improvement of technology infrastructure, the creation of a student database, and educational technology support centers, including state support activities, under chapter 28A.650 RCW.~~

~~((8)) (7) \$7,200,000 of the general fund--state appropriation is provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.~~

~~((9)) (8) \$5,000,000 of the general fund--state appropriation is provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155 and shall be distributed as follows:~~

~~(a) \$442,000 is provided solely for start-up grants for schools not eligible for federal start-up grants and for summer food service programs; and~~

~~(b) \$4,558,000 of the general fund--state appropriation is provided solely to increase the state subsidy for free and reduced-price breakfasts.~~

~~((10)) (9) \$1,260,000 of the general fund--state appropriation is provided for technical assistance related to education reform through the office of the superintendent of public instruction, in consultation with the commission on student learning, as specified in RCW 28A.300.130 (center for the improvement of student learning).~~

~~((11)) (10) \$1,700,000 of the general fund--federal appropriation is provided for professional development grants.~~

~~((12)) (11) \$10,000,000 of the general fund--federal appropriation is provided solely for competitive grants to school districts for implementation of education reform. To the extent that additional federal goals 2000 funds become available, the superintendent shall also allocate such additional funds for the same purpose.~~

**PART VI  
HIGHER EDUCATION**

**Sec. 601.** 1995 2nd sp.s. c 18 s 601 (uncodified) is amended to read as follows:

The appropriations in sections 603 through 609 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 603 through 609 of this act.

(2) Operating resources that are not used to meet authorized salary increases and other mandated expenses shall be invested in measures that (a) reduce the time-to-degree, (b) provide additional access to postsecondary education, (c) improve the quality of undergraduate education, (d) provide improved access to courses and programs that meet core program requirements and are consistent with needs of the state labor market, (e) provide up-to-date equipment and facilities for training in current technologies, (f) expand the integration between the K-12 and postsecondary systems and among the higher education institutions, (g) provide additional access to postsecondary education for place-bound and remote students, and (h) improve teaching and research capability through the funding of distinguished professors. ~~((The institutions shall establish, in consultation with the board, measurable goals for increasing the average scheduled course contact hours by type of faculty, and shall report to the appropriate policy and fiscal committees of the legislature each December 1st as to performance on such goals.))~~ The faculties and administrations at the public higher education institutions of the state must take action and share with the legislature the responsibility in meeting the increased demands on higher education. The legislature finds that a focus on educational outcomes provides the most effective means of addressing those demands. Therefore, the institutions shall use a portion of the funds provided in sections 603 through 609 of this act for learning productivity improvements to implement the institutional recommendations to shorten the time-to-degree and improve graduation rates as submitted to the higher education coordinating board in accordance with RCW 28B.10.692. By February 28, 1997, the institutions shall provide the legislature with two-year goals for improvements in graduation rates and the time-to-degree or time-to-certification.

To reduce the time it takes students to graduate, the institutions shall establish policies and reallocate resources as necessary to increase the number of undergraduate degrees granted per full-time equivalent instructional faculty.

(3) The salary increases provided or referenced in this subsection shall be the maximum allowable salary increases provided at institutions of higher education, excluding increases associated with normally occurring promotions and increases related to faculty and professional staff retention, and excluding increases associated with employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015.

(a) No more than \$300,000 of the appropriations provided in sections 602 through 608 of this act may be expended for purposes designated in section 911 of this act.

(b) Each institution of higher education shall provide to each classified staff employee as defined by the office of financial management a salary increase of 4.0 percent on July 1, 1995. Each institution of higher education shall provide to instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants as classified by the office of financial management and all other nonclassified staff, including those employees under RCW 28B.16.015, an average salary increase of 4.0 percent on July 1, 1995. For employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015, distribution of the salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(c) Funds under section 717 of this act are in addition to any increases provided in (a) and (b) of this subsection. Specific salary increases authorized in sections 603 and 604 of this act are in addition to any salary increase provided in this subsection.

**Sec. 602.** 1995 2nd sp.s. c 18 s 602 (uncodified) is amended to read as follows:

The appropriations in sections 603 through 609 of this act provide state general fund support or employment and training trust account support for student full-time equivalent enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institution assumed in this act.

	1995-96	1996-97
	Annual	Annual
	Average	Average
FTE	FTE	
University of Washington		
Main campus	29,857	<del>((29,888))</del>
	0,588	
Evening Degree Program	571	617
Tacoma branch	588	<del>((687))</del>

Bothell branch 533 ((617))	6
<u>97</u>	
Washington State University	
Main campus 16,205 ((16,419))	1
<u>7,269</u>	
Spokane branch 283 ((308))	3
<u>58</u>	
Tri-Cities branch 624 ((707))	7
<u>52</u>	
Vancouver branch 723 851	
<u>Extended Degree Program 290</u>	
Central Washington University 6,903 ((6,997))	7
<u>.297</u>	
Eastern Washington University 7,656 ((7,739))	7
<u>.839</u>	
The Evergreen State College 3,278 ((3,298))	3
<u>.423</u>	
Western Washington University 9,483 ((9,606))	1
<u>0.106</u>	
State Board for Community and Technical Colleges 111,986 ((113,586))	1
<u>14,586</u>	
Higher Education Coordinating Board 50 50	

**Sec. 603.** 1995 2nd sp.s. c 18 s 603 (uncodified) is amended to read as follows:

**FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund--State Appropriation (FY 1996) \$ 345,763,000

General Fund--State Appropriation (FY 1997) \$ ((348,728,000))

365,382,000

General Fund--Federal Appropriation \$ 11,404,000

Employment and Training Trust Account

Appropriation \$ 58,575,000

TOTAL APPROPRIATION \$ ((764,470,000))

781,124,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,883,000 of the general fund appropriation is provided solely for 500 supplemental FTE enrollment slots to implement RCW 28B.50.259 (timber-dependent communities).

(2) \$58,575,000 of the employment and training trust account appropriation is provided solely for training and related support services specified in chapter 226, Laws of 1993 (employment and training for unemployed workers). Of this amount:

(a) \$41,090,000 is to provide enrollment opportunity for 6,100 full-time equivalent students in fiscal year 1996 and 7,200 full-time equivalent students in fiscal year 1997. The state board for community and technical colleges shall submit to the work force training and education coordinating board for review and approval a plan for the allocation of the full-time equivalents provided in this subsection.

(b) \$8,403,000 is to provide child care assistance, transportation, and financial aid for the student enrollments funded in (a) of this subsection.

(c) \$7,632,000 is to provide financial assistance for student enrollments funded in (a) of this subsection in order to enhance program completion for those enrolled students whose unemployment benefit eligibility will be exhausted before their training program is completed. The state board for community and technical colleges shall submit to the work force training and education coordinating board for review and approval a plan for eligibility and disbursement criteria to be used in determining the award of moneys provided in this subsection.

(d) \$750,000 is provided solely for an interagency agreement with the work force training and education coordinating board for an independently contracted net-impact study to determine the overall effectiveness and outcomes of retraining and other services provided under chapter 226, Laws of 1993, (employment and training for unemployed workers). The net-impact study shall be completed and delivered to the legislature no later than December 31, 1996.

(e) \$700,000 is to provide the operating resources for seven employment security department job service centers located on community and technical college campuses.

(3) \$3,725,000 of the general fund appropriation is provided solely for assessment of student outcomes at community and technical colleges.

(4) \$1,412,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(5) \$3,296,720 of the general fund appropriation is provided solely for instructional equipment.

(6) \$688,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(7) Up to \$4,200,000 of the appropriations in this section may be used in combination with salary and benefit savings from faculty turnover to provide faculty salary increments.

(8) The technical colleges may increase tuition and fees to conform with the percentage increase in community college operating fees authorized in Substitute Senate Bill No. 5325.

(9) ~~(Up to \$6,000,000 of general operating funds may be used to address accreditation issues at the technical colleges.)~~  
\$4,200,000 of the general fund--state appropriation is provided solely for transitional costs and accreditation requirements associated with the transfer of the technical colleges to the community college system. Colleges shall apply funding for distance learning and technology resources to address accreditation requirements in a cost-effective manner. Colleges are encouraged to negotiate with accreditation agencies for the acceptance of new educational technologies to meet accreditation standards.

(10) Up to \$50,000, if matched by an equal amount from private sources, may be used to initiate an international trade education consortium, composed of selected community colleges, to fund and promote international trade education and training services in a variety of locations throughout the state, which services shall include specific business skills needed to develop and sustain international business opportunities that are oriented toward vocational, applied skills. The board shall report to appropriate legislative committees on these efforts at each regular session of the legislature.

(11) \$2,700,000 of the general fund--state appropriation is provided solely for the costs associated with standardizing part-time health benefits per Substitute Senate Bill No. 6583.

(12) \$8,804,000 of the general fund--state appropriation is provided for campus-based technology and the implementation of new approaches to higher education that will improve students' learning ability as well as increase student retention in educational programs and persistence towards a degree or certification. Funds shall be distributed on a per-student basis.

(13) The board, in consultation with full- and part-time faculty groups, shall develop a plan and submit recommendations to the legislature to address compensation and staffing issues concerning inter- and intra-institutional salary disparities for full and part-time faculty. The board shall develop and submit to the governor and the legislature a ten-year implementation plan that: (a) Reflects the shared responsibility of the institutions and the legislature to address these issues; (b) reviews recent trends in the use of part-time faculty and makes recommendations to the legislature for appropriate ratios of part-time to full-time faculty staff; and (c) considers educational quality, long-range cost considerations, flexibility in program delivery, employee working conditions, and differing circumstances pertaining to local situations.

**Sec. 604.** 1995 2nd sp.s. c 18 s 604 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

General Fund Appropriation (FY 1996) \$ ((263,981,000))	<u>259,759,000</u>
General Fund Appropriation (FY 1997) \$ ((258,321,000))	<u>271,736,000</u>
Death Investigations Account Appropriation \$ ((1,685,000))	<u>2,430,000</u>
Accident Account Appropriation \$ ((4,335,000))	<u>4,348,000</u>

Medical Aid Account Appropriation \$ ((4,330,000))

4,343,000

Health Services Account Appropriation \$ 6,244,000

TOTAL APPROPRIATION \$ ((538,896,000))

548,860,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$9,516,000~~)) \$10,520,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Tacoma branch campus. Of this amount, \$237,000 is provided solely for continuation of the two-plus-two program operated jointly with the Olympic Community College; and \$700,000 is provided for building maintenance, equipment purchase, and moving costs and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(2) ((~~\$9,438,000~~)) \$9,814,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Bothell branch campus.

(3) \$2,300,000 of the health services account appropriation is provided solely for the implementation of chapter 492, Laws of 1993 (health care reform) to increase the supply of primary health care providers.

(4) \$300,000 of the health services account appropriation is provided solely to expand community-based training for physician assistants.

(5) \$300,000 of the health services account appropriation is provided solely for the advanced registered nurse program.

(6) \$2,909,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

(7) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(8) \$648,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(9) \$1,471,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(10) \$500,000 of the general fund appropriation is provided solely for enhancements to the mathematics, engineering and science achievement (MESA) program.

(11) \$227,000 of the general fund appropriation is provided solely for implementation of the Puget Sound water quality management plan.

(12) The university shall begin implementation of the professional staff and librarian market gap remedy plan II, which was submitted to the legislature in response to section 603(3), chapter 24, Laws of 1993 sp. sess. and section 603(3), chapter 6, Laws of 1994 sp. sess. As part of the implementation of the plan, an average salary increase of 5.0 percent may be provided to librarians and professional staff on July 1, 1995, to meet salary gaps as described in the plan.

(13) \$184,000 of the health services account appropriation is provided solely for participation of the University of Washington dental school in migrant/community health centers in the Yakima valley.

(14) At least \$50,000 of the general fund appropriation shall be used for research at the Olympic natural resources center.

(15) \$2,554,000 of the general fund appropriation is provided for campus-based technology and the implementation of new approaches to higher education that will improve students' learning ability as well as increase student retention in educational programs and persistence towards a degree. Funds shall be distributed on a per-student basis.

(16) \$1,718,000 of the general fund appropriation is provided solely for technological improvements to develop an integrated state-wide library system, of which \$409,000 is for system-wide network costs.

**Sec. 605.** 1995 2nd sp.s. c 18 s 605 (uncodified) is amended to read as follows:

**FOR WASHINGTON STATE UNIVERSITY**

General Fund Appropriation (FY 1996) \$ ((150,520,000))

1

50,779,000

General Fund Appropriation (FY 1997) \$ ((153,906,000))

161,377,000

Industrial Insurance Premium Refund Account

Appropriation \$ 33,000

Health Services Account Appropriation \$ 1,400,000

Air Pollution Control Account Appropriation \$ 105,000

TOTAL APPROPRIATION \$ ((305,859,000))

313,694,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$12,008,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Vancouver branch campus. \$1,198,000 of this amount is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(2) ~~(\$7,534,000)~~ \$7,849,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Tri-Cities branch campus. \$53,000 of this amount is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(3) ~~(\$7,691,000)~~ \$8,090,000 of the general fund appropriation is provided solely to operate graduate and professional level courses and other educational services offered at the Spokane branch campus.

(4) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(5) \$280,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(6) \$1,400,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

(7) \$2,167,000 of the general fund appropriation is provided for new building operations and maintenance on the main campus and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(8) \$525,000 of the general fund appropriation is provided solely to implement House Bill No. 1741 (wine and wine grape research). ~~((If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.))~~

(9) \$1,000,000 of the general fund appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1009 (pesticide research). ~~((If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.))~~

(10) \$314,000 of the general fund appropriation is provided solely for implementation of the Puget Sound water quality management plan.

(11) \$1,448,000 of the general fund appropriation is provided for campus-based technology and the implementation of new approaches to higher education that will improve students' learning ability as well as increase student retention in educational programs and persistence towards a degree. Funds shall be distributed on a per-student basis.

(12) \$450,000 of the general fund appropriation is provided solely for technological improvements to develop an integrated state-wide library system.

**Sec. 606.** 1995 2nd sp.s. c 18 s 606 (uncodified) is amended to read as follows:

**FOR EASTERN WASHINGTON UNIVERSITY**

General Fund Appropriation (FY 1996) \$ ~~((36,741,000))~~

37,300,000

General Fund Appropriation (FY 1997) \$ ~~((37,084,000))~~

39,223,000

Health Services Account Appropriation \$ 200,000

TOTAL APPROPRIATION \$ ~~((74,025,000))~~

76,723,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$186,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

(4) \$166,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(5) \$612,000 of the general fund appropriation is provided for campus-based technology and the implementation of new approaches to higher education that will improve students' learning ability as well as increase student retention in educational programs and persistence towards a degree.

(6) \$454,000 of the general fund appropriation is provided solely for technological improvements to develop an integrated state-wide library system.

**Sec. 607.** 1995 2nd sp.s. c 18 s 607 (uncodified) is amended to read as follows:

**FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund Appropriation (FY 1996) \$ ~~((33,683,000))~~

33,637,000

General Fund Appropriation (FY 1997) \$ ~~((34,055,000))~~

37,193,000

Industrial Insurance Premium Refund Account

Appropriation \$ 10,000  
Health Services Account Appropriation \$ 140,000  
TOTAL APPROPRIATION \$ ((67,888,000))

70,980,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.
- (2) \$140,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.
- (3) \$140,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).
- (4) \$590,000 of the general fund appropriation is provided for campus-based technology and the implementation of new approaches to higher education that will improve students' learning ability as well as increase student retention in educational programs and persistence towards a degree.
- (5) \$1,293,000 of the general fund appropriation is provided solely for technological improvements to develop an integrated state-wide library system.

**Sec. 608.** 1995 2nd sp.s. c 18 s 608 (uncodified) is amended to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

General Fund Appropriation (FY 1996) \$ 18,436,000  
General Fund Appropriation (FY 1997) \$ ((18,504,000))

19,764,000

TOTAL APPROPRIATION \$ ((36,940,000))

38,200,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.
- (2) \$94,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.
- (3) \$58,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.
- (4) \$271,000 of the general fund appropriation is provided for campus-based technology and the implementation of new approaches to higher education that will improve students' learning ability as well as increase student retention in educational programs and persistence towards a degree.
- (5) \$417,000 of the general fund appropriation is provided solely for technological improvements to develop an integrated state-wide library system.

(6) \$35,000 of the general fund appropriation is provided solely for activities performed by the institute for public policy to implement Engrossed Substitute Senate Bill No. 6207 (child victim interviews).

**Sec. 609.** 1995 2nd sp.s. c 18 s 609 (uncodified) is amended to read as follows:

**FOR WESTERN WASHINGTON UNIVERSITY**

General Fund Appropriation (FY 1996) \$ 42,533,000  
General Fund Appropriation (FY 1997) \$ ((43,173,000))

46,875,000

Health Services Account Appropriation \$ 200,000

TOTAL APPROPRIATION \$ ((85,906,000))

89,608,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.
- (2) \$186,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.
- (3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).
- (4) \$275,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.
- (5) \$763,000 of the general fund appropriation is provided for campus-based technology and the implementation of new approaches to higher education that will improve students' learning ability as well as increase student retention in educational programs and persistence towards a degree.
- (6) \$873,000 of the general fund appropriation is provided solely for technological improvements to develop an integrated state-wide library system.

**Sec. 610.** 1995 2nd sp.s. c 18 s 610 (uncodified) is amended to read as follows:

**FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION**

General Fund--State Appropriation (FY 1996) \$ ((1,933,000))	1,954,000
General Fund--State Appropriation (FY 1997) \$ ((1,811,000))	2,600,000
General Fund--Federal Appropriation \$ 1,073,000	
TOTAL APPROPRIATION \$ ((4,817,000))	5,627,000

The appropriations in this section are provided to carry out the policy coordination, planning, studies, and administrative functions of the board and are subject to the following conditions and limitations:

(1) \$560,000 of the general fund--state appropriation is provided solely for enrollment to implement RCW 28B.80.570 through 28B.80.580 (timber dependent communities). The number of students served shall be 50 full-time equivalent students per fiscal year. The higher education coordinating board (HECB) in cooperation with the state board for community and technical college education (SBCTC) shall review the outcomes of the timber program and report to the governor and legislature by November 1, 1995. The review should include programs administered by the HECB and SBCTC. The review should address student satisfaction, academic success, and employment success resulting from expenditure of these funds. The boards should consider a broad range of recommendations, from strengthening the program with existing resources to terminating the program.

(2) \$150,000 of the general fund--state appropriation is provided solely for a study of higher education needs in North Snohomish/Island/Skagit counties. The board is directed to explore and recommend innovative approaches to providing educational programs. The study should be completed by November 30, 1996.

(3) \$250,000 of the general fund--state appropriation is provided solely for cooperatively developed pilot projects that bridge the public secondary and public postsecondary education systems. Projects receiving grants from these funds must have joint sponsorship from a K-12 and higher education institution and should incorporate the use of technology or development of programs for the use of learning technology. The grants shall be jointly approved by the higher education coordinating board and the state board of education.

(4) The higher education coordinating board, in conjunction with the office of financial management and public institutions of higher education, shall study institutional student enrollment capacity at each four-year university or college and report to the legislature and governor the maximum student enrollment that could be accommodated with existing facilities and those under design or construction as of the 1995-97 biennium. The report should use national standards as a basis for making comparisons and recommendations. The report should also consider ways the state can encourage potential four-year college students to enroll in schools having excess capacity.

(5) \$140,000 of the general fund--state appropriation is provided solely for implementation costs of Second Substitute Senate Bill No. 6508 (advanced college payment program).

(6) \$100,000 of the general fund--state appropriation is provided solely for the implementation of the assessment of prior learning experience program as outlined in Second Substitute Senate Bill No. 5557.

**Sec. 611.** 1995 2nd sp.s. c 18 s 611 (uncodified) is amended to read as follows:

**FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS**

General Fund--State Appropriation (FY 1996) \$ ((71,412,000))	101,272,000
General Fund--State Appropriation (FY 1997) \$ ((71,613,000))	74,169,000
General Fund--Federal Appropriation \$ 3,579,000	
State Educational Grant Account Appropriation \$ 40,000	
Health Services Account Appropriation \$ 2,230,000	
TOTAL APPROPRIATION \$ ((148,874,000))	181,290,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,044,000 of the general fund--state appropriation is provided solely for the displaced homemakers program.

(2) \$431,000 of the general fund--state appropriation is provided solely for the western interstate commission for higher education.

(3) \$230,000 of the health services account appropriation is provided solely for the health personnel resources plan.

(4) \$2,000,000 of the health services account appropriation is provided solely for scholarships and loans under chapter 28B.115 RCW, the health professional conditional scholarship program. This amount shall be deposited to the health professional loan repayment and scholarship trust fund to carry out the purposes of the program.

(5) ~~(\$140,543,000)~~ \$172,959,000 of the general fund--state appropriation is provided solely for student financial aid, including all administrative costs. Of this amount:

(a) (~~(\$110,504,000)~~) \$112,920,000 is provided solely for the state need grant program. The board shall, to the best of its ability, rank and serve students eligible for the state need grant in order from the lowest family income to the highest family income;

(b) \$24,200,000 is provided solely for the state work study program;

(c) \$1,000,000 is provided solely for educational opportunity grants;

(d) A maximum of \$2,650,000 may be expended for financial aid administration, excluding the four percent state work study program administrative allowance provision;

(e) \$633,000 is provided solely for the educator's excellence awards;

(f) \$876,000 is provided solely to implement the Washington scholars program pursuant to Second Substitute House Bill No. 1318 or substantially similar legislation (Washington scholars program); (~~and~~)

(g) \$680,000 is provided solely to implement Substitute House Bill No. 1814 (Washington award for vocational excellence). If the bill is not enacted by June 30, 1995, the amount provided in this subsection (g) shall lapse; and

(h) \$30,000,000 of the fiscal year 1996 general fund--state appropriation is provided solely for deposit into the higher education loan account for the purposes of Second Substitute Senate Bill No. 6507 (Washington higher education loan program).

(6) For the purposes of establishing eligibility for the equal opportunity grant program for placebound students under RCW 28B.101.020, Thurston county lies within the branch campus service area of the Tacoma branch campus of the University of Washington.

**Sec. 612.** 1995 2nd sp.s. c 18 s 614 (uncodified) is amended to read as follows:

**FOR WASHINGTON STATE LIBRARY**

General Fund--State Appropriation (FY 1996) \$ 7,069,000

General Fund--State Appropriation (FY 1997) \$ (~~(7,071,000)~~)

7,282,000

General Fund--Federal Appropriation \$ 4,799,000

General Fund--Private/Local Appropriation \$ 46,000

Industrial Insurance Premium Refund Account

Appropriation \$ 7,000

TOTAL APPROPRIATION \$ (~~(18,992,000)~~)

19,203,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,439,516 of the general fund--state appropriation and federal funds are provided for a contract with the Seattle public library for library services for the Washington book and braille library.

(2) \$211,000 of the general fund--state appropriation is provided solely for the state library, with the assistance of the department of information services and the state archives, to establish a pilot government information locator service in accordance with Substitute Senate Bill No. 6556. If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

**Sec. 613.** 1995 2nd sp.s. c 18 s 615 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund--State Appropriation (FY 1996) \$ 2,236,000

General Fund--State Appropriation (FY 1997) \$ (~~(4,929,000)~~)

1,997,000

General Fund--Federal Appropriation \$ 934,000

Industrial Insurance Premium Refund Account

Appropriation \$ 1,000

TOTAL APPROPRIATION \$ (~~(5,100,000)~~)

5,168,000

**Sec. 614.** 1995 2nd sp.s. c 18 s 616 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation (FY 1996) \$ 1,965,000

General Fund Appropriation (FY 1997) \$ (~~(2,186,000)~~)

2,222,000

TOTAL APPROPRIATION \$ (~~(4,151,000)~~)

4,187,000

The appropriation in this section is subject to the following conditions and limitations: \$1,731,000 is provided solely for the new Washington state historical society operations and maintenance located in Tacoma.

**Sec. 615.** 1995 2nd sp.s. c 18 s 617 (uncodified) is amended to read as follows:

**FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation (FY 1996) \$ 473,000

General Fund Appropriation (FY 1997) \$ ((473,000)) 718,000  
TOTAL APPROPRIATION \$ ((946,000)) 1,191,000

**Sec. 616.** 1995 2nd sp.s. c 18 s 618 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE BLIND**

General Fund--State Appropriation (FY 1996) \$ ((3,421,000)) 3,451,000

General Fund--State Appropriation (FY 1997) \$ ((3,440,000)) 3,559,000

Industrial Insurance Premium Refund Account  
Appropriation \$ 7,000  
TOTAL APPROPRIATION \$ ((6,868,000))

7,017,000

**Sec. 617.** 1995 2nd sp.s. c 18 s 619 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE DEAF**

General Fund--State Appropriation (FY 1996) \$ 6,182,000  
General Fund--State Appropriation (FY 1997) \$ ((6,215,000)) 6,365,000

Industrial Insurance Premium Refund Account  
Appropriation \$ 15,000  
TOTAL APPROPRIATION \$ ((12,412,000))

12,562,000

**PART VII  
SPECIAL APPROPRIATIONS**

**Sec. 701.** 1995 2nd sp.s. c 18 s 701 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL FUND BOND DEBT**

General Fund Appropriation \$ ((852,281,000)) 827,281,003

State Building and Construction Account  
Appropriation \$ 21,500,000

Fisheries Bond Retirement Account 1977  
Appropriation \$ 291,215

Community College Capital Improvement Bond Redemption Fund  
1972 Appropriation \$ 851,225

Waste Disposal Facility Bond Redemption Fund  
Appropriation \$ 19,592,375

Waste Supply Facility Bond Redemption Fund  
Appropriation \$ 1,413,613

Indian Cultural Center Bond Redemption Fund  
Appropriation \$ 126,682

Social and Health Service Bond Redemption Fund  
1976 Appropriation \$ 2,019,427

Higher Education Bond Retirement Fund 1977  
Appropriation \$ 8,272,858

Salmon Enhancement Construction Bond Retirement  
Fund Appropriation \$ 1,071,805

Fire Service Training Center Bond Retirement Fund  
Appropriation \$ 754,844

Higher Education Bond Retirement Account 1988  
Appropriation \$ 4,000,000

State General Obligation Bond Retirement Fund \$ 788,886,959

TOTAL APPROPRIATION \$ ((873,781,000))

1,676,062,006

The general fund appropriation is for deposit into the account listed in section 801 of this act.

**Sec. 702.** 1995 2nd sp.s. c 18 s 702 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES**

State Convention and Trade Center Account

Appropriation \$ ((24,179,000))

24,179,295

Higher Education Reimbursement Enterprise Account

Appropriation \$ 633,913

Accident Account Appropriation \$ 5,548,000

Medical Account Appropriation \$ 5,548,000

State General Obligation Bond Retirement Fund \$ 43,940,553

TOTAL APPROPRIATION \$ ((35,275,000))

79,849,761

**Sec. 703.** 1995 2nd sp.s. c 18 s 703 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

General Fund Appropriation \$ ((37,031,000))

\$ 37,031,429

Higher Education Reimbursable Construction Account

Appropriation \$ 197,000

Community College Capital Construction Bond

Retirement Fund 1975 Appropriation \$ 450,000

Higher Education Bond Retirement Fund 1979

Appropriation \$ 2,887,000

State General Obligation Retirement Fund \$ 97,323,580

TOTAL APPROPRIATION \$ ((40,565,000))

\$ 137,889,007

**Sec. 704.** 1995 2nd sp.s. c 18 s 704 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE**

Common School Building Bond Redemption Fund 1967

Appropriation \$ 6,923,000

State Building and Parking Bond Redemption

Fund 1969 Appropriation \$ ((2,453,000))

2,453,400

TOTAL APPROPRIATION \$ ((9,376,000))

9,376,400

**Sec. 705.** 1995 2nd sp.s. c 18 s 705 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund Appropriation \$ 1,535,000

State Convention and Trade Center Account

Appropriation \$ 15,000

State Building Construction Account

Appropriation \$ ((364,000))

1,050,000

Higher Education Reimbursable Construction

Account Appropriation \$ 3,000

TOTAL APPROPRIATION \$ ((1,917,000))

2,603,000

Total Bond Retirement and Interest Appropriations

contained in sections 701 through 705 of this  
act      \$ ((960,914,000))

1,905,780,171

**NEW SECTION. Sec. 706.** A new section is added to 1995 2nd sp.s. c 18 (uncodified) to read as follows:

**FOR SUNDRY CLAIMS.** The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows:

(1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:

- (a) Walter Watson, claim number SCJ-92-11 \$ 6,003.00
- (b) Carl L. Decker, claim number SCJ-95-02 \$ 24,948.48
- (c) Bill R. Hood, claim number SCJ-95-08 \$ 71,698.72
- (d) Rick Sevela, claim number SCJ-95-09 \$ 6,937.22
- (e) William V. Pearson, claim number SCJ-95-12 \$ 5,929.99
- (f) Craig T. Thiessen, claim number SCJ-95-13 \$ 3,540.24
- (g) Douglas Bauer, claim number SCJ-95-15 \$ 40,015.86
- (h) Walter A. Whyte, claim number SCJ-96-02 \$ 2,989.30

(2) Payment from the state wildlife account for damage to crops by wildlife, pursuant to RCW 77.12.280:

- (a) Wilson Banner Ranch, claim number SCG-95-01 \$ 2,800.00
- (b) James Koempel, claim number SCG-95-04 \$ 5,291.08
- (c) Mark Kayser, claim number SCG-95-06 \$ 4,000.00
- (d) Peola Farms, Inc., claim number SCG-95-07 \$ 1,046.50
- (e) Bailey's Nursery, claim number SCG-96-01 \$ 125.00
- (f) Paul Gibbons, claim number SCG-96-02 \$ 2,635.73

**Sec. 707.** 1995 2nd sp.s. c 18 s 711 (uncodified) is amended to read as follows:

**FOR THE GOVERNOR--COMPENSATION--INSURANCE BENEFITS**

General Fund--State Appropriation (FY 1996) \$ ((2,390,000))

2,305,000

General Fund--State Appropriation (FY 1997) \$ ((2,561,000))

2,475,000

General Fund--Federal Appropriation \$ ((1,835,000))

1,791,000

General Fund--Private/Local Appropriation \$ ((136,000))

107,000

Salary and Insurance Increase Revolving Account

Appropriation \$ ((4,105,000))

3,905,000

TOTAL APPROPRIATION \$ ((41,027,000))

10,583,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The monthly contribution for insurance benefit premiums shall not exceed \$308.14 per eligible employee for fiscal year 1996, and \$308.96 for fiscal year 1997.

(b) The monthly contributions for the margin in the self-insured medical and dental plans and for the operating costs of the health care authority shall not exceed \$5.81 per eligible employee for fiscal year 1996, and \$5.55 for fiscal year 1997.

(c) Surplus moneys accruing to the public employees' and retirees' insurance account due to lower-than-projected insurance costs or due to employee waivers of coverage may not be reallocated by the health care authority to increase the actuarial value of public employee insurance plans, except as provided in (d) of this subsection. Such funds shall be held in reserve in the public employees' and retirees' insurance account and may not be expended without subsequent legislative authorization.

(d) In order to achieve the level of funding provided for health benefits, the public employees' benefits board may require employee premium co-payments, increase point-of-service cost sharing, and/or implement managed competition. Beginning July 1, 1996:

(i) The nine plans that, on a state-wide basis, are the lowest-cost shall be offered by the public employees' benefits board at no cost to eligible employees, their children, and their spouses.

(ii) In those areas of the state without access to any of the nine lowest-cost plans, the public employees' benefits board shall offer at least one plan at no cost to eligible employees, their children, and their spouses. The plans offered at no cost shall be plans for which the charge during fiscal year 1996 did not exceed \$20 for an employee, spouse, and children.

It is the intention of the legislature to require in the 1997-99 omnibus appropriations act the public employees' benefits board to make available a free plan to every eligible employee, child, and spouse.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(3) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for parts A and B of medicare, pursuant to RCW 41.05.085. From July 1, 1995, through December 31, 1995, the subsidy shall be \$34.20 per month. From January 1, 1996, through December 31, 1996, the subsidy shall be \$36.77 per month. Starting January 1, 1997, the subsidy shall be \$39.52 per month.

(4) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit in the public employees' and retirees' insurance account established in RCW 41.05.120:

(a) For each full-time employee, \$14.79 per month beginning October 1, 1995, and \$14.80 per month beginning September 1, 1996;

(b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$14.79 each month beginning October 1, 1995, and \$14.80 each month beginning September 1, 1996, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives.

The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

(5) The salary and insurance increase revolving account appropriation includes funds sufficient to fund health benefits for ferry workers at the premium levels specified in subsection (1) of this section, consistent with the 1995-97 transportation appropriations act.

(6) Rates charged to school districts voluntarily purchasing employee benefits through the health care authority shall be equivalent to the actual insurance costs of benefits and administration costs for state and higher education employees except:

(a) The health care authority is authorized to reduce rates charged to school districts for up to 10,000 new subscribers by applying surplus funds accumulated in the public employees' and retirees' insurance account. Rates may be reduced up to a maximum of \$10.93 per subscriber per month in fiscal year 1996 and a maximum of \$7.36 per subscriber per month in fiscal year 1997; and

(b) For employees who first begin receiving benefits through the health care authority after September 1, 1995, districts shall remit the additional costs of health care authority administration resulting from their enrollment. The additional health care authority administration costs shall not exceed \$.30 per month per subscriber.

**Sec. 708.** 1995 2nd sp.s. c 18 s 713 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS**

**FY 1996 FY 1997**

General Fund--State

Appropriation \$ ~~((1,007,000))~~ ~~((1,224,000))~~  
942,000 1,150,000

General Fund--Federal

Appropriation \$ ~~((367,000))~~ ~~((447,000))~~

365,000 436,000

Special Account Retirement Contribution

Increase Revolving Account

Appropriation \$ ~~((904,000))~~ ~~((1,089,000))~~

829,000 993,000

TOTAL APPROPRIATION \$ ~~((5,038,000))~~

4,715,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely to pay the increased retirement contributions resulting from enactment of Substitute Senate Bill No. 5119 (uniform COLA). If the bill is not enacted by June 30, 1995, the amounts provided in this section shall lapse.

**NEW SECTION. Sec. 709.** A new section is added to 1995 2nd sp.s. c 18 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS**

General Fund--State Appropriation (FY 1997) \$ 286,000

General Fund--Federal Appropriation \$ 109,000

Special Account Retirement Contribution Increase

Revolving Account Appropriation \$ 248,000

TOTAL APPROPRIATION \$ 643,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely to pay the increased retirement contributions resulting from enactment of Senate Bill No. 6156 (inactive PERS I members). If the bill is not enacted by June 30, 1996, the appropriations in this section shall lapse.

**Sec. 710.** 1995 2nd sp.s. c 18 s 714 (uncodified) is amended to read as follows:

**SALARY COST OF LIVING ADJUSTMENT**

General Fund--State Appropriation (FY 1996) \$ ((36,020,000))	<u>34,386,000</u>
General Fund--State Appropriation (FY 1997) \$ ((36,590,000))	<u>35,100,000</u>
General Fund--Federal Appropriation \$ ((29,603,000))	<u>25,402,000</u>
Salary and Insurance Increase Revolving Account Appropriation \$ 60,213,000	
TOTAL APPROPRIATION \$ ((462,426,000))	<u>155,101,000</u>

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations in this section.

(1) In addition to the purposes set forth in subsections (2), (3), and (4) of this section, appropriations in this section are provided solely for a 4.0 percent salary increase effective July 1, 1995, for all classified employees (including those employees in the Washington management service) and exempt employees under the jurisdiction of the personnel resources board.

(2) The appropriations in this section are sufficient to fund a 4.0 percent salary increase for general government, legislative, and judicial employees exempt from merit system rules whose salaries are not set by the commission on salaries for elected officials.

(3) The salary and insurance increase revolving account appropriation in this section includes funds sufficient to fund a 4.0 percent cost-of-living adjustment, effective July 1, 1995, for ferry workers consistent with the 1995-97 transportation appropriations act.

(4) The appropriations in this section include funds sufficient to fund the salary increases approved by the commission on salaries for elected officials for legislators and judges.

(5) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the personnel resources board.

**Sec. 711.** 1995 2nd sp.s. c 18 s 718 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--COMPENSATION ACTIONS OF PERSONNEL RESOURCES BOARD**

General Fund Appropriation (FY 1997) \$ ((5,000,000))	<u>9,475,000</u>
Salary and Insurance Increase Revolving Account Appropriation (FY 1997) \$ 5,000,000	
TOTAL APPROPRIATION \$ ((40,000,000))	<u>14,475,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section shall be expended solely for the purposes designated in section 911 of this act.

(2) In addition to the moneys appropriated in this section, state agencies may expend up to an additional \$2,500,000 from other general fund--state appropriations in this act and \$2,500,000 from appropriations from other funds and accounts for the purposes and under the procedures designated in section 911 of this act.

**PART VIII  
OTHER TRANSFERS AND APPROPRIATIONS**

**Sec. 801.** 1995 2nd sp.s. c 18 s 801 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT SUBJECT TO THE STATUTORY DEBT LIMIT**

State General Obligation Bond Retirement Fund 1979 Fund Appropriation \$ ((852,284,000))	<u>788,886,959</u>
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Fisheries Bond Retirement Account 1977

Appropriation \$ 291,215

Community College Capital Improvement Bond

Redemption Fund 1972 Appropriation \$ 851,225  
Waste Disposal Facility Bond Redemption Fund  
Appropriation \$ 19,592,375  
Waste Supply Facility Bond Redemption Fund  
Appropriation \$ 1,413,613  
Indian Cultural Center Bond Redemption Fund  
Appropriation \$ 126,682  
Social and Health Service Bond Redemption Fund  
1976 Appropriation \$ 2,019,427  
Higher Education Bond Retirement Fund 1977  
Appropriation \$ 8,272,858  
Salmon Enhancement Construction Bond Retirement  
Fund Appropriation \$ 1,071,805  
Fire Service Training Center Bond Retirement  
Fund Appropriation \$ 754,844  
Higher Education Bond Retirement Account 1988  
Appropriation \$ 4,000,000  
TOTAL APPROPRIATION \$ 827,281,003

The total expenditures from the state treasury under the appropriation in this section and the general fund appropriation in section 701 of this act shall not exceed the total appropriation in this section.

**Sec. 802.** 1995 2nd sp.s. c 18 s 802 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY AS PRESCRIBED BY STATUTE**

Community College Capital Construction Bond  
Retirement Account 1975 Appropriation \$ 450,000  
Higher Education Bond Retirement Account 1979  
Appropriation \$ 2,887,000  
 State General Obligation Bond Retirement Fund 1979  
 Appropriation \$ ((37,031,000))

134,355,007

TOTAL APPROPRIATION \$ 137,692,007

The total expenditures from the state treasury under the appropriation in this section and the general fund appropriation in section 703 of this act shall not exceed the total appropriation in this section.

**Sec. 803.** 1995 2nd sp.s. c 18 s 803 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance  
 premiums distribution \$ ((6,025,000))  
 General Fund Appropriation for public utility  
 district excise tax distribution \$ ((29,885,000))  
 General Fund Appropriation for prosecuting  
 attorneys' salaries \$ 2,800,000  
 General Fund Appropriation for motor vehicle  
 excise tax distribution \$ ((72,684,000))  
 General Fund Appropriation for local mass  
 transit assistance \$ ((335,869,000))  
 General Fund Appropriation for camper and  
 travel trailer excise tax distribution \$ ((3,554,000))  
 General Fund Appropriation for boating  
 safety/education and law enforcement

5,641,000

31,242,000

87,474,000

339,007,000

3,198,000

distribution	\$ ((3,224,000))	
		<u>3,365,000</u>
<del>((General Fund Appropriation for public health distribution — \$ 36,465,000))</del>		
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$ 130,000	
Liquor Excise Tax Account Appropriation for liquor excise tax distribution	\$ ((22,185,000))	
		<u>21,500,000</u>
Liquor Revolving Fund Appropriation for liquor profits distribution	\$ ((42,778,000))	
		<u>40,160,000</u>
Timber Tax Distribution Account Appropriation for distribution to "Timber" counties	\$ ((115,950,000))	
		<u>118,750,000</u>
Municipal Sales and Use Tax Equalization Account Appropriation	\$ 58,181,000	
County Sales and Use Tax Equalization Account Appropriation	\$ 12,940,000	
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	\$ 1,200,000	
County Criminal Justice Account Appropriation	\$ 69,940,000	
Municipal Criminal Justice Account Appropriation	\$ 27,972,000	
County Public Health Account Appropriation	\$ ((29,709,000))	
		<u>29,250,000</u>
TOTAL APPROPRIATION	\$ ((871,491,000))	
		<u>852,750,000</u>

The appropriations in this section are subject to the following conditions and limitations: The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**Sec. 804.** 1995 2nd sp.s. c 18 s 805 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--TRANSFERS**

Public Works Assistance Account: For transfer to the Flood Control Assistance Account	\$ ((4,000,000))	
		<u>4,700,000</u>
General Fund: For transfer to the Natural Resources Fund--Water Quality Account	\$ ((18,471,000))	
		<u>20,840,000</u>
New Motor Vehicle Arbitration Account: For transfer to the Public Safety and Education Account	\$ 3,200,000	
Water Quality Account: For transfer to the Water Pollution Revolving Fund. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the revolving fund. The amounts transferred shall not exceed the match required for each federal deposit	\$ 25,000,000	
Water Quality Account: For transfer to the Water Right Permit Processing Account	\$ 500,000	
Trust Land Purchase Account: For transfer to the Parks Renewal and Stewardship Account	\$ ((1,304,000))	
		<u>1,308,000</u>

General Government Special Revenue Fund--State

Treasurer's Service Account: For transfer to the general fund on or before June 30, 1997, an amount up to \$7,361,000 in excess of the cash requirements of the state treasurer's service account \$ 7,361,000

Health Services Account: For transfer to the

Public Health Services Account \$ 26,003,000

Public Health Services Account: For transfer to

the County Public Health Account \$ 2,250,000

Public Works Assistance Account: For transfer to the

Growth Management Planning and Environmental Review Fund \$ 3,000,000

Basic Health Plan Trust Account: For transfer to

the General Fund--State Account (FY 1996) \$ 2,664,778

Basic Health Plan Trust Account: For transfer to

the General Fund--State Account (FY 1997) \$ 2,664,778

Oil Spill Response Account: For transfer to

the Oil Spill Administration Account \$ 1,718,000

State Convention and Trade Center Account: For

transfer to the State Convention and

Trade Center Operations Account \$ 5,400,000

**PART IX  
MISCELLANEOUS**

**Sec. 901.** RCW 70.95.520 and 1989 c 431 s 94 are each amended to read as follows:

There is created an account within the state treasury to be known as the vehicle tire recycling account. All assessments and other funds collected or received under this chapter shall be deposited in the vehicle tire recycling account and used by the department of ecology for administration and implementation of this chapter. After October 1, 1989, the department of revenue shall deduct two percent from funds collected pursuant to RCW 70.95.510 for the purpose of administering and collecting the fee from new replacement vehicle tire retailers.

During the 1995-97 biennium, funds in the account may be appropriated to support recycling market development activities by state agencies.

**NEW SECTION. Sec. 902.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 903.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

**MOTIONS**

On motion of Senator Rinehart, the following title amendment was adopted:

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 70.95.520; amending 1995 2nd sp.s. c 18 ss 103, 106, 110, 111, 112, 113, 114, 117, 118, 119, 120, 121, 122, 125, 126, 127, 128, 129, 130, 134, 135, 137, 138, 141, 143, 144, 146, 149, 152, 153, 201, 202, 203, 204, 205, 206, 207, 208, 209, 211, 212, 213, 215, 218, 219, 221, 222, 223, 225, 226, 303, 304, 307, 309, 310, 312, 401, 402, 501, 502, 503, 504, 506, 508, 509, 510, 511, 513, 514, 515, 518, 519, 520, 516, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 614, 615, 616, 617, 618, 619, 701, 702, 703, 704, 705, 711, 713, 714, 801, 802, 803, and 805 (uncodified); adding new sections to 1995 2nd sp.s. c 18 (uncodified); making appropriations; and declaring an emergency."

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute House Bill No. 2345, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2345, as amended by the Senate.

**ROLL CALL**

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2345, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, Moyer, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, Winsley, Wojahn and Wood - 30.

Voting nay: Senators Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, McCaslin, McDonald, Morton, Newhouse, Oke, Roach, Schow, Sellar, Strannigan, Swecker, West and Zarelli - 18.

Excused: Senator Anderson, A. - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2345, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 12:28 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Wednesday, February 21, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-FOURTH DAY, FEBRUARY 20, 1996

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**FORTY-FIFTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Wednesday, February 21, 1996  
The Senate was called to order at 10:00 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Fairley, Loveland, Moyer, Oke, Owen, Pelz, Sellar and Wood. On motion of Senator Thibaudeau, Senators Fairley, Loveland, Owen and Pelz were excused. On motion of Senator Anderson, Senators Moyer, Oke, Sellar and Wood were excused.

The Sergeant at Arms Color Guard, consisting of Pages Chris Myers and David Leimgruber, presented the Colors. Reverend Larry Rogers, pastor of the First Free Methodist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

E4SHB 1481 Prime Sponsor, House Committee on Appropriations: Requiring AFDC contracts and making additional changes in public assistance laws. Reported by Committee on Health and Long-Term Care February 20, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Fairley, Franklin, Thibaudeau, Winsley and Wood.

Referred to Committee on Ways and Means.

HB 1707 Prime Sponsor, Representative Hargrove: Correcting references to classification of cities and towns. Reported by Committee on Government Operations February 20, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

2SHB 1860 Prime Sponsor, House Committee on Financial Institutions and Insurance: Regulating real estate appraisers. Reported by Committee on Financial Institutions and Housing February 20, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar and Sutherland.

Passed to Committee on Rules for second reading.

SHB 2118 Prime Sponsor, House Committee on Government Operations: Harmonizing various election procedures. Reported by Committee on Government Operations February 20, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, McCaslin and Winsley.

MINORITY Recommendation: Do not pass as amended. Signed by Senator Heavey.

Passed to Committee on Rules for second reading.

HB 2187 Prime Sponsor, Representative Casada: Modifying grants for vocational rehabilitation equipment and materials. Reported by February 20, 1996  
Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

HB 2414 Prime Sponsor, Representative D. Schmidt: Standardizing the recording of documents. Reported by February 20, 1996  
Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

HB 2538 Prime Sponsor, Representative Clements: Clarifying the authority of irrigation districts. Reported by February 20, 1996  
Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

HB 2661 Prime Sponsor, Representative L. Thomas: Regulating public funds. Reported by February 20, 1996  
Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

SHB 2682 Prime Sponsor, House Committee on Capital Budget: Authorizing elections to create library capital facility areas at any general or February 20, 1996  
special election. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

SHB 2739 Prime Sponsor, House Committee on Financial Institutions and Insurance: Insuring credit unions. Reported by February 20, 1996  
Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

SHB 2746 Prime Sponsor, House Committee on Financial Institutions and Insurance: Changing the rates or terms of an insurance policy. February 20, 1996  
Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

HB 2761 Prime Sponsor, Representative L. Thomas: Imposing fines or sanctions against mortgage brokers. Reported by February 20, 1996  
Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

February 20, 1996

SHB 2778 Prime Sponsor, House Committee on Agriculture and Ecology: Providing sales and use tax exemptions for agricultural employee housing. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Referred to Committee on Ways and Means.

February 20, 1996

HB 2810 Prime Sponsor, Representative Wolfe: Regulating check casher and check seller licenses and small loan endorsements. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

February 20, 1996

EHB 2853 Prime Sponsor, Representative Boldt: Providing excise tax exemptions related to horses. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Bauer, Morton, Newhouse and Snyder.

Referred to Committee on Ways and Means.

February 20, 1996

SHB 2936 Prime Sponsor, House Committee on Commerce and Labor: Exempting food storage facilities from building code requirements relating to ammonia usage. Reported by Committee on Agriculture and Agricultural Trade and Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Bauer, Morton, Newhouse and Snyder.

Passed to Committee on Rules for second reading.

February 20, 1996

SHB 2939 Prime Sponsor, House Committee on Financial Institutions and Insurance: Examining credit unions. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Smith and Sutherland.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 20, 1996

GA 9057 BOB ROYER, appointed March 23, 1994, for a term ending June 13, 1996, as a member of the Washington Public Power Supply System Executive Board of Directors.  
Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules.

February 20, 1996

GA 9084 RUDOLPH BERTSCHI, appointed February 23, 1994, for a term ending June 13, 1997, as a member of the Washington Public Power Supply System Executive Board of Directors.  
Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules.

February 20, 1996

GA 9112 CLINT SHINKLE, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Olympic Community College District No. 3.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, Hale, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

February 20, 1996

GA 9170 RICHARD SPANGLER, appointed June 29, 1995, for a term ending June 30, 1997, as a member of the Work Force Training and Education Coordinating Board.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, Hale, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

February 20, 1996

GA 9202 EMMITT JACKSON, reappointed September 30, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, Hale, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

February 20, 1996

GA 9213 ALBERTA J. CANADA, reappointed September 30, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees for Tacoma Community College District No. 22.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, Hale, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

February 20, 1996

GA 9222 JAMES WILSON, appointed November 21, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees for Whatcom Community College District No. 21.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, Hale, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

February 20, 1996

GA 9237 MORRIE MILLER, reappointed October 1, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees for Olympic Community College District No. 3.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, Hale, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

February 20, 1996

GA 9239 KIRSTIANNE BLAKE, appointed January 4, 1996, for a term ending September 30, 1997, as a member of the Spokane Joint Center for Higher Education.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, Hale, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

February 20, 1996  
GA 9240 DAVID CLACK, reappointed January 4, 1996, for a term ending September 30, 1999, as a member of the Spokane Joint Center for Higher Education.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, Hale, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

February 20, 1996  
GA 9248 WILLIAM F. DEWEY, appointed December 8, 1995, for a term ending July 5, 1997, as a member of the Puget Sound Water Quality Authority.  
Reported by Committee on Ecology and Parks

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules.

February 20, 1996  
GA 9250 STEVE PARKER, appointed January 11, 1996, for a term ending September 30, 2000, as a member of the Board of Trustees for Everett Community College District No. 5.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, Hale, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

February 20, 1996  
GA 9264 FRED D. BERTRAND, appointed January 31, 1996, for a term ending September 30, 2000, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, Hale, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

February 16, 1996  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:  
I have the honor to submit the following reappointment subject to your confirmation.  
Evangeline Dacanay, reappointed February 16, 1996, for a term ending December 5, 1998, as a member of the State Hospital, Eastern Washington Advisory Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Human Services and Corrections.

February 16, 1996  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:  
I have the honor to submit the following reappointment subject to your confirmation.  
Patty Hill-Voth, reappointed February 16, 1996, for a term ending December 5, 1998, as a member of the State Hospital, Eastern Washington Advisory Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Human Services and Corrections.

February 16, 1996  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:  
I have the honor to submit the following reappointment subject to your confirmation.  
Kevin Kelly, reappointed February 16, 1996, for a term ending December 5, 1996, as a member of the State Hospital, Eastern Washington Advisory Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Human Services and Corrections.

February 16, 1996

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

I have the honor to submit the following reappointment subject to your confirmation.  
Pam Lucas, reappointed February 16, 1996, for a term ending December 5, 1998, as a member of the State Hospital, Eastern Washington Advisory Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Human Services and Corrections.

#### INTRODUCTION AND FIRST READING

SB 6777 by Senators Sutherland and Swecker

AN ACT Relating to a property tax credit for residential property; amending RCW 84.52.080 and 84.56.050; adding a new section to chapter 84.52 RCW; adding a new section to chapter 84.55 RCW; providing a contingent effective date; and providing for submission of this act to a vote of the people.

Referred to Committee on Ways and Means.

SJR 8220 by Senators Sutherland and Swecker

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

Referred to Committee on Ways and Means.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

##### MOTION

On motion of Senator West, Gubernatorial Appointment No. 9173, James P. Seabeck, as a member of the Horse Racing Commission, was confirmed.  
Senators West and Newhouse spoke to the confirmation of James P. Seabeck, as a member of the Horse Racing Commission.

##### APPOINTMENT OF JAMES P. SEABECK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 41.

Excused: Senators Fairley, Loveland, Moyer, Oke, Owen, Pelz, Sellar and Wood - 8.

##### MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9201, Ronald M. Gould, as a member of the Board of Trustees for Bellevue Community College District No. 8, was confirmed.

##### APPOINTMENT OF RONALD M. GOULD

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Owen, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44.

Excused: Senators Fairley, Moyer, Oke, Pelz and Sellar - 5.

##### PERSONAL PRIVILEGE

Senator McCaslin: "Madam President, a point of personal privilege. I would just like to say a couple of words about Alex Deccio and Lucille Deccio. Tomorrow marks their fiftieth wedding anniversary, which I think is remarkable. Lucille is one of the loveliest, kindest, most intelligent person I have ever met in my life. Why she married Alex, I will never know, but she did. They have had eight children and I think they have twelve grandchildren and one great grandchild.

"I just want to say that many of you don't know about Alex and his love for his family. He has done so many wonderful things that he has told me in the past. I'm sure he hasn't told me everything, but he is a remarkable father and a wonderful husband. I just wanted you folks to know. I know you know one side of him, but the good side of him is that he is a great family man. So, congratulations Alex; congratulations to Lucille; and I think it is wonderful and a remarkable achievement and I think we should all rise and give him a nice round of applause."

The members of the Senate stood and applauded Senator Deccio on the event of his fiftieth wedding anniversary.

REMARKS BY PRESIDENT PRO TEMPORE WOJAHN

President Pro Tempore Wojahn: "I think that we should all give a hand to Lucille for these years. Is she here today?"

The members of the Senate stood and applauded Lucille Deccio on this special occasion.

REMARKS BY SENATOR DECCIO

Senator Deccio: "Thank you very, very much. The kids did a real job--just a family gathering and it was just great. They were very loving and we appreciated it very much. The up-side of the whole thing is that I got a medal for being married to Lucille for fifty years; she got two purple hearts. Thank you."

REMARKS BY PRESIDENT PRO TEMPORE WOJAHN

President Pro Tempore Wojahn: "I think she deserved a gold medal."

MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9227, Elizabeth Chen, as a member of the Board of Trustees for Highline Community College District No. 9, was confirmed.

APPOINTMENT OF ELIZABETH CHEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.  
Voting yeas: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Owen, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45.  
Excused: Senators Fairley, Oke, Pelz and Sellar - 4.

MOTION

At 10:30 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 12:43 p.m. by President Pro Tempore Wojahn.

There being no objection, the President Pro Tempore reverted the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

February 21, 1996

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to Engrossed Substitute House Bill No. 2345 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Huff, Foreman and H. Sommers.

TIMOTHY A. MARTIN

MOTION

On motion of Senator Spanel, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 2345.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 2345 and the Senate amendment(s) thereto: Senators Rinehart, West and Loveland.

MOTION

On motion of Senator Spanel, the Conference Committee appointments were confirmed.

MOTION

At 12:45 p.m., on motion of Senator Spanel, the Senate adjourned until 12:00 noon, Thursday, February 22, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-FIFTH DAY, FEBRUARY 21, 1996

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**FORTY-SIXTH DAY**

NOON SESSION

Senate Chamber, Olympia, Thursday, February 22, 1996

The Senate was called to order at 12:00 noon by President Pro Tempore Wojahn. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 21, 1996

SB 6769 Prime Sponsor, Senator Rinehart: Limiting eligibility for general assistance. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6769 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Fraser, Hochstatter, Johnson, Kohl, Long, Moyer, Roach, Sheldon, Snyder, Spanel, Strannigan and Winsley.

Passed to Committee on Rules for second reading.

February 21, 1996

HB 1019 Prime Sponsor, Representative Padden: Transferring certain interests in individual retirement accounts. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

February 21, 1996

SHB 1133 Prime Sponsor, House Committee on Law and Justice: Revising provisions relating to firearm dealers' licenses. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Smith, Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

MINORITY Recommendation: Do not pass as amended and do not refer to Committee on Ways and Means. Signed by Senator Fairley, Vice Chair.

Referred to Committee on Ways and Means.

February 21, 1996

HB 1151 Prime Sponsor, Representative Pennington: Modifying licensing requirements for the sale of ammunition. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

MINORITY Recommendation: Do not pass. Signed by Senator Fairley, Vice Chair.

Passed to Committee on Rules for second reading.

February 21, 1996

2SHB 1289 Prime Sponsor, House Committee on Law and Justice: Specifying the duties of an operator of a vessel involved in an accident. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

February 20, 1996

2EHB 1659 Prime Sponsor, Representative Mielke: Regulating real estate brokerage relationships. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

February 20, 1996

4SHB 2009 Prime Sponsor, House Committee on Energy and Utilities: Eliminating the state energy office. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; and Owen.

Referred to Committee on Ways and Means.

February 20, 1996

HB 2137 Prime Sponsor, Representative Chandler: Requiring biennial progress reports from the department of ecology. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Kohl, Long, McDonald, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West and Winsley.

Passed to Committee on Rules for second reading.

February 20, 1996

SHB 2138 Prime Sponsor, House Committee on Law and Justice: Concerning the payment and recovery of fees. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Haugen, Johnson, Long, Roach and Schow.

Passed to Committee on Rules for second reading.

February 20, 1996

SHB 2191 Prime Sponsor, House Committee on Appropriations: Creating a retirement option for certain fire fighters. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hargrove, Kohl, Long, McDonald, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Sutherland, West and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Finkbeiner.

Passed to Committee on Rules for second reading.

February 20, 1996

SHB 2192 Prime Sponsor, House Committee on Appropriations: Correcting the teachers' retirement system plan III. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Kohl, Long, McDonald, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Sutherland, West and Winsley.

Passed to Committee on Rules for second reading.

February 20, 1996

HB 2259 Prime Sponsor, Representative McMahan: Revising the procedure for impanelling juries. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Haugen, Johnson, Long, Roach and Schow.

Passed to Committee on Rules for second reading.

HB 2280 Prime Sponsor, Representative Hargrove: Clarifying the method of execution to be used in Washington state. Reported by  
Committee on Law and Justice February 20, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Haugen, Johnson, Long, Roach and Schow.

Passed to Committee on Rules for second reading.

HB 2290 Prime Sponsor, Representative Honeyford: Exempting construction of wind energy and solar electric generating facilities from sales and use tax. Reported by Committee on Energy, Telecommunications and Utilities February 20, 1996

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Referred to Committee on Ways and Means.

2SHB 2293 Prime Sponsor, House Committee on Appropriations: Authorizing a technology fee at public institutions of higher education. Reported by Committee on Higher Education February 20, 1996

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, Hale, McAuliffe, Rasmussen, Sheldon, West and Wood.

MINORITY Recommendation: Do not pass. Signed by Senator Prince.

Referred to Committee on Ways and Means.

SHB 2294 Prime Sponsor, House Committee on Higher Education: Changing provisions relating to the state educational trust fund. Reported by Committee on Higher Education February 20, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, Hale, McAuliffe, Prince, Sheldon and Wood.

Passed to Committee on Rules for second reading.

SHB 2320 Prime Sponsor, House Committee on Corrections: Making certain sex offenders subject to life imprisonment without parole after two offenses. Reported by Committee on Law and Justice February 21, 1996

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

MINORITY Recommendation: Do not pass and do not refer to Committee on Ways and Means. Signed by Senator Fairley, Vice Chair.

Referred to Committee on Ways and Means.

2SHB 2323 Prime Sponsor, House Committee on Appropriations: Providing for future law enforcement officers training. Reported by Committee on Law and Justice February 20, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Haugen, Long, Roach and Schow.

Passed to Committee on Rules for second reading.

HB 2333 Prime Sponsor, Representative Delvin: Revising provisions relating to judicial retirement. Reported by Committee on Ways and Means February 21, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Fraser, Hochstatter, Johnson, Kohl, Moyer, Roach, Sheldon, Snyder, Spanel, Strannigan and Winsley.

Passed to Committee on Rules for second reading.

SHB 2339 Prime Sponsor, House Committee on Law and Justice: Increasing penalties for crimes involving methamphetamine. Reported by  
Committee on Law and Justice February 21, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

HB 2340 Prime Sponsor, Representative Sheahan: Allowing the association of superior court judges to establish when the annual meeting will be held. Reported by Committee on Law and Justice February 20, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Haugen, Johnson, Long, Roach and Schow.

Passed to Committee on Rules for second reading.

HB 2341 Prime Sponsor, Representative Cooke: Relating to the use of credit cards in state liquor stores. Reported by Committee on Labor, Commerce and Trade February 20, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Deccio, Fraser, Newhouse and Wojahn.

Referred to Committee on Ways and Means.

SHB 2358 Prime Sponsor, House Committee on Law and Justice: Increasing penalty assessments to support crime victim and witness programs. Reported by Committee on Law and Justice February 21, 1996

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Referred to Committee on Ways and Means.

HB 2389 Prime Sponsor, Representative Ballasiotes: Providing a classification for unclassified felonies. Reported by Committee on Law and Justice February 20, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Haugen, Johnson, Long, Roach and Schow.

Passed to Committee on Rules for second reading.

SHB 2431 Prime Sponsor, House Committee on Transportation: Allowing state pilotage exemptions for certain vessels. Reported by Committee on Transportation February 20, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Haugen, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

SHB 2468 Prime Sponsor, House Committee on Law and Justice: Clarifying the division of certain court filing fees. Reported by Committee on Law and Justice February 21, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

SHB 2478 Prime Sponsor, House Committee on Higher Education: Changing tuition for full-time nonresident undergraduate students at the University of Washington and Washington State University. Reported by Committee on Higher Education February 20, 1996

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Kohl, Vice Chair; Drew, Hale, McAuliffe, Prince, Sheldon and Wood.

Referred to Committee on Ways and Means.

February 20, 1996

SHB 2513 Prime Sponsor, House Committee on Commerce and Labor: Concerning industrial insurance benefits. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

February 20, 1996

SHB 2533 Prime Sponsor, House Committee on Law and Justice: Revising misdemeanor probation programs. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Prentice, Schow, Strannigan, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 21, 1996

ESHB 2534 Prime Sponsor, House Committee on Law and Justice: Decriminalizing driving without a license. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

February 20, 1996

ESHB 2637 Prime Sponsor, House Committee on Higher Education: Changing provisions relating to the joint center for higher education. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, Hale, McAuliffe, Sheldon, West and Wood.

Passed to Committee on Rules for second reading.

February 20, 1996

HB 2729 Prime Sponsor, Representative Sterk: Making housekeeping changes in transportation improvement board statutes. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Haugen, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

February 20, 1996

SHB 2730 Prime Sponsor, House Committee on Transportation: Adjusting deductions to the city hardship assistance account. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Haugen, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

February 20, 1996

SHB 2758 Prime Sponsor, House Committee on Appropriations: Measuring state fiscal conditions. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Kohl, Long, McDonald, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West and Winsley.

Passed to Committee on Rules for second reading.

February 20, 1996  
ESHB 2781 Prime Sponsor, House Committee on Appropriations: Providing for veterans' preferences. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser and Wojahn.

Passed to Committee on Rules for second reading.

February 21, 1996  
HB 2791 Prime Sponsor, Representative Lambert: Clarifying assault in the third degree to include county fire marshal's office. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Passed to Committee on Rules for second reading.

February 20, 1996  
HB 2913 Prime Sponsor, Representative Fuhrman: Changing the future teachers conditional scholarship program. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Kohl, Vice Chair; Drew, Hale, McAuliffe, Prince, Sheldon, Wood and Zarelli.

Passed to Committee on Rules for second reading.

February 20, 1996  
SHJM 4014 Prime Sponsor, House Committee on Trade and Economic Development: Requesting that federal law be amended to allow foreign-flagged cruise ships between U.S. ports. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

February 21, 1996  
HJM 4039 Prime Sponsor, Representative Hankins: Requesting that the Hanford Fast Flux Facility be preserved. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 21, 1996  
GA 9230 GEORGE MASTEN, reappointed December 8, 1995, for a term ending December 31, 1998, as a member of the State Investment Board.  
Reported by Committee on Ways and Means

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Fraser, Hochstatter, Johnson, Kohl, Long, Moyer, Sheldon, Snyder, Spanel, Winsley and Wojahn.

Passed to Committee on Rules.

February 21, 1996  
GA 9231 JIMMY CASON, reappointed December 8, 1995, for a term ending December 31, 1998, as a member of the State Investment Board.  
Reported by Committee on Ways and Means

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Fraser, Hochstatter, Johnson, Kohl, Long, Moyer, Sheldon, Snyder, Spanel, Winsley and Wojahn.

Passed to Committee on Rules.

#### MESSAGES FROM THE HOUSE

February 21, 1996

MR. PRESIDENT:

The House has passed HOUSE JOINT MEMORIAL NO. 4041, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 21, 1996

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2284 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Sehlin, Honeyford and Ogden.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Spanel, the Senate grants the request of the House for a conference on Substitute House Bill No. 2284.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Substitute House Bill No. 2284 and the Senate amendment(s) thereto: Senators Rinehart, Strannigan and Loveland.

#### MOTION

On motion of Senator Spanel, the Conference Committee appointments were confirmed.

#### INTRODUCTION AND FIRST READING

HJM 4041 by Representatives Foreman, K. Schmidt, Lisk, Clements, Grant, Mastin, Veloria, Sheahan, Honeyford, Conway, Robertson, Linville, Chappell, Hatfield, Benton, Regala, Morris, Keiser, Mulliken, Ogden, Scheuerman, Hankins, McMahan, Pelesky, L. Thomas, B. Thomas, Stevens, Koster, Sheldon, Delvin, Johnson, Campbell, Hymes, Smith, Thompson, Dyer and Brumsickle

Requesting funding authorizations to repair roadways, bridges, and rail lines damaged by floods.

Referred to Committee on Transportation.

#### MOTION

At 12:03 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Friday, February 23, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-SIXTH DAY, FEBRUARY 22, 1996

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**FORTY-SEVENTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Friday, February 23, 1996  
The Senate was called to order at 10:00 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senator Moyer. On motion of Senator Wood, Senator Moyer was excused. The Sergeant at Arms Color Guard, consisting of Pages Jeff West and Zachary Hendrickson, presented the Colors. Reverend Larry Rogers, pastor of the First Free Methodist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

SCR 8429 Prime Sponsor, Senator Thibaudeau: Establishing a joint select committee on oral health care. Reported by Committee on Health and Long-Term Care February 22, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

SHB 1100 Prime Sponsor, House Committee on Law and Justice: Notifying parents of their children's driver's license suspensions. February 22, 1996  
Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, McCaslin, Quigley and Schow.

MINORITY Recommendation: Do not pass. Signed by Senator Fairley, Vice Chair.

Passed to Committee on Rules for second reading.

ESHB 1556 Prime Sponsor, House Committee on Law and Justice: Revising procedures for determining visitation rights for persons other than a parent. Reported by Committee on Law and Justice February 22, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Haugen, Johnson, Long, McCaslin, Quigley and Schow.

Passed to Committee on Rules for second reading.

SHB 2075 Prime Sponsor, House Committee on Law and Justice: Making the commission of an offense against a pregnant woman an aggravating circumstance. Reported by Committee on Law and Justice February 22, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

February 22, 1996

HB 2126 Prime Sponsor, Representative Dyer: Allowing a dentist to obtain an inactive license. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

SHB 2178 Prime Sponsor, House Committee on Law and Justice: Penalizing disarming a law enforcement officer. Reported by Committee on Law and Justice

February 22, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin and Quigley.

Passed to Committee on Rules for second reading.

2SHB 2225 Prime Sponsor, House Committee on Appropriations: Enhancing punishment for sex offenses. Reported by Committee on Law and Justice

February 22, 1996

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

MINORITY Recommendation: Do not pass and do not be referred to Committee on Ways and Means. Signed by Senator Fairley, Vice Chair.

Referred to Committee on Ways and Means.

ESHB 2227 Prime Sponsor, House Committee on Law and Justice: Changing provisions relating to felony traffic offenses. Reported by Committee on Law and Justice

February 22, 1996

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Long, Roach and Schow.

Referred to Committee on Ways and Means.

SHB 2288 Prime Sponsor, House Committee on Higher Education: Creating portability of financial aid. Reported by Committee on Higher Education

February 22, 1996

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chair; Drew, Hale, McAuliffe, Prince, Rasmussen, Sheldon, Wood and Zarelli.

Referred to Committee on Ways and Means.

2SHB 2292 Prime Sponsor, House Committee on Higher Education: Establishing the innovation and quality in higher education program. Reported by Committee on Higher Education

February 22, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Bauer, Chair; Drew, Hale, McAuliffe, Prince, Rasmussen, Sheldon, West and Wood.

Passed to Committee on Rules for second reading.

E2SHB 2302 Prime Sponsor, House Committee on Higher Education: Establishing the Washington state student scholarship partnership program. Reported by Committee on Higher Education

February 22, 1996

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chair; Hale, McAuliffe, Prince, Rasmussen, Sheldon, West and Wood.

Referred to Committee on Ways and Means.

February 22, 1996

SHB 2303 Prime Sponsor, House Committee on Higher Education: Creating a tuition variance pilot program. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chair; McAuliffe, Rasmussen, Sheldon, West, Wood and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Drew, Hale and Prince.

Referred to Committee on Ways and Means.

HB 2652 Prime Sponsor, Representative Ballasiotes: Clarifying existing law on the costs of hospitalizing criminally insane patients. February 20, 1996  
Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Prentice, Schow, Strannigan and Zarelli.

Passed to Committee on Rules for second reading.

SHB 2664 Prime Sponsor, House Committee on Government Operations: Authorizing municipalities to utilize competitive negotiations in the acquisition of electronic data processing or telecommunication systems. Reported by Committee on Energy, Telecommunications and Utilities February 22, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

EHB 2672 Prime Sponsor, Representative Van Luven: Prohibiting greyhound racing. Reported by Committee on Labor, Commerce and Trade February 21, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, McDonald and Wojahn.

Passed to Committee on Rules for second reading.

SHB 2762 Prime Sponsor, House Committee on Natural Resources: Ensuring that the community and technical college forest reserve is managed like other state forests for sustainable commercial forestry and potential multiple use. Reported by Committee on Natural Resources February 22, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Drew, Chair; Spanel, Vice Chair; Hargrove, Haugen, Morton, Oke, Snyder and Swecker.

Passed to Committee on Rules for second reading.

HB 2786 Prime Sponsor, Representative Dyer: Modifying charitable donations for children. Reported by Committee on Law and Justice February 22, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

ESHB 2793 Prime Sponsor, House Committee on Natural Resources: Providing for implementation of Referendum 45. Reported by Committee on Natural Resources February 23, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Drew, Chair; Spanel, Vice Chair; Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

February 22, 1996  
ESHB 2828 Prime Sponsor, House Committee on Appropriations: Regulating wireless telephone services. Reported by Committee on Energy, Telecommunications and Utilities

MAJORITY Recommendation: Do pass as amended. Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

February 22, 1996  
GA 9132 DAVID J. KJOS, reappointed February 23, 1995, for a term ending September 30, 1997, as a member of the Spokane Joint Center for Higher Education.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Hale, McAuliffe, Prince, Rasmussen, Sheldon, Wood and Zarelli.

Passed to Committee on Rules.

February 22, 1996  
GA 9159 BUSSE NUTLEY, reappointed May 30, 1995, for a term ending at the pleasure of the Governor, as Chair of the Housing Finance Commission.  
Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules.

February 22, 1996  
GA 9171 NATALIE YBARRA, appointed June 30, 1995, for a term ending June 30, 1997, as a member of the Housing Finance Commission. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules.

February 22, 1996  
GA 9172 REVEREND JAMES T. WATSON, appointed June 30, 1995, for a term ending June 30, 1999, as a member of the Housing Finance Commission.  
Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules.

February 22, 1996  
GA 9174 JOSEPHINE V. TAMAYO MURRAY, reappointed June 30, 1995, for a term ending June 30, 1999, as a member of the Housing Finance Commission.  
Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules.

February 22, 1996  
GA 9175 KEVIN M. HUGHES, appointed June 30, 1995, for a term ending June 30, 1999, as a member of the Housing Finance Commission.  
Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules.

February 22, 1996

GA 9176 DONNA E. DILGER, reappointed June 30, 1995, for a term ending June 30, 1999, as a member of the Housing Finance Commission.  
Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

February 22, 1996

GA 9177 RON FOREST, reappointed June 30, 1995, for a term ending June 30, 1999, as a member of the Housing Finance Commission.  
Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules.

February 22, 1996

GA 9219 GARY SHIMADA, appointed November 21, 1995, for a term ending September 30, 1998, as a member of the Board of Trustees for Whatcom Community College District No. 21.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Hale, Prince, Rasmussen, Sheldon, Wood and Zarelli.

Passed to Committee on Rules.

February 22, 1996

GA 9225 KAYLEEN BYE, appointed November 28, 1995, for a term ending September 30, 2000, as a member of the Board of Trustees for Walla Walla Community College District No. 20.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Hale, Prince, Rasmussen, Sheldon, Wood and Zarelli.

Passed to Committee on Rules.

February 22, 1996

GA 9246 SUSAN I. DAVIDSON, appointed January 9, 1996, for a term ending July 1, 1999, as a member of the Board of Trustees for the State School for the Blind.  
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Goings, Vice Chair; Finkbeiner, Hochstatter, Johnson, Pelz and Rasmussen.

Passed to Committee on Rules.

February 22, 1996

GA 9255 JEFF G. JOHNSON, reappointed January 22, 1996, for a term ending June 30, 1999, as a member of the Work Force Training and Education Coordinating Board.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Hale, Prince, Rasmussen, Sheldon, Wood and Zarelli.

Passed to Committee on Rules.

February 22, 1996

GA 9258 JAMES P. DAWSON, appointed January 25, 1996, for a term ending September 30, 2000, as a member of the Board of Trustees for Pierce Community College District No. 11.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Hale, Prince, Rasmussen, Sheldon, Wood and Zarelli.

Passed to Committee on Rules.

February 22, 1996

GA 9259 JUDY GUENTHER, appointed January 25, 1996, for a term ending September 30, 2000, as a member of the Board of Trustees for Centralia Community College District No. 12.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Hale, Prince, Rasmussen, Sheldon, Wood and Zarelli.

Passed to Committee on Rules.

February 22, 1996

GA 9260 ANN MOTTET, appointed January 25, 1996, for a term ending September 30, 2000, as a member of the Board of Trustees for Lower Columbia Community College District No. 13.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Hale, Prince, Rasmussen, Sheldon, Wood and Zarelli.

Passed to Committee on Rules.

February 22, 1996

GA 9269 ERIKA HENNINGS, appointed February 8, 1996, for a term ending September 30, 1999, as a member of the Board of Trustees for Big Bend Community College District No. 18.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Hale, Prince, Rasmussen, Sheldon, Wood and Zarelli.

Passed to Committee on Rules.

February 22, 1996

GA 9274 DR. RONALD LaFAYETTE, reappointed February 13, 1996, for a term ending July 1, 2000, as a member of the Board of Trustees for the State School for the Deaf.  
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Goings, Vice Chair; Finkbeiner, Hochstatter, Johnson, Pelz and Rasmussen.

Passed to Committee on Rules.

February 22, 1996

GA 9281 RICHARD A. DAVIS, reappointed February 16, 1996, for a term ending September 30, 2001, as a member of the Board of Regents for Washington State University.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Hale, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules.

#### INTRODUCTION AND FIRST READING

SB 6778 by Senators Drew, Oke, Snyder, Hargrove and A. Anderson

AN ACT Relating to the approval of habitat conservation plans by the board of natural resources; adding a new section to chapter 43.30 RCW; and declaring an emergency.

Referred to Committee on Natural Resources.

MOTION

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

#### SENATE RESOLUTION 1996-8690

By Senator Thibaudeau

WHEREAS, Persons of character, compassion, intelligence, and dedication have made significant contributions to the fight against AIDS and the care of those suffering from the disease in the state of Washington; and

WHEREAS, Reverend Gwen Beighle, founder of the Multifaith AIDS Project of Seattle (MAPS), was representative of these qualities and contributions; and

WHEREAS, From 1987-1992, Gwen Beighle served as volunteer executive director of MAPS; and

WHEREAS, As a leader in the establishment of the Bailey-Boushay House, which continues to provide housing to low-income and homeless people with AIDS, Gwen Beighle witnessed the early treatment of AIDS patients; and

WHEREAS, Gwen Beighle worked diligently to improve the treatment and perception of AIDS patients; and

WHEREAS, Gwen Beighle earned her Masters of Divinity Degree from the Vancouver School of Theology in British Columbia and was ordained as a Presbyterian Minister; and

WHEREAS, From 1982-1987, Gwen Beighle served as Hospital Chaplain at Harborview Medical Center; and

WHEREAS, During her life, Gwen Beighle received numerous community service awards, including the Jefferson Award from the *Seattle Post-Intelligencer*, the National Outstanding Caregiver Award of Merit from the Family AIDS Network, the Human Rights Day Award from the Seattle Chapter of the United Nations Foundation, the Neal Kuyper Award from the Presbyterian Counseling Service, and the Ned Behnke Award from the Northwest AIDS foundation; and

WHEREAS, As a wife and mother of four, Gwen Beighle struggled with her own battle against ovarian cancer since 1991; and

WHEREAS, In 1992, Gwen Beighle appointed Rabbi Anson Laytner as her replacement as volunteer executive director of MAPS; and

WHEREAS, On Friday, January 5, 1996, Gwen Beighle died of ovarian cancer; and

WHEREAS, 1,000 people attended Gwen Beighle's memorial at the First Presbyterian Church in First Hill;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Senate of the state of Washington recognize, honor, and remember Reverend Gwen Beighle for her tireless and selfless efforts on behalf of AIDS patients in the state of Washington and nationwide; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Douglas Beighle and Rabbi Anson Laytner of the Multifaith AIDS Project of Seattle.

Senators Thibaudeau and Wood spoke to Senate Resolution 1996-8690.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Rabbi Anson Laytner, who was seated on the rostrum, and Reverend Gwen Beighle's husband, Douglas, and other family members and friends who were seated in the gallery.

#### MOTION

On motion of Senator Spanel, the Senate reverted to the sixth order of business.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9234, Cindy Zehnder, as a member of the Board of Regents for the University of Washington, was confirmed.

#### APPOINTMENT OF CINDY ZEHNDER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Moyer - 1.

#### MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9190, David W. Cole, as a member of the Board of Trustee for Western Washington University, was confirmed.

#### APPOINTMENT OF DAVID W. COLE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Pelz,

Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.  
Excused: Senator Moyer - 1.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2509, by House Committee on Government Operations (originally sponsored by Representatives Reams, Jacobsen, Radcliff, Basich, Kessler, Chopp, Dickerson, Hatfield, Poulsen and Murray) (by request of Secretary of State Munro)

Funding maritime historic restoration and preservation.

The bill was read the second time.

#### MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute House Bill No. 2509 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2509.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2509 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yeas: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator Rinehart - 1.

Excused: Senator Moyer - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2509, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 10:36 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 6:26 p.m. by President Pro Tempore Wojahn.

There being no objection, the President Pro Tempore returned the Senate to the first order of business.

#### REPORTS OF STANDING COMMITTEES

SB 6774 Prime Sponsor, Senator Drew: Establishing clear guidelines for the trust land transfer program. Reported by Committee on Natural Resources February 23, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6774 be substituted therefor, and the substitute bill do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; Hargrove, Haugen, Morton, Oke, Snyder and Swecker.

Passed to Committee on Rules for second reading.

SCR 8426 Prime Sponsor, Senator Wojahn: Resolving to retain independent legal counsel to determine the legal status of granted lands in the Fort Steilacoom Military Reservation. Reported by Committee on Health and Long-Term Care February 23, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

SHB 1032 Prime Sponsor, House Committee on Law and Justice: Revising the procedure for reviewing orders under the administrative procedure act. Reported by Committee on Government Operations February 23, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

E2SHB 1078 Prime Sponsor, House Committee on Appropriations: Changing provisions relating to instruction in Braille. Reported by Committee on Education February 22, 1996

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Goings, Vice Chair; Finkbeiner, Hochstatter, Johnson, Pelz and Rasmussen.

Passed to Committee on Rules for second reading.

ESHB 1231 Prime Sponsor, House Committee on Agriculture and Ecology: Promoting the recycled content of products and buildings. Reported by Committee on Ecology and Parks February 23, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

SHB 1276 Prime Sponsor, House Committee on Corrections: Specifying who may be an execution witness. Reported by Committee on Human Services and Corrections February 23, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Schow, Thibaudeau and Zarelli.

MINORITY Recommendation: Do not pass as amended. Signed by Senator Prentice.

Passed to Committee on Rules for second reading.

HB 1339 Prime Sponsor, Representative Ballasiotes: Revising provisions relating to juvenile probation and detention services. Reported by Committee on Human Services and Corrections February 23, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Prentice, Schow, Smith, Strannigan, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

3SHB 1381 Prime Sponsor, House Committee on Government Operations: Sharing leave and personal holiday time. Reported by Committee on Labor, Commerce and Trade February 22, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Deccio, Franklin, Fraser, Newhouse and Wojahn.

Referred to Committee on Ways and Means.

ESHB 1491 Prime Sponsor, House Committee on Corrections: Restricting work release eligibility. Reported by Committee on Human Services and Corrections February 23, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Prentice, Schow, Smith, Strannigan, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

HB 1627 Prime Sponsor, Representative Dyer: Modernizing osteopathic physician and surgeon terminology. Reported by Committee on Health and Long-Term Care February 22, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

February 23, 1996  
SHB 1634 Prime Sponsor, House Committee on Natural Resources: Restricting the state parks and recreation commission authority to regulate metal detectors. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 22, 1996  
EHB 1647 Prime Sponsor, Representative Goldsmith: Expanding the authority of the employment security department to share data. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Deccio, Franklin, Fraser, McDonald, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

February 22, 1996  
ESHB 1648 Prime Sponsor, House Committee on Commerce and Labor: Revising provision relating to charges against industrial insurance awards. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Franklin, Fraser and Wojahn.

Passed to Committee on Rules for second reading.

February 22, 1996  
ESHB 1704 Prime Sponsor, House Committee on Commerce and Labor: Eliminating registration requirements for sellers of travel. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Deccio, Franklin, Fraser, McDonald, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1996  
2EHB 1835 Prime Sponsor, Representative Schoesler: Revising standards relating to manufactured homes. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair, Sheldon, Vice Chair; Goings, Hale, McCaslin and Winsley.

MINORITY Recommendation: Do not pass as amended. Signed by Senator Heavey.

Referred to Committee on Ways and Means.

February 22, 1996  
SHB 1857 Prime Sponsor, House Committee on Financial Institutions and Insurance: Defining terms that relate to title insurers. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

February 22, 1996  
SHB 1862 Prime Sponsor, House Committee on Appropriations: Promoting the development of model home-matching programs. Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

February 22, 1996

SHB 1911 Prime Sponsor, House Committee on Commerce and Labor: Expanding authority for retrospective rating plans. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; A. Anderson, Deccio, Fraser, McDonald and Newhouse.

Passed to Committee on Rules for second reading.

February 23, 1996

ESHB 1921 Prime Sponsor, House Committee on Transportation: Providing for existing general aviation airport land use encroachment planning. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Goings, Hale and Winsley.

Passed to Committee on Rules for second reading.

February 22, 1996

2SHB 1938 Prime Sponsor, House Committee on Financial Institutions and Insurance: Modifying the administration of the responsibilities of self-insurers. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; A. Anderson, Deccio, McDonald and Newhouse.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Heavey, Vice Chair; and Franklin.

Passed to Committee on Rules for second reading.

February 22, 1996

HB 2016 Prime Sponsor, Representative Mulliken: Authorizing the higher education coordinating board to contract for cooperative arrangements with independent colleges and universities. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chair; Hale, McAuliffe, Prince, Rasmussen, Sheldon, Wood and Zarelli.

Referred to Committee on Ways and Means.

February 22, 1996

ESHB 2097 Prime Sponsor, House Committee on Health Care: Authorizing additional basic health plan services. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Fairley, Franklin, Thibaudeau, Winsley and Wood.

MINORITY Recommendation: Do not pass. Signed by Senators Deccio and Moyer.

Passed to Committee on Rules for second reading.

February 23, 1996

SHB 2116 Prime Sponsor, House Committee on Finance: Allowing an exception due to good cause for late payment of property taxes. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 23, 1996

HB 2117 Prime Sponsor, Representative D. Schmidt: Advancing the cutoff for candidacy filings. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale and McCaslin.

Passed to Committee on Rules for second reading.

February 23, 1996

HB 2136 Prime Sponsor, Representative Chandler: Authorizing freshwater aquatic weeds account moneys to be used for hydrilla eradication. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

February 23, 1996  
SHB 2140 Prime Sponsor, House Committee on Government Operations: Revising election laws and procedures for cities and towns. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey and McCaslin.

Passed to Committee on Rules for second reading.

February 23, 1996  
SHB 2151 Prime Sponsor, House Committee on Health Care: Establishing uniform licensing procedures. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

February 22, 1996  
HB 2152 Prime Sponsor, Representative Dyer: Revising provisions for adult family home licensing and operation. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

February 23, 1996  
SHB 2167 Prime Sponsor, House Committee on Natural Resources: Exempting regular maintenance of marinas from hydraulic project review and approval. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 22, 1996  
SHB 2171 Prime Sponsor, House Committee on Corrections: Extending no-contact restrictions on sentences to time in confinement. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

February 23, 1996  
HB 2172 Prime Sponsor, Representative Dyer: Authorizing actions and penalties against adult residential care providers by the department of social and health services. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

February 23, 1996  
SHB 2186 Prime Sponsor, House Committee on Health Care: Establishing long-term care benefits for public employees. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Franklin, Thibaudeau, Winsley and Wood.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley.

Referred to Committee on Ways and Means.

SHB 2188 Prime Sponsor, House Committee on Health Care: Requiring a majority vote of the medical quality assurance commission to revoke a physician's license. Reported by Committee on Health and Long-Term Care February 23, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

SHB 2195 Prime Sponsor, House Committee on Corrections: Authorizing the department of corrections to intercept, record, and divulge electronically monitored inmate conversations. Reported by Committee on Human Services and Corrections February 23, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Prentice, Schow, Smith, Strannigan, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

SHB 2199 Prime Sponsor, House Committee on Agriculture and Ecology: Granting water rights to certain persons who were water users before January 1, 1993. Reported by Committee on Ecology and Parks February 23, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; Fairley, Vice Chair; McAuliffe and Spanel.

Referred to Committee on Ways and Means.

2SHB 2200 Prime Sponsor, House Committee on Appropriations: Authorizing local watershed planning and modifying water resource management. Reported by Committee on Ecology and Parks February 23, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; Fairley, Vice Chair; McAuliffe and Spanel.

Referred to Committee on Ways and Means.

E2SHB 2217 Prime Sponsor, House Committee on Appropriations: Changing provisions for at-risk youth. Reported by Committee on Human Services and Corrections February 23, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Long, Prentice, Schow, Smith, Strannigan and Zarelli.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Kohl and Thibaudeau.

Passed to Committee on Rules for second reading.

E2SHB 2219 Prime Sponsor, House Committee on Appropriations: Changing provisions relating to offenders. Reported by Committee on Law and Justice February 22, 1996

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach, Quigley and Schow.

Referred to Committee on Ways and Means.

E2SHB 2221 Prime Sponsor, House Committee on Appropriations: Implementing regulatory reform. Reported by Committee on Government Operations February 23, 1996

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey and Winsley.

Referred to Committee on Ways and Means.

February 22, 1996

SHB 2240 Prime Sponsor, House Committee on Commerce and Labor: Providing additional exemptions from state law for the handling of hazardous devices. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Deccio, Franklin, Fraser, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

SHB 2248 Prime Sponsor, House Committee on Agriculture and Ecology: Changing provisions relating to sewage disposal. Reported by Committee on Ecology and Parks

February 23, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

SHB 2255 Prime Sponsor, House Committee on Commerce and Labor: Establishing inspection requirements for private residence conveyances. Reported by Committee on Labor, Commerce and Trade

February 22, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Deccio, Franklin, Fraser, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

SHB 2266 Prime Sponsor, House Committee on Law and Justice: Protecting persons with a history of timely child support payments from mandatory wage assignment orders. Reported by Committee on Law and Justice

February 22, 1996

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin and Schow.

Referred to Committee on Ways and Means.

HB 2291 Prime Sponsor, Representative Van Luven: Promoting international educational, cultural, and business exchanges. Reported by Committee on Labor, Commerce and Trade

February 22, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

ESHB 2309 Prime Sponsor, House Committee on Health Care: Revising regulation of hearing and speech professions. Reported by Committee on Health and Long-Term Care

February 23, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Wojahn, Vice Chair; Deccio, Fairley, Franklin, Thibaudeau, Winsley and Wood.

Referred to Committee on Ways and Means.

SHB 2310 Prime Sponsor, House Committee on Education: Changing the date for notification of nonrenewal of a contract for a certificated employee. Reported by Committee on Education

February 22, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Goings, Vice Chair; Finkbeiner, Hochstatter, Johnson, Pelz and Rasmussen.

Passed to Committee on Rules for second reading.

SHB 2311 Prime Sponsor, House Committee on Education: Providing for the elimination of six-year terms of office for school board directors. Reported by Committee on Education

February 22, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Goings, Vice Chair; Finkbeiner, Hochstatter, Johnson, Pelz and Rasmussen.

Passed to Committee on Rules for second reading.

February 23, 1996  
SHB 2316 Prime Sponsor, House Committee on Corrections: Providing a procedure for siting juvenile correctional facilities. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Prentice, Schow, Smith, Strannigan, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 23, 1996  
SHB 2318 Prime Sponsor, House Committee on Corrections: Extending the period of community placement after confinement for sex offenders. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Kohl, Long, Prentice, Schow, Smith, Strannigan, Thibaudeau and Zarelli.

Referred to Committee on Ways and Means.

February 22, 1996  
HB 2327 Prime Sponsor, Representative Brumsickle: Changing state board of education staff provisions. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Goings, Vice Chair; Finkbeiner, Hochstatter, Johnson, Pelz and Rasmussen.

Passed to Committee on Rules for second reading.

February 23, 1996  
HB 2336 Prime Sponsor, Representative Stevens: Requiring approval of a majority of members of the fish and wildlife commission to adopt rules. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

February 22, 1996  
HB 2337 Prime Sponsor, Representative Schoesler: Defining distressed county designation. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Deccio, Franklin, Fraser, McDonald, Newhouse and Wojahn.

Referred to Committee on Ways and Means.

February 23, 1996  
SHB 2338 Prime Sponsor, House Committee on Agriculture and Ecology: Prohibiting the department of ecology from regulating ammonia emissions for nonproduction activity related to making or using ammonia as agricultural or silvicultural fertilizer. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 22, 1996  
HB 2350 Prime Sponsor, Representative Radcliff: Eliminating the authority of the department of licensing to keep records of pistol purchases or transfers. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Quigley and Roach.

Passed to Committee on Rules for second reading.

February 23, 1996  
2SHB 2363 Prime Sponsor, House Committee on Appropriations: Requiring a project for designs to restore anadromous fish habitat in the Chandler irrigation canal and on state-owned land on Crab creek. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Referred to Committee on Ways and Means.

February 23, 1996  
HB 2365 Prime Sponsor, Representative Casada: Revising provisions for bridge and service districts. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 22, 1996  
HB 2368 Prime Sponsor, Representative Elliot: Expanding the granting of class H liquor licenses at civic or convention centers. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Deccio, Franklin, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

February 22, 1996  
SHB 2371 Prime Sponsor, House Committee on Higher Education: Suspending the professional licenses for failure to repay student loans. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Bauer, Chair; Drew, Hale, McAuliffe, Prince, Rasmussen, Sheldon, West, Wood and Zarelli.

Passed to Committee on Rules for second reading.

February 23, 1996  
SHB 2376 Prime Sponsor, House Committee on Agriculture and Ecology: Recovering gasoline vapors. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 23, 1996  
SHB 2378 Prime Sponsor, House Committee on Agriculture and Ecology: Revising regulations concerning reclaimed water. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 23, 1996  
SHB 2386 Prime Sponsor, House Committee on Government Operations: Requiring the text of applicable state or federal law or rule be provided as part of agency technical assistance. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 23, 1996  
SHB 2394 Prime Sponsor, House Committee on Government Operations: Revising master planned resorts. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 22, 1996  
EHB 2396 Prime Sponsor, Representative Fuhrman: Clarifying wildlife violations relating to game birds, game animals, and game fish. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Drew, Chair; Spanel, Vice Chair; Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

February 23, 1996  
SHB 2403 Prime Sponsor, House Committee on Government Operations: Analyzing the economic impact of government actions. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Haugen, Chair; Goings, Hale, Heavey and Winsley.

Referred to Committee on Ways and Means.

February 22, 1996  
SHB 2420 Prime Sponsor, House Committee on Law and Justice: Revising standards for qualification to possess firearms. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Smith, Chair; Goings, Hargrove, Haugen, Long and Quigley.

MINORITY Recommendation: Do not pass as amended. Signed by Senator Fairley.

Referred to Committee on Ways and Means.

February 23, 1996  
SHB 2428 Prime Sponsor, House Committee on Natural Resources: Requiring the watershed coordinating council to implement a watershed pilot project. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

February 23, 1996  
SHB 2444 Prime Sponsor, House Committee on Natural Resources: Amending the forest practice act of 1974 regarding federally approved habitat conservation plans. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Haugen, Oke, Snyder and Swecker.

Passed to Committee on Rules for second reading.

February 23, 1996  
SHB 2448 Prime Sponsor, House Committee on Government Operations: Allowing independent candidates to withdraw from the general election. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 23, 1996  
SHB 2449 Prime Sponsor, House Committee on Agriculture and Ecology: Providing for water resource management. Reported by  
Committee on Ecology and Parks

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter,  
McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 23, 1996  
EHB 2452 Prime Sponsor, Representative Valle: Revising provisions on control of tuberculosis to include treatment orders. Reported by  
Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley,  
Franklin, Winsley and Wood.

Passed to Committee on Rules for second reading.

February 23, 1996  
HB 2457 Prime Sponsor, Representative Hatfield: Changing how valuation is determined for property taxation of senior citizens and persons  
retired because of physical disability. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale,  
Heavey and McCaslin.

Passed to Committee on Rules for second reading.

February 22, 1996  
HB 2459 Prime Sponsor, Representative Clements: Adjusting tire factors for vehicle maximum gross weights. Reported by Committee on  
Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Haugen, Morton, Oke,  
Prentice, Prince, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

February 23, 1996  
SHB 2463 Prime Sponsor, House Committee on Natural Resources: Requiring implementation of salmon restoration action plans. Reported  
by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen,  
Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

February 23, 1996  
HB 2467 Prime Sponsor, Representative Pennington: Revising the definition of "major industrial development" for the purpose of growth  
management planning. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale,  
Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 22, 1996  
EHB 2472 Prime Sponsor, Representative Lambert: Clarifying domestic violence provisions. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove,  
Haugen, Johnson, Long, McCaslin and Quigley.

Passed to Committee on Rules for second reading.

February 23, 1996

ESHB 2485 Prime Sponsor, House Committee on Government Operations: Reducing property tax assessments in response to government restrictions. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

SHB 2487 Prime Sponsor, House Committee on Children and Family Services: Continuing adoption support payments. Reported by Committee on Human Services and Corrections February 23, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Prentice, Schow, Smith, Strannigan, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

HB 2490 Prime Sponsor, Representative L. Thomas: Providing for credit for reinsurance of trust fund maintained that meets national association of insurance commissioners standards. Reported by Committee on Financial Institutions and Housing February 22, 1996

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Referred to Committee on Ways and Means.

HB 2494 Prime Sponsor, Representative Poulsen: Amending the duty of the state board of education to approve private schools to include kindergarten. Reported by Committee on Education February 22, 1996

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Goings, Vice Chair; Finkbeiner, Hochstatter, Johnson, Pelz and Rasmussen.

Passed to Committee on Rules for second reading.

HB 2495 Prime Sponsor, Representative Brumsickle: Revising educational program for juveniles in detention facilities. Reported by Committee on Education February 22, 1996

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Goings, Vice Chair; Finkbeiner, Hochstatter, Johnson, Pelz and Rasmussen.

Passed to Committee on Rules for second reading.

SHB 2498 Prime Sponsor, House Committee on Commerce and Labor: Providing uniform construction trade administrative procedures. Reported by Committee on Labor, Commerce and Trade February 22, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

HB 2501 Prime Sponsor, Representative Pennington: Concerning the indebtedness of a port district. Reported by Committee on Government Operations February 23, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, McCaslin and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Heavey.

Passed to Committee on Rules for second reading.

February 23, 1996

HB 2511 Prime Sponsor, Representative B. Thomas: Appointing alternate members to the JARRC. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

HB 2520 Prime Sponsor, Representative K. Schmidt: Extending terminal safety audit fees to vehicles operating under the International Registration Plan. Reported by Committee on Transportation

February 22, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Haugen, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

ESHB 2529 Prime Sponsor, House Committee on Government Operations: Providing for designation of mineral resource lands. Reported by Committee on Government Operations

February 23, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

SHB 2535 Prime Sponsor, House Committee on Trade and Economic Development: Adopting ethics standards for academic or scientific public service work. Reported by Committee on Government Operations

February 23, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey and Winsley.

Passed to Committee on Rules for second reading.

ESHB 2537 Prime Sponsor, House Committee on Agriculture and Ecology: Providing for modifications to the creation and operation of irrigation district joint control boards. Reported by Committee on Government Operations

February 23, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Goings, Hale, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

SHB 2543 Prime Sponsor, House Committee on Commerce and Labor: Changing taxation of punch boards and pull-tabs. Reported by Committee on Labor, Commerce and Trade

February 22, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; A. Anderson, Deccio, Franklin, Fraser and Newhouse.

Passed to Committee on Rules for second reading.

SHB 2545 Prime Sponsor, House Committee on Corrections: Imposing additional notice requirements upon release of a sex offender. Reported by Committee on Human Services and Corrections

February 23, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Prentice, Schow, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

HB 2551 Prime Sponsor, Representative Cairnes: Regulating limousines. Reported by Committee on Transportation

February 22, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Haugen, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

February 23, 1996  
SHB 2557 Prime Sponsor, House Committee on Children and Family Services: Revising legal custody of children. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Prentice, Schow, Smith and Zarelli.

Passed to Committee on Rules for second reading.

February 22, 1996  
HB 2558 Prime Sponsor, Representative Lambert: Revising the allocation of child support health care expenses between parents. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin and Schow.

Passed to Committee on Rules for second reading.

February 22, 1996  
HB 2559 Prime Sponsor, Representative Lambert: Revising the allocation of child support day care and other child rearing expenses between parents. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin and Schow.

Passed to Committee on Rules for second reading.

February 23, 1996  
SHB 2565 Prime Sponsor, House Committee on Government Operations: Filing faxed documents. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 22, 1996  
HB 2566 Prime Sponsor, Representative Hickel: Defining "sale" and related terms with regard to gambling act. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; A. Anderson, Deccio, Franklin, Fraser, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1996  
HB 2567 Prime Sponsor, Representative Wolfe: Notifying the assessor of real property actions. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 23, 1996  
SHB 2578 Prime Sponsor, House Committee on Natural Resources: Managing grazing lands. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

February 23, 1996  
SHB 2579 Prime Sponsor, House Committee on Law and Justice: Consolidating and enhancing services for victims of sexual abuse. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Prentice, Schow, Smith, Thibaudeau and Zarelli.

Referred to Committee on Ways and Means.

SHB 2580 Prime Sponsor, House Committee on Corrections: Extending the period of time that a victim of crime may collect restitution from a juvenile. Reported by Committee on Human Services and Corrections  
February 23, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Prentice, Schow, Smith, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

HB 2604 Prime Sponsor, Representative Silver: Providing vehicle owners' names and addresses to commercial parking companies. Reported by Committee on Transportation  
February 22, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Goings, Haugen, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar and Wood.

Passed to Committee on Rules for second reading.

SHB 2605 Prime Sponsor, House Committee on Natural Resources: Allowing importation of Macrocystis seaweed for the use in the herring spawn-on-kelp fishery. Reported by Committee on Natural Resources  
February 23, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Passed to Committee on Rules for second reading.

SHB 2607 Prime Sponsor, House Committee on Health Care: Establishing a study utilizing vouchers for basic health plan enrollees. Reported by Committee on Health and Long-Term Care  
February 23, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Winsley and Wood.

Referred to Committee on Ways and Means.

HB 2611 Prime Sponsor, Representative Skinner: Designating significant historic places. Reported by Committee on Government Operations  
February 23, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey and Winsley.

Passed to Committee on Rules for second reading.

EHB 2613 Prime Sponsor, Representative Sterk: Enhancing school disciplinary measures. Reported by Committee on Education  
February 23, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Goings, Vice Chair; Finkbeiner, Hochstatter, Johnson, Pelz and Rasmussen.

Passed to Committee on Rules for second reading.

HB 2623 Prime Sponsor, Representative Dyer: Requiring the use of single name identifiers for persons obtaining controlled substances. Reported by Committee on Health and Long-Term Care  
February 22, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

HB 2628 Prime Sponsor, Representative Veloria: Revising provision on payment of industrial insurance benefits to beneficiaries. Reported by Committee on Labor, Commerce and Trade  
February 22, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Deccio, Franklin, Fraser, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

February 22, 1996  
SHB 2634 Prime Sponsor, House Committee on Commerce and Labor: Authorizing the sale of malt liquor in untapped kegs by class H licensees. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Deccio, Franklin, Fraser, McDonald, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1996  
HB 2636 Prime Sponsor, Representative Scott: Revising regulation of funeral directors and embalmers. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 23, 1996  
HB 2638 Prime Sponsor, Representative Reams: Repealing the sunset of the department of information services. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 22, 1996  
ESHB 2640 Prime Sponsor, House Committee on Education: Changing truancy provisions. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Finkbeiner, Hochstatter, Johnson, Pelz and Rasmussen.

Passed to Committee on Rules for second reading.

February 22, 1996  
SHB 2656 Prime Sponsor, House Committee on Commerce and Labor: Creating a new class of liquor license for sports entertainment facilities. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Deccio, Fraser, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1996  
ESHB 2657 Prime Sponsor, House Committee on Capital Budget: Redefining the term "public works project." Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

February 22, 1996  
SHB 2684 Prime Sponsor, House Committee on Law and Justice: Prescribing sanctions for false allegations of abuse in custody, visitation, or residential schedule disputes. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

February 22, 1996

HB 2687 Prime Sponsor, Representative Robertson: Revising regulation of vehicle size and load. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Haugen, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

SHB 2689 Prime Sponsor, House Committee on Health Care: Defining the practice of oral and maxillofacial surgery. Reported by  
Committee on Health and Long-Term Care February 23, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Winsley and Wood.

Passed to Committee on Rules for second reading.

SHB 2690 Prime Sponsor, House Committee on Financial Institutions and Insurance: Authorizing the collection of fees and prepayment penalties for consumer loans. Reported by Committee on Financial Institutions and Housing February 22, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar, Smith and Sutherland.

Passed to Committee on Rules for second reading.

SHB 2701 Prime Sponsor, House Committee on Agriculture and Ecology: Adjudicating water rights. Reported by Committee on Ecology and Parks February 23, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

ESHB 2703 Prime Sponsor, House Committee on Agriculture and Ecology: Limiting department of labor and industries authority when the department of agriculture has authority to prescribe or enforce occupational safety and health standards. Reported by Committee on Labor, Commerce and Trade February 22, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; A. Anderson, Deccio, Franklin, Fraser, McDonald, Newhouse and Wojahn.

MINORITY Recommendation: Do not pass as amended. Signed by Senator Heavey, Vice Chair.

Passed to Committee on Rules for second reading.

SHB 2711 Prime Sponsor, House Committee on Corrections: Creating an illegal alien offender program. Reported by Committee on Human Services and Corrections February 23, 1996

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Franklin, Vice Chair, Long, Schow, Smith and Zarelli.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Kohl, Prentice and Thibaudeau.

Referred to Committee on Ways and Means.

HB 2716 Prime Sponsor, Representative Chandler: Concerning waste discharge permits. Reported by Committee on Ecology and Parks February 23, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; Hochstatter, McAuliffe and Swecker.

MINORITY Recommendation: Do not pass as amended. Signed by Senator Fairley, Vice Chair.

Passed to Committee on Rules for second reading.

February 23, 1996

SHB 2720 Prime Sponsor, House Committee on Corrections: Allowing consortiums of counties to acquire correctional facilities. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Prentice, Schow, Smith and Zarelli.

Passed to Committee on Rules for second reading.

February 22, 1996

SHB 2724 Prime Sponsor, House Committee on Commerce and Labor: Providing for payment of job modification or accommodation costs for injured workers. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Deccio, Franklin, Fraser, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

February 22, 1996

HB 2726 Prime Sponsor, Representative Radcliff: Moving school bond election resolution provisions. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Goings, Vice Chair; Finkbeiner, Hochstatter, Johnson, Pelz and Rasmussen.

Passed to Committee on Rules for second reading.

February 23, 1996

EHB 2735 Prime Sponsor, Representative Dyer: Exempting from certificate of need review certain nursing facilities that undertake renovations. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

February 22, 1996

HB 2736 Prime Sponsor, Representative Radcliff: Adopting recommendations of the joint select committee on education restructuring. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Goings, Vice Chair; Johnson, Pelz and Rasmussen.

Passed to Committee on Rules for second reading.

February 23, 1996

SHB 2743 Prime Sponsor, House Committee on Health Care: Revising requirements for retired active licenses for health care practitioners. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

February 22, 1996

SHB 2755 Prime Sponsor, House Committee on Trade and Economic Development: Promoting economic development. Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1996

SHB 2757 Prime Sponsor, House Committee on Natural Resources: Requiring community service work for littering in state parks. Reported by Committee on Ecology and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

SHB 2772 Prime Sponsor, House Committee on Agriculture and Ecology: Raising the amount that must be exceeded by the cost of dock construction for the construction to be considered substantial development under the Shoreline Management Act of 1971. Reported by Committee on Ecology and Parks

February 23, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

SHB 2785 Prime Sponsor, House Committee on Government Operations: Providing a bidding procedure for public works projects in counties. Reported by Committee on Government Operations

February 23, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

HB 2790 Prime Sponsor, Representative Dyer: Authorizing the distribution of certain governmental lists of public information to private companies for use by federal, state or local governments. Reported by Committee on Government Operations

February 23, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

HB 2814 Prime Sponsor, Representative McMorris: Regulating the disposal of property by self-storage facilities. Reported by Committee on Labor, Commerce and Trade

February 22, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Deccio, Franklin, Fraser, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

HB 2817 Prime Sponsor, Representative Cairnes: Eliminating provisions dealing with fees and costs regarding land use decisions. Reported by Committee on Government Operations

February 23, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

HB 2834 Prime Sponsor, Representative Carrell: Proposing a Washington state lake health plan. Reported by Committee on Ecology and Parks

February 23, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Passed to Committee on Rules for second reading.

HB 2836 Prime Sponsor, Representative K. Schmidt: Authorizing speed limits set according to engineering and traffic studies. Reported by Committee on Transportation

February 22, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Haugen, Morton, Oke, Prentice, Prince, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

EHB 2837 Prime Sponsor, Representative Dyer: Modifying the definition of medicare supplemental insurance or medicare supplement insurance policy. Reported by Committee on Health and Long-Term Care February 22, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Moyer, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

EHB 2838 Prime Sponsor, Representative Dyer: Limiting mediation of health care injury disputes. Reported by Committee on Health and Long-Term Care February 23, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

EHB 2847 Prime Sponsor, Representative Horn: Prohibiting the department of labor and industries from requiring employers to compensate employees for usual and customary wearing apparel. Reported by Committee on Labor, Commerce and Trade February 22, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser and Newhouse.

Passed to Committee on Rules for second reading.

HB 2849 Prime Sponsor, Representative Dyer: Modifying nursing home administrator licensing. Reported by Committee on Health and Long-Term Care February 23, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules for second reading.

2SHB 2856 Prime Sponsor, House Committee on Appropriations: Establishing the office of the child, youth, and family ombudsman. Reported by Committee on Human Services and Corrections February 23, 1996

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Prentice, Schow and Zarelli.

Referred to Committee on Ways and Means.

SHB 2860 Prime Sponsor, House Committee on Government Operations: Limiting development regulations for utilities. Reported by Committee on Government Operations February 23, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Passed to Committee on Rules for second reading.

HB 2862 Prime Sponsor, Representative Hargrove: Regulating department of social and health services liens and notices to withhold and deliver. Reported by Committee on Labor, Commerce and Trade February 22, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Fraser and Newhouse.

Passed to Committee on Rules for second reading.

EHB 2867 Prime Sponsor, Representative Van Luven: Modifying certain functions and duties of the joint legislative committee on economic development. Reported by Committee on Labor, Commerce and Trade February 22, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Deccio, Franklin, Fraser, McDonald and Newhouse.

Passed to Committee on Rules for second reading.

ESHB 2875 Prime Sponsor, House Committee on Agriculture and Ecology: Creating the Puget Sound management team. Reported by  
Committee on Ecology and Parks February 23, 1996

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Fairley, Vice Chair; McAuliffe and Spanel.

Referred to Committee on Ways and Means.

E2SHB 2909 Prime Sponsor, House Committee on Appropriations: Improving reading literacy. Reported by Committee on Education February 23, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Goings, Vice Chair; Finkbeiner, Hochstatter, Pelz and Rasmussen.

Passed to Committee on Rules for second reading.

HB 2917 Prime Sponsor, Representative Robertson: Eliminating a limitation on sites on which amusement games may be conducted. Reported by Committee on Labor, Commerce and Trade February 22, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Deccio, Franklin, Fraser, Newhouse and Wojahn.

Passed to Committee on Rules for second reading.

ESHB 2926 Prime Sponsor, House Committee on Finance: Requiring less money from and providing tax exemptions for the thoroughbred industry. Reported by Committee on Labor, Commerce and Trade February 22, 1996

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, McDonald and Newhouse.

Referred to Committee on Ways and Means.

HB 2932 Prime Sponsor, Representative Sheahan: Allowing the human rights commission to offer alternative dispute resolution to parties involved in a claim of illegal discrimination. Reported by Committee on Law and Justice February 22, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Passed to Committee on Rules for second reading.

SHB 2945 Prime Sponsor, House Committee on Commerce and Labor: Taxing management entities that provide services for casino gambling activity in Washington state. Reported by Committee on Labor, Commerce and Trade February 22, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Deccio, Franklin, Newhouse and Wojahn.

Referred to Committee on Ways and Means.

HJM 4020 Prime Sponsor, Representative Campbell: Encouraging schools to provide an elementary gun safety program. Reported by Committee on Education February 22, 1996

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Goings, Vice Chair; Finkbeiner, Hochstatter, Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

February 23, 1996

SHJR 4213 Prime Sponsor, House Committee on Government Operations: Amending the Constitution to authorize legislative invalidation of agency rules. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey and Winsley.

Referred to Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

GA 9179 DR. ALLAN W. LOBB, appointed August 15, 1995, for a term ending June 19, 1999, as a member of the Health Care Facilities Authority. February 23, 1996  
Reported by Committee on Health and Human Services

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules.

GA 9182 MICHAEL KLEINBERG, appointed August 5, 1995, for a term ending January 19, 1999, as a member of the Board of Pharmacy. February 23, 1996  
Reported by Committee on Health and Human Services

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Fairley, Franklin, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules.

GA 9253 KAREN KIESSLING, appointed January 19, 1996, for a term ending January 19, 2000, as a member of the Board of Pharmacy. February 23, 1996  
Reported by Committee on Health and Human Services

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Fairley, Franklin, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules.

GA 9254 SUANN M. BOND, appointed December 21, 1995, for a term ending January 19, 2000, as a member of the Board of Pharmacy. February 23, 1996  
Reported by Committee on Health and Human Services

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Fairley, Franklin, Thibaudeau, Winsley and Wood.

Passed to Committee on Rules.

MOTION

At 6:28 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m. Monday, February 26, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-SEVENTH DAY, FEBRUARY 23, 1996

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**FIFTIETH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Monday, February 26, 1996  
The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senator Anderson. On motion of Senator Wood, Senator Anderson was excused.  
The Sergeant at Arms Color Guard, consisting of Pages Joseph Cantu and Adam Newhouse, presented the Colors. Elder James Erlandson of the Reorganized Church of Jesus Christ of Latter-Day Saints of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 23, 1996  
SB 6767 Prime Sponsor, Senator Rinehart: Establishing procedures for compensation modifications for state employees under chapter 41.06 RCW. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6767 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Pelz, Quigley, Sheldon, Snyder, Spanel, Sutherland, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1996  
2SHB 1229 Prime Sponsor, House Committee on Law and Justice: Modifying options for payment of retirement allowances. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Fraser, Hochstatter, Johnson, Pelz, Quigley, Sheldon, Snyder, Spanel, Sutherland, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1996  
E4SHB 1481 Prime Sponsor, House Committee on Appropriations: Requiring AFDC contracts and making additional changes in public assistance laws. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hargrove, Quigley, Sheldon, Snyder, Spanel, Sutherland, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1996  
4SHB 2009 Prime Sponsor, House Committee on Appropriations: Eliminating the state energy office. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Energy, Telecommunications and Utilities. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Hargrove, Kohl, Pelz, Quigley, Sheldon, Snyder, Spanel, Sutherland, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1996

HB 2341 Prime Sponsor, Representative Cooke: Relating to the use of credit cards in state liquor stores. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Bauer, Cantu, Drew, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Pelz, Quigley, Sheldon, Snyder, Spanel, Sutherland, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1996

HB 2589 Prime Sponsor, Representative B. Thomas: Regulating unclaimed property procedures. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Pelz, Quigley, Sheldon, Snyder, Spanel, Sutherland, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1996

HB 2591 Prime Sponsor, Representative Dickerson: Revising tax provisions that are obsolete or incorrect. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Pelz, Quigley, Sheldon, Snyder, Spanel, Sutherland, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1996

ESHB 2592 Prime Sponsor, House Committee on Finance: Providing consistency to penalty and interest administration of the department of revenue. Reported by Committee on Ways Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Cantu, Drew, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Pelz, Sheldon, Snyder, Sutherland, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1996

HB 2811 Prime Sponsor, Representative L. Thomas: Authorizing community and technical college districts and the state board for community and technical colleges to participate with the state in investing surplus funds. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Pelz, Quigley, Sheldon, Snyder, Spanel, Sutherland, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2695,  
HOUSE JOINT MEMORIAL NO. 4043, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 23, 1996

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 2695 by House Committee on Education (originally sponsored by Representatives Brumsickle and B. Thomas) (by request of Joint Select Committee on Education Restructuring, Board of Education and Commission on Student Learning)

Changing the timelines for development and implementation of the student assessment system.

Referred to Committee on Ways and Means.

HJM 4043 by Representatives Pennington, Basich, Fuhrman, Hatfield, Regala, Johnson, Robertson, Jacobsen, Hankins, Morris, Buck, Beeksmas, Smith, Pelesky, Hargrove, Schoesler, Foreman, Hickel, Mitchell, Silver, Blanton, Ballasiotes, Carrell, Mulliken, Radcliff, Skinner, Hymes, Goldsmith, McMahan, Linville, D. Sommers, Conway, Scheuerman, Keiser, McMorris and Stevens

Petitioning Congress to restore Mitchell Act funding.

HOLD.

MOTION

On motion of Senator Spanel, House Joint Memorial No. 4043 was held on the desk.

MOTION

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

SENATE RESOLUTION 1996-8695

By Senators Cantu, Snyder, Rasmussen and Kohl

WHEREAS, Tourism is of vital economic and cultural importance to the states and provinces of the Pacific Northwest comprised of Washington, Alaska, Alberta, British Columbia, Idaho, Montana, and Oregon; and

WHEREAS, The State and Provincial governments of the Pacific Northwest are members of the Pacific Northwest Economic Region, a nonprofit public-private partnership established to promote regional economic cooperation; and

WHEREAS, The States and Provinces of the Pacific Northwest Region expend in excess of \$50 million per year to promote the tourism industry and attract millions of tourists from throughout North America and the World; and

WHEREAS, The tourism industry constitutes billions of dollars in economic activity for the States and Provinces of the Pacific Northwest Region; and

WHEREAS, The States and Provinces of the Pacific Northwest Economic Region have undertaken numerous collaborative and innovative tourism initiatives that have been successful in promoting tourism in the region and have laid the ground work for ongoing cooperative tourism development efforts; and

WHEREAS, Current proposals before Congress to establish a National Tourism Board and a National Tourism Organization to develop a national travel and tourism strategy to promote tourism in the United States is of considerable importance to the States of the Pacific Northwest; and

WHEREAS, Participation on the National Tourism Board and the National Tourism Organization is of vital interest and importance to the States of the Pacific Northwest;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington respectfully request that a public and a private sector representative of the Pacific Northwest Economic Region be appointed to the National Tourism Board and the National Tourism Organization respectively; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted to the Honorable William J. Clinton, President of the United States; the President of the United States Senate; the Speaker of the House of Representatives; and each member of Congress from the state of Washington.

MOTION

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

SENATE RESOLUTION 1996-8696

By Senators Cantu, Snyder, Rasmussen, Kohl and Spanel

WHEREAS, The Pacific Northwest Region comprising of Washington, Alaska, British Columbia, Alberta, Montana, Idaho, and Oregon contains numerous border crossings between the United States and Canada; and

WHEREAS, Cultural, social, and economic exchanges between the citizens, organizations, and businesses of the region have historically been and continue to be an integral part of the regions economic and cultural development; and

WHEREAS, The historically close and constant ties between the two countries of Canada and the United States have been forged and maintained by continuous cultural exchanges ranging from fraternities, social, sports, and business clubs to name but a few; and

WHEREAS, The rapid changes in global affairs require countries to renew and enhance their ties with neighboring states and countries; and

WHEREAS, Millions of individuals cross the borders of the Pacific Northwest per annum including numerous tourists expending billions of dollars in the United States and Canada; and

WHEREAS, A border crossing fee as proposed by current federal legislation would adversely impact both the economy, culture, and quality of life for many of the regions' citizens;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington opposes any proposal that would levy a fee on any individuals crossing the borders of the United States; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted to the Honorable William J. Clinton, President of the United States; the President of the United States Senate; the Speaker of the House of Representatives; each member of Congress from the states of Washington, Oregon, Montana, and Idaho, and the Secretary of the United States Customs and Immigration Department.

INTRODUCTION OF MISS WASHINGTON

The President welcomed and introduced Miss Washington, Amber Hamilton, who was seated on the rostrum. With permission of the Senate, business was suspended to permit Miss Washington to address the Senate.

INTRODUCTION OF MISS WASHINGTON CONTESTANTS

The President welcomed and introduced the Miss Washington Scholarship pageant contestants, who were seated in the gallery.

MOTION

On motion of Senator Spanel, the Senate reverted to the sixth order of business.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Franklin, Gubernatorial Appointment No. 9221, Walter Waisath, Jr., as a member of the Board of Trustees for Clover Park Technical College District No. 29, was confirmed.

APPOINTMENT OF WALTER WAISATH, JR.

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1. Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Anderson, A. - 1.

MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9222, James Wilson, as a member of the Board of Trustees for Whatcom Community College District No. 21, was confirmed.

APPOINTMENT OF JAMES WILSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1. Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Anderson, A. - 1.

MOTION

On motion of Senator Sheldon, Gubernatorial Appointment No. 9112, Clint Shinkle, as a member of the Board of Trustees for Olympic Community College District No. 3, was confirmed.

APPOINTMENT OF CLINT SHINKLE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

MOTION

On motion of Senator Spanel, Substitute House Bill No. 2119, which was on the second reading calendar, was referred to the Committee on Ways and Means.

MOTION

At 10:41 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:30 a.m. by President Pritchard. There being no objection, the President returned the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Morton, Prentice, Prince, Rasmussen, Schow, Thibaudeau and Wood.

Referred to Committee on Ways and Means.

SHB 1396 Prime Sponsor, House Committee on Transportation: Authorizing highway bonds. Reported by Committee on Transportation February 23, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Haugen, Morton, Prentice, Prince, Rasmussen, Schow, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

2SHB 1645 Prime Sponsor, House Committee on Transportation: Enhancing transportation planning. Reported by Committee on Transportation February 23, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Goings, Haugen, Morton, Prentice, Prince, Rasmussen, Schow, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

SHB 1964 Prime Sponsor, House Committee on Transportation: Simplifying accident report record-keeping. Reported by Committee on Transportation February 23, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Haugen, Morton, Prentice, Prince, Rasmussen, Schow, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

2ESHB 1967 Prime Sponsor, House Committee on Transportation: Increasing penalties for repeat violations of vehicle licensing requirements. Reported by Committee on Transportation February 22, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Haugen, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

EHB 2032 Prime Sponsor, Representative K. Schmidt: Depositing certain sales or use tax revenue into the transportation fund. Reported by Committee on Transportation February 23, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Haugen, Morton, Prentice, Prince, Rasmussen, Schow, Thibaudeau and Wood.

Referred to Committee on Ways and Means.

SHB 2179 Prime Sponsor, House Committee on Transportation: Regulating motor vehicle transactions involving buyer's agents. Reported by Committee on Transportation February 22, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Haugen, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

HB 2190 Prime Sponsor, Representative Dyer: Exempting railroad associations from certain fees. Reported by Committee on Transportation February 22, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Haugen, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

ESHB 2343 Prime Sponsor, House Committee on Transportation: Funding transportation. Reported by Committee on Transportation February 23, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Haugen, Morton, Prentice, Prince, Rasmussen, Schow, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

February 22, 1996

SHB 2518 Prime Sponsor, House Committee on Transportation: Doubling the fine for speeding in school or playground zones. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Haugen, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

February 23, 1996

HB 2595 Prime Sponsor, Representative Robertson: Harmonizing procedures for vehicle impoundment. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Haugen, Morton, Prentice, Prince, Rasmussen, Schow, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

February 23, 1996

SHB 2658 Prime Sponsor, House Committee on Transportation: Facilitating administration of special fuel tax exemptions. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Prentice, Schow, Thibaudeau and Wood.

MINORITY Recommendation: Do not pass. Signed by Senators Morton and Prince.

Passed to Committee on Rules for second reading.

February 22, 1996

HB 2659 Prime Sponsor, Representative Skinner: Computing special fuel tax on a mileage basis. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Haugen, Morton, Oke, Prentice, Prince, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

February 23, 1996

HB 2660 Prime Sponsor, Representative Cairnes: Revising procedures for refund of certain fees and taxes. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Haugen, Morton, Prentice, Prince, Rasmussen, Schow, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

February 23, 1996

HB 2894 Prime Sponsor, Representative Elliot: Paying for services provided to general aviation by sales and use tax exemptions and increasing the aircraft fuel tax rate. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Heavey, Vice Chair; Morton, Prentice, Prince, Rasmussen, Schow, Thibaudeau and Wood.

Referred to Committee on Ways and Means.

February 23, 1996

HB 2911 Prime Sponsor, Representative Robertson: Establishing performance budgeting for transportation agencies. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Heavey, Vice Chair; Morton, Prentice, Prince, Rasmussen and Wood.

Passed to Committee on Rules for second reading.

MOTION

At 11:35 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 5:18 p.m. by President Pritchard.

REPORTS OF STANDING COMMITTEES

SB 6776 Prime Sponsor, Senator Owen: Authorizing emergency grants to flood-damaged short-line or light-density railroads. Reported by  
Committee on Transportation February 26, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Morton, Oke, Prentice, Prince, Rasmussen, Schow, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

SHB 1133 Prime Sponsor, House Committee on Law and Justice: Revising provisions relating to firearm dealers' licenses. Reported by  
Committee on Ways and Means February 26, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Hargrove, Hochstatter, Johnson, Long, McDonald, Pelz, Quigley, Roach, Sheldon, Snyder, Strannigan, Sutherland, West and Winsley.

Passed to Committee on Rules for second reading.

3SHB 1381 Prime Sponsor, House Committee on Government Operations: Sharing leave and personal holiday time. Reported by Committee  
on Ways and Means February 26, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

2EHB 1835 Prime Sponsor, Representative Schoesler: Revising standards relating to manufactured homes. Reported by Committee on Ways  
and Means February 26, 1996

MAJORITY Recommendation: Do pass as amended by Committee on Government Operations. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

SHB 1990 Prime Sponsor, House Committee on Appropriations: Providing minimum retirement benefits. Reported by Committee on Ways  
and Means February 26, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Vice Chair; Cantu, Drew, Finkbeiner, Fraser, Hargrove, Johnson, Kohl, Long, Pelz, Quigley, Sheldon, Snyder, Spanel, Strannigan, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

2SHB 2031 Prime Sponsor, House Committee on Transportation: Eliminating the authority to impose storm water facility charges for state  
highway rights of way. Reported by Committee on Transportation February 23, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Haugen, Morton, Prentice, Prince, Rasmussen, Schow, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

ESHB 2150 Prime Sponsor, House Committee on Transportation: Authorizing investigation of documents submitted with a driver's license  
application. Reported by Committee on Transportation February 26, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Morton, Oke, Prentice, Prince, Rasmussen, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

February 26, 1996

SHB 2155 Prime Sponsor, House Committee on Transportation: Clarifying criteria for refund of overpayments of vehicle and vessel license fees. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

February 26, 1996

SHB 2186 Prime Sponsor, House Committee on Health Care: Establishing long-term care benefits for public employees. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Health and Long-Term Care. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hargrove, Kohl, Long, Pelz, Quigley, Sheldon, Snyder, Spanel, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1996

SHB 2199 Prime Sponsor, House Committee on Agriculture and Ecology: Granting water rights to certain persons who were water users before January 1, 1993. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hargrove, Kohl, Pelz, Quigley, Sheldon, Snyder, Spanel, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1996

2SHB 2200 Prime Sponsor, House Committee on Appropriations: Authorizing local watershed planning and modifying water resource management. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hargrove, Kohl, McDonald, Pelz, Quigley, Sheldon, Snyder, Spanel, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1996

E2SHB 2219 Prime Sponsor, House Committee on Appropriations: Changing provisions relating to offenders. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West and Winsley.

Passed to Committee on Rules for second reading.

February 26, 1996

E2SHB 2222 Prime Sponsor, House Committee on Appropriations: Strengthening legislative oversight of government programs. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Kohl, Long, McDonald, Pelz, Quigley, Sheldon, Snyder, Spanel, Strannigan, West and Winsley.

Passed to Committee on Rules for second reading.

February 26, 1996

ESHB 2227 Prime Sponsor, House Committee on Law and Justice: Changing provisions relating to felony traffic offenses. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1996

EHB 2254 Prime Sponsor, Representative Van Luven: Providing special plates and fee exemptions for representatives of foreign organizations. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

February 26, 1996

SHB 2256 Prime Sponsor, House Committee on Capital Budget: Authorizing certain public works projects. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1996

2SHB 2293 Prime Sponsor, House Committee on Appropriations: Authorizing a technology fee at public institutions of higher education. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Pelz, Sheldon, Snyder, Spanel, West and Winsley.

Passed to Committee on Rules for second reading.

February 26, 1996

ESHB 2309 Prime Sponsor, House Committee on Health Care: Revising regulation of hearing and speech professions. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Health and Long-Term Care. Signed by Senators Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Johnson, Kohl, Long, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1996

SHB 2318 Prime Sponsor, House Committee on Corrections: Extending the period of community placement after confinement for sex offenders. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Human Services and Corrections. Signed by Senators Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1996

SHB 2320 Prime Sponsor, House Committee on Corrections: Making certain sex offenders subject to life imprisonment without parole after two offenses. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Long, McDonald, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senator Kohl.

Passed to Committee on Rules for second reading.

February 26, 1996

SHB 2358 Prime Sponsor, House Committee on Law and Justice: Increasing penalty assessments to support crime victim and witness programs. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Law and Justice. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland and Winsley.

Passed to Committee on Rules for second reading.

SHB 2420 Prime Sponsor, House Committee on Law and Justice: Revising standards for qualification to possess firearms. Reported by  
Committee on Ways and Means February 26, 1996

MAJORITY Recommendation: Do pass as amended by Committee on Law and Justice. Signed by Senators Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Hargrove, Hochstatter, Johnson, Long, McDonald, Quigley, Sheldon, Snyder and Strannigan.

Passed to Committee on Rules for second reading.

EHB 2433 Prime Sponsor, Representative K. Schmidt: Facilitating smoother flow of traffic. Reported by Committee on Transportation February 26, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

ESHB 2436 Prime Sponsor, House Committee on Capital Budget: Using financing contracts for real property. Reported by Committee on  
Ways and Means February 26, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hargrove, Johnson, Kohl, Long, McDonald, Pelz, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

SHB 2478 Prime Sponsor, House Committee on Higher Education: Changing tuition for full-time nonresident undergraduate students at the  
University of Washington and Washington State University. Reported by Committee on Ways and Means February 26, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Loveland, Vice Chair; Bauer, Cantu, Drew, Fraser, Hargrove, Kohl, McDonald, Pelz, Quigley, Sheldon, Snyder, Spanel, West and Winsley.

Passed to Committee on Rules for second reading.

HB 2490 Prime Sponsor, Representative L. Thomas: Providing for credit for reinsurance of trust fund maintained that meets national  
association of insurance commissioners standards. Reported by Committee on Ways and Means February 26, 1996

MAJORITY Recommendation: Do pass as amended by Committee on Financial Institutions and Housing. Signed by Senators Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Kohl, Long, McDonald, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

SHB 2579 Prime Sponsor, House Committee on Law and Justice: Consolidating and enhancing services for victims of sexual abuse.  
Reported by Committee on Ways and Means February 26, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

SHB 2711 Prime Sponsor, House Committee on Corrections: Creating an illegal alien offender program. Reported by Committee on Ways  
and Means February 26, 1996

MAJORITY Recommendation: Do pass as amended by Committee on Human Services and Corrections. Signed by Senators Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Long, McDonald, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West and Winsley.

Passed to Committee on Rules for second reading.

February 26, 1996

SHB 2727 Prime Sponsor, House Committee on Transportation: Establishing a state infrastructure bank. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

February 26, 1996

HB 2789 Prime Sponsor, Representative Van Luven: Simplifying tax reporting and registration requirements for small businesses. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West and Winsley.

Passed to Committee on Rules for second reading.

February 26, 1996

ESHB 2832 Prime Sponsor, House Committee on Transportation: Reinstating rail service in the Milwaukee Road corridor. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

February 26, 1996

ESHB 2875 Prime Sponsor, House Committee on Agriculture and Ecology: Creating the Puget Sound management team. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Fraser, Hargrove, Kohl, Long, McDonald, Pelz, Quigley, Sheldon, Snyder, Spanel, Sutherland, West, Winsley and Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1996

HJM 4041 Prime Sponsor, Representative Foreman: Requesting funding authorizations to repair roadways, bridges, and rail lines damaged by floods. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Morton, Oke, Prentice, Prince, Rasmussen, Schow, Sellar, Thibaudeau and Wood.

Passed to Committee on Rules for second reading.

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

#### INTRODUCTION AND FIRST READING

SB 6779 by Senators Thibaudeau and Quigley

AN ACT Relating to modifying and clarifying requirements and responsibilities for informed consent to health care; amending RCW 7.70.065, 11.88.010, 11.94.010, 70.122.020, 70.122.060, and 70.122.110; adding a new section to chapter 11.94 RCW; and adding a new section to chapter 7.70 RCW.

Referred to Committee on Health and Long-Term Care.

SB 6780 by Senators Zarelli, Bauer, Swecker, Quigley, Sutherland, Moyer, A. Anderson, Hargrove and West

AN ACT Relating to sales and use tax relief for flood victims; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways and Means.

#### MOTION

At 5:20 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Tuesday, February 27, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTIETH DAY, FEBRUARY 26, 1996

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**FIFTY-FIRST DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Tuesday, February 27, 1996  
The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Owen, Roach and Wojahn. On motion of Senator Thibaudeau, Senators Owen and Wojahn were excused. On motion of Senator Anderson, Senator Roach was excused.

The Sergeant at Arms Color Guard, consisting of Pages Jimmy Hargrove and Roy Calica, presented the Colors. Elder James Erlandson of the Reorganized Church of Jesus Christ of Latter-Day Saints of Olympia, offered the prayer.

**MOTION**

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

**MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENT**

February 26, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Linda Lanham, appointed February 26, 1996, for a term ending January 4, 1999, as a member of the Personnel Resources Board.

Sincerely,

MIKE LOWRY, Governor

Referred to Committee on Government Operations.

**MOTION**

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

**SENATE RESOLUTION 1996-8682**

By Senators Morton and Kohl

WHEREAS, The Wilbur-Creston Girls' Volleyball Team is the 1995 Washington State B Champion; and  
WHEREAS, The Wildcats have distinguished themselves and brought honor to their school by winning their second straight state tournament; and

WHEREAS, Under the coaching and supervision of Chuck Wyborne, the Wilbur-Creston girls finished the 1995 season with a perfect 31-0 season and boast a thirty-seven match winning streak; and

WHEREAS, The Wildcats defeated teams from Washington State A and AA Volleyball Leagues as well as an Idaho State A team;  
and

WHEREAS, The Lady Wildcats were named the WIAA State Academic Champions last year; and

WHEREAS, The outstanding play of these individual team members is representative of the standard of excellence displayed by the entire Wildcat team; and

WHEREAS, This team has deservedly, and through their own efforts, commitment, and sacrifice, achieved the title of Washington State Volleyball Champions;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the 1995 Wilbur-Creston Girls' Volleyball Team with passage of this Senate Floor Resolution; and

BE IT FURTHER RESOLVED, That with passage of this resolution the members of the Washington State Senate acknowledge the example this group of interscholastic amateurs has set, and the importance of athletic participation in the pursuit of academic achievement.

**MOTION**

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

**SENATE RESOLUTION 1996-8683**

By Senator Morton

WHEREAS, The Davenport Gorilla Boys' Football Team is the 1995 Class B-11 Football Champion; and  
WHEREAS, The Gorillas have distinguished themselves and brought honor to their school by winning their first-ever state title;

and

WHEREAS, Under the coaching and supervision of Skip Pauls, the team finished the season with an outstanding 12-1 record; and  
WHEREAS, The Gorillas came back from a twelve-point deficit by scoring fifteen unanswered points in the final period; and

WHEREAS, The Davenport team showed exemplary team effort to win the championship; and  
WHEREAS, This team has deservedly, and through their own efforts, commitment, and sacrifice, achieved the title of Washington State Class B-11 Football Champions;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor the 1995 Davenport Gorilla Boys' Football Team with passage of this Senate Floor Resolution; and

BE IT FURTHER RESOLVED, That with passage of this resolution the members of the Washington State Senate acknowledge the example this group of amateur athletes has set, and the importance of athletic participation as part of the pursuit of academic achievement.

#### PERSONAL PRIVILEGE

Senator Oke: "A point of personal privilege. My wife said my racket ball days are over, but I appreciate both the Senate and the Republican Caucus for the flowers and the attention--and the Lieutenant Governor--I appreciate your concern and also, the 'no tie.' If you want to go without a tie, sever your tendon there and it can work. Thank you."

#### MOTION

On motion of Senator Spanel, the Senate reverted to the sixth order of business.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Sheldon, Gubernatorial Appointment No. 9237, Morrie Miller, as a member of the Board of Trustees for Olympic Community College District No. 3, was confirmed.

#### APPOINTMENT OF MORRIE MILLER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 46.

Excused: Senators Owen, Roach and Wojahn - 3.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2733, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Johnson, Sheldon, Koster, Honeyford, Linville, Boldt, McMahan, Hymes, Stevens, Cooke, Mulliken, McMorris, Hargrove and Elliot)

Extending for four years the authority to delegate portions of well drilling administration and enforcement to local governments.

The bill was read the second time.

#### MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 2733 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2733.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2733 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 46.

Excused: Senators Owen, Roach and Wojahn - 3.

SUBSTITUTE HOUSE BILL NO. 2733, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2691, by Representatives Brumsickle, Cole, Carlson, Radcliff, Quall and Hatfield (by request of State Board for Community and Technical Colleges)

Correcting obsolete references in the state even start program.

The bill was read the second time.

#### MOTION

On motion of Senator Bauer, the rules were suspended, House Bill No. 2691 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2691.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2691 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 46.

Excused: Senators Owen, Roach and Wojahn - 3.

HOUSE BILL NO. 2691, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1712, by Representatives Lambert, Cooke, Padden, Crouse, Hargrove and Elliot

Prescribing procedures for pretrial release.

The bill was read the second time.

#### MOTIONS

On motion of Senator Smith, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 10.19 RCW to read as follows:

9.94A.030 Notwithstanding CrR 3.2, a court who releases a defendant arrested or charged with a violent offense as defined in RCW 9.94A.030 on the offender's personal recognizance or personal recognizance with conditions must state on the record the reasons why the court did not require the defendant to post bail."

On motion of Senator Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "release;" strike the remainder of the title and insert "and adding a new section to chapter 10.19 RCW."

#### MOTION

On motion of Senator Smith, the rules were suspended, House Bill No. 1712, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1712, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1712, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Owen and Roach - 2.

HOUSE BILL NO. 1712, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2682, by House Committee on Capital Budget (originally sponsored by Representatives Hymes, Wolfe, Honeyford and Reams)

Authorizing elections to create library capital facility areas at any general or special election.

The bill was read the second time.

#### MOTIONS

On motion of Senator Haugen, the following Committee on Government Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 27.15.020 and 1995 c 368 s 3 are each amended to read as follows:

Upon receipt of a completed written request to both establish a library capital ((~~facilities~~) facility) area and submit a ballot proposition under RCW 27.15.050 to finance library capital facilities, that is signed by a majority of the members of the board of trustees of a library district or board of trustees of a city or town library, the county legislative authority or county legislative authorities for the county or counties in which a proposed library capital facility area is to be established shall submit separate ballot propositions to voters to authorize establishing the proposed library capital ((~~facilities~~) facility) area and authorizing the library capital ((~~facilities~~) facility) area, if established, to finance library capital facilities by issuing general indebtedness and imposing excess levies to retire the indebtedness. The ballot propositions ((~~may only~~)) shall be submitted to voters at a general or special election. If the proposed election date is not a general election, the county legislative authority is encouraged to request an election when another unit of local government with territory located in the proposed library capital facility area is already holding a special election under RCW 29.13.020. Approval of the ballot proposition to create a library capital ((~~facilities~~) facility) area shall be by a simple majority vote.

A completed request submitted under this section shall include: (1) A description of the boundaries of the library capital facility area; and (2) a copy of the resolution of the legislative authority of each city or town, and board of trustees of each library district, with territory included within the proposed library capital ((~~facilities~~) facility) area indicating both: (a) Its approval of the creation of the proposed library capital ((~~facilities~~) facility) area; and (b) agreement on how election costs will be paid for submitting ballot propositions to voters that authorize the library capital ((~~facilities~~) facility) area to incur general indebtedness and impose excess levies to retire the general indebtedness.

**Sec. 2.** RCW 27.15.050 and 1995 c 368 s 6 are each amended to read as follows:

(1) A library capital facility area may contract indebtedness or borrow money to finance library capital facilities and may issue general obligation bonds for such purpose not exceeding an amount, together with any existing indebtedness of the library capital facility area, equal to one and one-quarter percent of the value of the taxable property in the district and impose excess property tax levies to retire the general indebtedness as provided in RCW 39.36.050 if a ballot proposition authorizing both the indebtedness and excess levies is approved by at least three-fifths of the voters of the library capital facility area voting on the proposition, and the total number of voters voting on the proposition constitutes not less than forty percent of the total number of voters in the library capital facility area voting at the last preceding general election. The term "value of the taxable property" has the meaning set forth in RCW 39.36.015. Such a proposition ((~~may only~~)) shall be submitted to voters at a general or special election and may be submitted to voters at the same election as the election when the ballot proposition authorizing the establishing of the library capital ((~~facilities district~~) facility area) is submitted. If the proposed election date is not a general election, the county legislative authority is encouraged to request an election when another unit of local government with territory located in the proposed library capital facility area is already holding a special election under RCW 29.13.020.

(2) A library capital facility area may accept gifts or grants of money or property of any kind for the same purposes for which it is authorized to borrow money in subsection (1) of this section."

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "areas;" strike the remainder of the title and insert "and amending RCW 27.15.020 and 27.15.050."

#### MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 2682, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2682, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2682, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator Rinehart - 1.

Excused: Senator Owen - 1.

SUBSTITUTE HOUSE BILL NO. 2682, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2322, by Representatives McMorris, Mastin, Chandler, Schoesler, McMahan, Skinner, Goldsmith, L. Thomas, Mulliken, Sheldon, Johnson, Thompson and Hargrove

Providing exemptions from industrial insurance for persons under age twenty-one employed on family farms.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, House Bill No. 2322 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2322.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2322 and the bill passed the Senate by the following vote:  
Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Owen - 1.

HOUSE BILL NO. 2322, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2392, by Representatives Tokuda, Ballasiotes, Chopp, Mason, Wolfe, Radcliff, Poulsen, Schoesler, Veloria, Cooke, Murray, Blanton and Costa

Adopting recommended prosecuting standards for juvenile charging and plea dispositions.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, House Bill No. 2392 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2392.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2392 and the bill passed the Senate by the following vote:  
Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Owen - 1.

HOUSE BILL NO. 2392, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1601, by Representatives D. Schmidt, Carlson, Mulliken, Jacobsen, Koster, Sheldon, Costa, Radcliff, Lambert, Robertson, Carrell, Backlund, Ballasiotes, Skinner, Huff, Johnson, Thompson, Elliot, Wolfe, Talcott, Conway, Kremen, Campbell, Benton, Mason, Cooke and Kessler

Providing tuition and fee waivers for members of the Washington national guard.

The bill was read the second time.

#### MOTION

On motion of Senator Bauer, the rules were suspended, House Bill No. 1601 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1601.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1601 and the bill passed the Senate by the following vote:  
Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Owen - 1.

HOUSE BILL NO. 1601, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Thibaudeau, Senator Pelz was excused.

#### SECOND READING

HOUSE BILL NO. 2810, by Representatives Wolfe, Beeksmas and Thompson (by request of Department of Financial Institutions)

Regulating check casher and check seller licenses and small loan endorsements.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2810 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2810.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2810 and the bill passed the Senate by the following vote:  
Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Owen and Pelz - 2.

HOUSE BILL NO. 2810, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2531, by Representatives Patterson, Talcott, Tokuda, Cooke, Ogden, Dickerson and Basich

Adding the secretary of health to the council for the prevention of child abuse and neglect.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 2531 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2531.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2531 and the bill passed the Senate by the following vote:  
Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Owen and Pelz - 2.

HOUSE BILL NO. 2531, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2187, by Representatives Casada, Ogden, Dickerson, Mason and Costa (by request of Department of Services for the Blind)

Modifying grants for vocational rehabilitation equipment and materials.

The bill was read the second time.

#### MOTION

On motion of Senator Winsley, the rules were suspended, House Bill No. 2187 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2187.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2187 and the bill passed the Senate by the following vote:  
Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senator Kohl - 1.

Excused: Senators Owen and Pelz - 2.

HOUSE BILL NO. 2187, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2446, by House Committee on Appropriations (originally sponsored by Representative Foreman) (by request of Administrator for the Courts)

Creating two additional superior court positions for Chelan and Douglas counties jointly.

The bill was read the second time.

## MOTIONS

Senator Smith moved that the following Committee on Law and Justice amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 2.08.062 and 1995 c 117 s 1 are each amended to read as follows:

There shall be in the counties of Chelan and Douglas jointly, ~~((three))~~ five judges of the superior court; in the county of Clark seven judges of the superior court; in the county of Grays Harbor three judges of the superior court; in the county of Kitsap seven judges of the superior court; in the county of Kittitas one judge of the superior court; in the county of Lewis two judges of the superior court.

NEW SECTION. Sec. 2. (1) The additional judicial positions created by section 1 of this act are effective only if Chelan and Douglas counties jointly, through their duly constituted legislative authorities, document their approval of the additional positions and their agreement that they will pay out of county funds, without reimbursement from the state, the expenses of the additional judicial positions as provided by state law or the state Constitution.

(2) The judicial positions created by section 1 of this act shall be effective January 1, 1997."

On motion of Senator Smith, the following amendment by Senators Smith, Sellar and McCaslin to the Committee on Law and Justice striking amendment was adopted:

On page 1, after line 23 of the amendment, insert the following:

"**Sec. 3.** RCW 2.08.061 and 1992 c 189 s 1 are each amended to read as follows:

There shall be in the county of King no more than fifty-eight judges of the superior court; in the county of Spokane ~~((ten))~~ eleven judges of the superior court; and in the county of Pierce nineteen judges of the superior court. ~~((The King county legislative authority may phase in the additional twelve judges, as authorized by the 1992 amendments to this section, over a period of time not to extend beyond July 1, 1996. No more than two of the additional twelve judges may take office prior to July 1, 1993.))~~

NEW SECTION. Sec. 4. The additional judicial position created by section 3 of this act shall be effective only if Spokane county through its duly constituted legislative authority documents its approval of the additional position and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of the additional judicial position as provided by statute."

## MOTION

On motion of Senator Smith, the following amendment by Senators Smith and Fraser to the Committee on Law and Justice striking amendment was adopted:

On page 1, after line 23 of the amendment, insert the following:

"**Sec. 3.** RCW 2.08.065 and 1992 c 189 s 5 are each amended to read as follows:

There shall be in the county of Grant, two judges of the superior court; in the county of Okanogan, one judge of the superior court; in the county of Mason, two judges of the superior court; in the county of Thurston, ~~((six))~~ eight judges of the superior court; in the counties of Pacific and Wahkiakum jointly, one judge of the superior court; in the counties of Ferry, Pend Oreille, and Stevens jointly, two judges of the superior court; and in the counties of San Juan and Island jointly, two judges of the superior court.

NEW SECTION. Sec. 4. The additional judicial positions created by section 3 of this act are effective only if Thurston county through its duly constituted legislative authority documents its approval of the additional positions and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of the additional judicial positions as provided by state law or the state Constitution.

NEW SECTION. Sec. 5. One judicial position created by section 3 of this act shall be effective July 1, 1996; the second position shall be effective July 1, 2000."

The President declared the question before the Senate to be the adoption of the Committee on Law and Justice striking amendment, as amended, to Substitute House Bill No. 2446.

The Committee on Law and Justice striking amendment, as amended, was adopted.

## MOTION

On motion of Senator Smith, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "judges;" strike the remainder of the title and insert "amending RCW 2.08.062; and creating a new section."

On page 1, beginning on line 28 of the title amendment, after "insert" strike the remainder of the title amendment and insert ""amending RCW 2.08.062 and 2.08.061; and creating new sections.""

On page 1, beginning on line 28 of the title amendment, after "insert" strike the remainder of the title amendment and insert ""amending RCW 2.08.062 and 2.08.065; and creating new sections.""

On motion of Senator Smith, the rules were suspended, Substitute House Bill No. 2446, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2446, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2446, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Owen and Pelz - 2.

SUBSTITUTE HOUSE BILL NO. 2446, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 10:13 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:47 a.m. by President Pritchard.

#### SECOND READING

HOUSE BILL NO. 2692, by Representatives Sheahan, Dellwo, Appelwick and Hickel (by request of Statute Law Committee)

Correcting RCW internal references.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, House Bill No. 2692 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2692.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2692 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senators Finkbeiner and Haugen - 2.

Excused: Senator Owen - 1.

HOUSE BILL NO. 2692, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2538, by Representatives Clements, Chandler, Mastin, Lisk, Schoesler, Honeyford, Foreman, Grant and Mulliken

Clarifying the authority of irrigation districts.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 2538 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2538.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2538 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Owen - 1.

HOUSE BILL NO. 2538, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2134, by Representatives Robertson, Chappell, Koster, Mastin, Regala, Chandler, Honeyford, Campbell, L. Thomas, Johnson, Stevens, Boldt and Goldsmith (by request of Department of Agriculture)

Degrading certain dairy licenses.

The bill was read the second time.

MOTIONS

On motion of Senator Rasmussen, the following Committee on Agriculture and Agricultural Trade and Development amendment was adopted:

On page 3, after line 8, insert the following:

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

On motion of Senator Rasmussen, the following title amendment was adopted:

On page 1, line 2 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 15.36.111 and 15.36.451; and declaring an emergency."

MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 2134, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2134, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2134, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Owen - 1.

HOUSE BILL NO. 2134, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2339, by House Committee on Law and Justice (originally sponsored by Representatives Schoesler, Sheldon, Foreman, Sheahan, Grant, Pelesky, Reams, McMorris, L. Thomas, Thompson, D. Schmidt, Fuhrman, Chandler, Sherstad, Hargrove, Smith, McMahan, Benton and Silver)

Increasing penalties for crimes involving methamphetamine.

The bill was read the second time.

## MOTIONS

Senator Smith moved that the following Committee on Law and Justice amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 69.50 RCW to read as follows:

It is unlawful for any person to possess ephedrine or pseudoephedrine with intent to manufacture methamphetamine. Any person who violates this section is guilty of a crime and may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both.

**Sec. 2.** RCW 69.50.401 and 1989 c 271 s 104 are each amended to read as follows:

(a) Except as authorized by this chapter, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance.

(1) Any person who violates this subsection with respect to:

(i) a controlled substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, or (A) fined not more than twenty-five thousand dollars if the crime involved less than two kilograms of the drug, or both such imprisonment and fine; or (B) if the crime involved two or more kilograms of the drug, then fined not more than one hundred thousand dollars for the first two kilograms and not more than fifty dollars for each gram in excess of two kilograms, or both such imprisonment and fine;

(ii) methamphetamine, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, or (A) fined not more than twenty-five thousand dollars if the crime involved less than two kilograms of the drug, or both such imprisonment and fine; or (B) if the crime involved two or more kilograms of the drug, then fined not more than one hundred thousand dollars for the first two kilograms and not more than fifty dollars for each gram in excess of two kilograms, or both such imprisonment and fine;

(iii) any other controlled substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

~~((iii))~~ (iv) a substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

~~((iv))~~ (v) a substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(b) Except as authorized by this chapter, it is unlawful for any person to create, deliver, or possess a counterfeit substance.

(1) Any person who violates this subsection with respect to:

(i) a counterfeit substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both;

(ii) a counterfeit substance which is methamphetamine, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both;

(iii) any other counterfeit substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a counterfeit substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a counterfeit substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(c) It is unlawful, except as authorized in this chapter and chapter 69.41 RCW, for any person to offer, arrange, or negotiate for the sale, gift, delivery, dispensing, distribution, or administration of a controlled substance to any person and then sell, give, deliver, dispense, distribute, or administer to that person any other liquid, substance, or material in lieu of such controlled substance. Any person who violates this subsection is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(d) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter. Any person who violates this subsection is guilty of a crime, and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both, except as provided for in subsection (e) of this section.

(e) Except as provided for in subsection (a)(1)(~~(ii)~~) (iii) of this section any person found guilty of possession of forty grams or less of marihuana shall be guilty of a misdemeanor.

(f) It is unlawful to compensate, threaten, solicit, or in any other manner involve a person under the age of eighteen years in a transaction unlawfully to manufacture, sell, or deliver a controlled substance. A violation of this subsection shall be punished as a class C felony punishable in accordance with RCW 9A.20.021.

This section shall not apply to offenses defined and punishable under the provisions of RCW 69.50.410.

**Sec. 3.** RCW 9.94A.320 and 1995 c 385 s 2, 1995 c 285 s 28, and 1995 c 129 s 3 (Initiative Measure No. 159) are each reenacted and amended to read as follows:

#### TABLE 2

#### CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XV Aggravated Murder 1 (RCW 10.95.020)

XIV Murder 1 (RCW 9A.32.030)

Homicide by abuse (RCW 9A.32.055)

XIII Murder 2 (RCW 9A.32.050)

XII Assault 1 (RCW 9A.36.011)

Assault of a Child 1 (RCW 9A.36.120)

XI Rape 1 (RCW 9A.44.040)

Rape of a Child 1 (RCW 9A.44.073)

X Kidnapping 1 (RCW 9A.40.020)

Rape 2 (RCW 9A.44.050)

Rape of a Child 2 (RCW 9A.44.076)

Child Molestation 1 (RCW 9A.44.083)

Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))

Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 (RCW 69.50.406)

Leading Organized Crime (RCW 9A.82.060(1)(a))

IX Assault of a Child 2 (RCW 9A.36.130)

Robbery 1 (RCW 9A.56.200)

Manslaughter 1 (RCW 9A.32.060)

Explosive devices prohibited (RCW 70.74.180)

Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))

Endangering life and property by explosives with threat to human being (RCW 70.74.270)

- Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
- Controlled Substance Homicide (RCW 69.50.415)
- Sexual Exploitation (RCW 9.68A.040)
- Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
- Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
- VIII Arson 1 (RCW 9A.48.020)
  - Promoting Prostitution 1 (RCW 9A.88.070)
  - Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
  - Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
  - Manufacture, deliver, or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
  - Possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine (RCW 69.50.--- (section 1 of this act))
  - Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- VII Burglary 1 (RCW 9A.52.020)
  - Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
  - Introducing Contraband 1 (RCW 9A.76.140)
  - Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
  - Child Molestation 2 (RCW 9A.44.086)
  - Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
  - Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
  - Involving a minor in drug dealing (RCW 69.50.401(f))
  - Reckless Endangerment 1 (RCW 9A.36.045)
  - Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))
- VI Bribery (RCW 9A.68.010)
  - Manslaughter 2 (RCW 9A.32.070)
  - Rape of a Child 3 (RCW 9A.44.079)
  - Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
  - Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
  - Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
  - Incest 1 (RCW 9A.64.020(1))
  - Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) (RCW 69.50.401(a)(1)(i))
  - Intimidating a Judge (RCW 9A.72.160)
  - Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
  - Theft of a Firearm (RCW 9A.56.300)
- V Persistent prison misbehavior (RCW 9.94.070)
  - Criminal Mistreatment 1 (RCW 9A.42.020)
  - Rape 3 (RCW 9A.44.060)
  - Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
  - Child Molestation 3 (RCW 9A.44.089)
  - Kidnapping 2 (RCW 9A.40.030)
  - Extortion 1 (RCW 9A.56.120)
  - Incest 2 (RCW 9A.64.020(2))
  - Perjury 1 (RCW 9A.72.020)

- Extortionate Extension of Credit (RCW 9A.82.020)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
- Sexually Violating Human Remains (RCW 9A.44.105)
- Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
- Possession of a Stolen Firearm (RCW 9A.56.310)
- IV Residential Burglary (RCW 9A.52.025)
  - Theft of Livestock 1 (RCW 9A.56.080)
  - Robbery 2 (RCW 9A.56.210)
  - Assault 2 (RCW 9A.36.021)
  - Escape 1 (RCW 9A.76.110)
  - Arson 2 (RCW 9A.48.030)
  - Commercial Bribery (RCW 9A.68.060)
  - Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
  - Malicious Harassment (RCW 9A.36.080)
  - Threats to Bomb (RCW 9.61.160)
  - Willful Failure to Return from Furlough (RCW 72.66.060)
  - Hit and Run — Injury Accident (RCW 46.52.020(4))
  - Vehicular Assault (RCW 46.61.522)
  - Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana or methamphetamines) (RCW 69.50.401(a)(1)((~~iii~~)) (iii) through ((~~iv~~)) (v))
  - Influencing Outcome of Sporting Event (RCW 9A.82.070)
  - Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
  - Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- III Criminal Mistreatment 2 (RCW 9A.42.030)
  - Extortion 2 (RCW 9A.56.130)
  - Unlawful Imprisonment (RCW 9A.40.040)
  - Assault 3 (RCW 9A.36.031)
  - Assault of a Child 3 (RCW 9A.36.140)
  - Custodial Assault (RCW 9A.36.100)
  - Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))
  - Harassment (RCW 9A.46.020)
  - Promoting Prostitution 2 (RCW 9A.88.080)
  - Willful Failure to Return from Work Release (RCW 72.65.070)
  - Burglary 2 (RCW 9A.52.030)
  - Introducing Contraband 2 (RCW 9A.76.150)
  - Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
  - Patronizing a Juvenile Prostitute (RCW 9.68A.100)
  - Escape 2 (RCW 9A.76.120)
  - Perjury 2 (RCW 9A.72.030)
  - Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))
  - Intimidating a Public Servant (RCW 9A.76.180)
  - Tampering with a Witness (RCW 9A.72.120)
  - Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)((~~iii~~)) (iii))
    - Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
    - Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
    - Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))

- Theft of livestock 2 (RCW 9A.56.080)
- Securities Act violation (RCW 21.20.400)
- II Unlawful Practice of Law (RCW 2.48.180)
  - Malicious Mischief 1 (RCW 9A.48.070)
  - Possession of Stolen Property 1 (RCW 9A.56.150)
  - Theft 1 (RCW 9A.56.030)
  - Trafficking in Insurance Claims (RCW 48.30A.015)
  - Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
  - Health Care False Claims (RCW 48.80.030)
  - Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
    - Possession of phencyclidine (PCP) (RCW 69.50.401(d))
    - Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
    - Computer Trespass 1 (RCW 9A.52.110)
    - Escape from Community Custody (RCW 72.09.310)
- I Theft 2 (RCW 9A.56.040)
  - Possession of Stolen Property 2 (RCW 9A.56.160)
  - Forgery (RCW 9A.60.020)
  - Taking Motor Vehicle Without Permission (RCW 9A.56.070)
  - Vehicle Prowl 1 (RCW 9A.52.095)
  - Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
  - Malicious Mischief 2 (RCW 9A.48.080)
  - Reckless Burning 1 (RCW 9A.48.040)
  - Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
  - Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
  - False Verification for Welfare (RCW 74.08.055)
  - Forged Prescription (RCW 69.41.020)
  - Forged Prescription for a Controlled Substance (RCW 69.50.403)
  - Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine) (RCW 69.50.401(d))

**Sec. 4.** RCW 9.94A.154 and 1991 c 147 s 1 are each amended to read as follows:

(1) At the earliest possible date, and in no event later than ten days before release except in the event of escape or emergency furloughs as defined in RCW 72.66.010, the department of corrections shall send written notice of parole, community placement, work release placement, furlough, or escape about a specific inmate convicted of a serious drug offense to the following if such notice has been requested in writing about a specific inmate convicted of a serious drug offense:

- (a) Any witnesses who testified against the inmate in any court proceedings involving the serious drug offense; and
- (b) Any person specified in writing by the prosecuting attorney.

Information regarding witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the inmate.

(2) If an inmate convicted of a serious drug offense escapes from a correctional facility, the department of corrections shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the inmate resided immediately before the inmate's arrest and conviction. If previously requested, the department shall also notify the witnesses who are entitled to notice under this section. If the inmate is recaptured, the department shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(3) If any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(4) The department of corrections shall send the notices required by this section to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) For purposes of this section, "serious drug offense" means an offense under RCW 69.50.401 (a)(1) (i) or (ii) or (b)(1) (i) or (ii).

**Sec. 5.** RCW 9.94A.310 and 1995 c 129 s 2 (Initiative Measure No. 159) are each amended to read as follows:

(1) TABLE 1

Sentencing Grid

SERIOUSNESS

SCORE OFFENDER SCORE

9 or

0 1 2 3 4 5 6 7 8 more

XV Life Sentence without Parole/Death Penalty

XIV 23y4m 24y4m 25y4m 26y4m 27y4m 28y4m 30y4m 32y10m 36y 40y  
240- 250- 261- 271- 281- 291- 312- 338- 370- 411-  
320 333 347 361 374 388 416 450 493 548

XIII 12y 13y 14y 15y 16y 17y 19y 21y 25y 29y  
123- 134- 144- 154- 165- 175- 195- 216- 257- 298-  
164 178 192 205 219 233 260 288 342 397

XII 9y 9y11m 10y9m 11y8m 12y6m 13y5m 15y9m 17y3m 20y3m 23y3m  
93- 102- 111- 120- 129- 138- 162- 178- 209- 240-  
123 136 147 160 171 184 216 236 277 318

XI 7y6m 8y4m 9y2m 9y11m 10y9m 11y7m 14y2m 15y5m 17y11m 20y5m  
78- 86- 95- 102- 111- 120- 146- 159- 185- 210-  
102 114 125 136 147 158 194 211 245 280

X 5y 5y6m 6y 6y6m 7y 7y6m 9y6m 10y6m 12y6m 14y6m  
51- 57- 62- 67- 72- 77- 98- 108- 129- 149-  
68 75 82 89 96 102 130 144 171 198

IX 3y 3y6m 4y 4y6m 5y 5y6m 7y6m 8y6m 10y6m 12y6m  
31- 36- 41- 46- 51- 57- 77- 87- 108- 129-  
41 48 54 61 68 75 102 116 144 171

VIII 2y 2y6m 3y 3y6m 4y 4y6m 6y6m 7y6m 8y6m 10y6m  
21- 26- 31- 36- 41- 46- 67- 77- 87- 108-  
27 34 41 48 54 61 89 102 116 144

VII 18m 2y 2y6m 3y 3y6m 4y 5y6m 6y6m 7y6m 8y6m  
15- 21- 26- 31- 36- 41- 57- 67- 77- 87-  
20 27 34 41 48 54 75 89 102 116

VI 13m 18m 2y 2y6m 3y 3y6m 4y6m 5y6m 6y6m 7y6m  
12+ - 15- 21- 26- 31- 36- 46- 57- 67- 77-  
14 20 27 34 41 48 61 75 89 102

V 9m 13m 15m 18m 2y2m 3y2m 4y 5y 6y 7y  
6- 12+ - 13- 15- 22- 33- 41- 51- 62- 72-  
12 14 17 20 29 43 54 68 82 96

IV 6m 9m 13m 15m 18m 2y2m 3y2m 4y2m 5y2m 6y2m  
3- 6- 12+ - 13- 15- 22- 33- 43- 53- 63-  
9 12 14 17 20 29 43 57 70 84

III 2m 5m 8m 11m 14m 20m 2y2m 3y2m 4y2m 5y

1- 3- 4- 9- 12+ - 17- 22- 33- 43- 51-  
3 8 12 12 16 22 29 43 57 68

II 4m 6m 8m 13m 16m 20m 2y2m 3y2m 4y2m  
0-90 2- 3- 4- 12+ - 14- 17- 22- 33- 43-  
Days 6 9 12 14 18 22 29 43 57

I 3m 4m 5m 8m 13m 16m 20m 2y2m  
0-60 0-90 2- 2- 3- 4- 12+ - 14- 17- 22-  
Days Days 5 6 8 12 14 18 22 29

NOTE: Numbers in the first horizontal row of each seriousness category represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows represent presumptive sentencing ranges in months, or in days if so designated. 12+ equals one year and one day.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by 75 percent.

(3) The following additional times shall be added to the presumptive sentence for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection.

(b) Three years for any felony defined under any law as a class B felony or with a maximum sentence of ten years, or both, and not covered under (f) of this subsection.

(c) Eighteen months for any felony defined under any law as a class C felony or with a maximum sentence of five years, or both, and not covered under (f) of this subsection.

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4) (a), (b), and/or (c) of this section, or both, any and all firearm enhancements under this subsection shall be twice the amount of the enhancement listed.

(e) Notwithstanding any other provision of law, any and all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall not run concurrently with any other sentencing provisions.

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, reckless endangerment in the first degree, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony.

(g) If the presumptive sentence under this section exceeds the statutory maximum for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender as defined in RCW 9.94A.030.

(4) The following additional times shall be added to the presumptive sentence for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon as defined in this chapter other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection.

(b) One year for any felony defined under any law as a class B felony or with a maximum sentence of ten years, or both, and not covered under (f) of this subsection.

(c) Six months for any felony defined under any law as a class C felony or with a maximum sentence of five years, or both, and not covered under (f) of this subsection.

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3) (a), (b), and/or (c) of this section, or both, any and all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed.

(e) Notwithstanding any other provision of law, any and all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall not run concurrently with any other sentencing provisions.

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, reckless endangerment in the first degree, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony.

(g) If the presumptive sentence under this section exceeds the statutory maximum for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender as defined in RCW 9.94A.030.

(5) The following additional times shall be added to the presumptive sentence if the offender or an accomplice committed the offense while in a county jail or state correctional facility as that term is defined in this chapter and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility as that term is defined in this chapter, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section:

- (a) Eighteen months for offenses committed under RCW 69.50.401(a)(1) (i) or (ii) or 69.50.410;
- (b) Fifteen months for offenses committed under RCW 69.50.401(a)(1)(~~(ii)~~) (iii), (~~and~~) (iv), and (v);
- (c) Twelve months for offenses committed under RCW 69.50.401(d).

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the presumptive sentence for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435.

**Sec. 6.** RCW 13.40.0357 and 1995 c 395 s 3 are each amended to read as follows:

**SCHEDULE A  
DESCRIPTION AND OFFENSE CATEGORY**

JUVENILE JUVENILE DISPOSITION  
DISPOSITION CATEGORY FOR ATTEMPT,  
OFFENSE BAILJUMP, CONSPIRACY,  
CATEGORY DESCRIPTION (RCW CITATION) OR  
SOLICITATION

**Arson and Malicious Mischief**

A Arson 1 (9A.48.020) B+  
B Arson 2 (9A.48.030) C  
C Reckless Burning 1 (9A.48.040) D  
D Reckless Burning 2 (9A.48.050) E  
B Malicious Mischief 1 (9A.48.070) C  
C Malicious Mischief 2 (9A.48.080) D  
D Malicious Mischief 3 (< \$50 is  
E class) (9A.48.090) E  
E Tampering with Fire Alarm  
Apparatus (9.40.100) E  
A Possession of Incendiary Device  
(9.40.120) B+

**Assault and Other Crimes  
Involving Physical Harm**

A Assault 1 (9A.36.011) B+  
B+ Assault 2 (9A.36.021) C+  
C+ Assault 3 (9A.36.031) D+  
D+ Assault 4 (9A.36.041) E  
D+ Reckless Endangerment  
(9A.36.050) E  
C+ Promoting Suicide Attempt  
(9A.36.060) D+  
D+ Coercion (9A.36.070) E  
C+ Custodial Assault (9A.36.100) D+

#### **Burglary and Trespass**

B+ Burglary 1 (9A.52.020) C+  
B Burglary 2 (9A.52.030) C  
D Burglary Tools (Possession of)  
(9A.52.060) E  
D Criminal Trespass 1 (9A.52.070) E  
E Criminal Trespass 2 (9A.52.080) E  
D Vehicle Prowling (9A.52.100) E

#### **Drugs**

E Possession/Consumption of Alcohol  
(66.44.270) E  
C Illegally Obtaining Legend Drug  
(69.41.020) D  
C+ Sale, Delivery, Possession of Legend  
Drug with Intent to Sell  
(69.41.030) D+  
E Possession of Legend Drug  
(69.41.030) E  
B+ Violation of Uniform Controlled  
Substances Act - Narcotic or  
Methamphetamine Sale  
(69.50.401(a)(1)(i) or (ii)) B+  
C Violation of Uniform Controlled  
Substances Act - Nonnarcotic

Sale

(69.50.401(a)(1)(~~(ii)~~) (iii)) C  
E Possession of Marihuana < 40 grams  
(69.50.401(e)) E  
C Fraudulently Obtaining Controlled  
Substance (69.50.403) C  
C+ Sale of Controlled Substance  
for Profit (69.50.410) C+  
E Unlawful Inhalation (9.47A.020) E  
B Violation of Uniform Controlled  
Substances Act - Narcotic or  
Methamphetamine  
Counterfeit Substances  
(69.50.401(b)(1)(i) or (ii)) B  
C Violation of Uniform Controlled  
Substances Act - Nonnarcotic  
Counterfeit Substances

(69.50.401(b)(1) (~~(ii)~~) (iii),

(iv), (v)) C

C Violation of Uniform Controlled  
Substances Act - Possession of a  
Controlled Substance  
(69.50.401(d)) C

C Violation of Uniform Controlled  
Substances Act - Possession of a  
Controlled Substance  
(69.50.401(c)) C

### **Firearms and Weapons**

E Carrying Loaded Pistol Without  
Permit (9.41.050) E

C Possession of Firearms by  
Minor (< 18) (9.41.040(1)(~~(e)~~))

(b)(iv)) C

D+ Possession of Dangerous Weapon  
(9.41.250) E

D Intimidating Another Person by use  
of Weapon (9.41.270) E

### **Homicide**

A+ Murder 1 (9A.32.030) A

A+ Murder 2 (9A.32.050) B+

B+ Manslaughter 1 (9A.32.060) C+

C+ Manslaughter 2 (9A.32.070) D+

B+ Vehicular Homicide (46.61.520) C+

### **Kidnapping**

A Kidnap 1 (9A.40.020) B+

B+ Kidnap 2 (9A.40.030) C+

C+ Unlawful Imprisonment  
(9A.40.040) D+

### **Obstructing Governmental**

#### **Operation**

E Obstructing a  
Law Enforcement Officer  
(9A.76.020) E

E Resisting Arrest (9A.76.040) E

B Introducing Contraband 1  
(9A.76.140) C

C Introducing Contraband 2  
(9A.76.150) D

E Introducing Contraband 3  
(9A.76.160) E

B+ Intimidating a Public Servant  
(9A.76.180) C+

B+ Intimidating a Witness  
(9A.72.110) C+

### **Public Disturbance**

C+ Riot with Weapon (9A.84.010) D+

D+ Riot Without Weapon  
(9A.84.010) E  
E Failure to Disperse (9A.84.020) E  
E Disorderly Conduct (9A.84.030) E

#### **Sex Crimes**

A Rape 1 (9A.44.040) B+  
A- Rape 2 (9A.44.050) B+  
C+ Rape 3 (9A.44.060) D+  
A- Rape of a Child 1 (9A.44.073) B+  
B Rape of a Child 2 (9A.44.076) C+  
B Incest 1 (9A.64.020(1)) C  
C Incest 2 (9A.64.020(2)) D  
D+ Indecent Exposure  
(Victim < 14) (9A.88.010) E  
E Indecent Exposure  
(Victim 14 or over)  
(9A.88.010) E  
B+ Promoting Prostitution 1  
(9A.88.070) C+  
C+ Promoting Prostitution 2  
(9A.88.080) D+  
E O & A (Prostitution) (9A.88.030) E  
B+ Indecent Liberties (9A.44.100) C+  
B+ Child Molestation 1 (9A.44.083) C+  
C+ Child Molestation 2 (9A.44.086) C

#### **Theft, Robbery, Extortion, and Forgery**

B Theft 1 (9A.56.030) C  
C Theft 2 (9A.56.040) D  
D Theft 3 (9A.56.050) E  
B Theft of Livestock (9A.56.080) C  
C Forgery (9A.60.020) D  
A Robbery 1 (9A.56.200) B+  
B+ Robbery 2 (9A.56.210) C+  
B+ Extortion 1 (9A.56.120) C+  
C+ Extortion 2 (9A.56.130) D+  
B Possession of Stolen Property 1  
(9A.56.150) C  
C Possession of Stolen Property 2  
(9A.56.160) D  
D Possession of Stolen Property 3  
(9A.56.170) E  
C Taking Motor Vehicle Without  
Owner's Permission  
(9A.56.070) D

#### **Motor Vehicle Related Crimes**

E Driving Without a License  
(46.20.021) E  
C Hit and Run - Injury  
(46.52.020(4)) D  
D Hit and Run-Attended

(46.52.020(5)) E  
 E Hit and Run-Unattended  
 (46.52.010) E  
 C Vehicular Assault (46.61.522) D  
 C Attempting to Elude Pursuing  
 Police Vehicle (46.61.024) D  
 E Reckless Driving (46.61.500) E  
 D Driving While Under the Influence  
 (46.61.502 and 46.61.504) E  
 D Vehicle Prowling (9A.52.100) E  
 C Taking Motor Vehicle Without  
 Owner's Permission  
 (9A.56.070) D

**Other**

B Bomb Threat (9.61.160) C  
 C Escape 1<sup>1</sup> (9A.76.110) C  
 C Escape 2<sup>1</sup> (9A.76.120) C  
 D Escape 3 (9A.76.130) E  
 E Obscene, Harassing, Etc.,  
 Phone Calls (9.61.230) E  
 A Other Offense Equivalent to an  
 Adult Class A Felony B+  
 B Other Offense Equivalent to an  
 Adult Class B Felony C  
 C Other Offense Equivalent to an  
 Adult Class C Felony D  
 D Other Offense Equivalent to an  
 Adult Gross Misdemeanor E  
 E Other Offense Equivalent to an  
 Adult Misdemeanor E  
 V Violation of Order of Restitution,  
 Community Supervision, or  
 Confinement (13.40.200)<sup>2</sup> V

<sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:  
 1st escape or attempted escape during 12-month period - 4 weeks confinement  
 2nd escape or attempted escape during 12-month period - 8 weeks confinement  
 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

<sup>2</sup>If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

**SCHEDULE B  
 PRIOR OFFENSE INCREASE FACTOR**

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

**TIME SPAN**

OFFENSE 0-12 13-24 25

Months

CATEGORY Months Months or More

A+ .9 .9 .9

A .9 .8 .6  
 A- .9 .8 .5  
 B+ .9 .7 .4  
 B .9 .6 .3  
 C+ .6 .3 .2  
 C .5 .2 .2  
 D+ .3 .2 .1  
 D .2 .1 .1  
 E .1 .1 .1

Prior history - Any offense in which a diversion agreement or counsel and release form was signed, or any offense which has been adjudicated by court to be correct prior to the commission of the current offense(s).

**SCHEDULE C  
 CURRENT OFFENSE POINTS**

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

**AGE**

OFFENSE 12 &  
 CATEGORY Under 13 14 15 16 17

A+ STANDARD RANGE 180-224  
 WEEKS

A 250 300 350 375 375 375  
 A- 150 150 150 200 200 200  
 B+ 110 110 120 130 140 150  
 B 45 45 50 50 57 57  
 C+ 44 44 49 49 55 55  
 C 40 40 45 45 50 50  
 D+ 16 18 20 22 24 26  
 D 14 16 18 20 22 24  
 E 4 4 4 6 8 10

**JUVENILE SENTENCING STANDARDS  
 SCHEDULE D-1**

This schedule may only be used for minor/first offenders. After the determination is made that a youth is a minor/first offender, the court has the discretion to select sentencing option A, B, or C.

**MINOR/FIRST OFFENDER**

**OPTION A  
 STANDARD RANGE**

Community  
 Community Service  
 Points Supervision Hours Fine

1-9 0-3 months and/or 0-8 and/or 0-\$10  
 10-19 0-3 months and/or 0-8 and/or 0-\$10

20-29 0-3 months and/or 0-16 and/or 0-\$10  
30-39 0-3 months and/or 8-24 and/or 0-\$25  
40-49 3-6 months and/or 16-32 and/or 0-\$25  
50-59 3-6 months and/or 24-40 and/or 0-\$25  
60-69 6-9 months and/or 32-48 and/or 0-\$50  
70-79 6-9 months and/or 40-56 and/or 0-\$50  
80-89 9-12 months and/or 48-64 and/or 10-\$100  
90-109 9-12 months and/or 56-72 and/or 10-\$100

**OR**

**OPTION B  
STATUTORY OPTION**

0-12 Months Community Supervision  
0-150 Hours Community Service  
0-100 Fine  
Posting of a Probation Bond

A term of community supervision with a maximum of 150 hours, \$100.00 fine, and 12 months supervision.

**OR**

**OPTION C  
MANIFEST INJUSTICE**

When a term of community supervision would effectuate a manifest injustice, another disposition may be imposed. When a judge imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term and the provisions of RCW 13.40.030(2) shall be used to determine the range.

**JUVENILE SENTENCING STANDARDS  
SCHEDULE D-2**

This schedule may only be used for middle offenders. After the determination is made that a youth is a middle offender, the court has the discretion to select sentencing option A, B, or C.

**MIDDLE OFFENDER  
OPTION A  
STANDARD RANGE**

Community	Community Service	Confinement
Points	Supervision Hours	Fine Days Weeks
1-9	0-3 months and/or 0-8	and/or 0-\$10 and/or 0
10-19	0-3 months and/or 0-8	and/or 0-\$10 and/or 0
20-29	0-3 months and/or 0-16	and/or 0-\$10 and/or 0
30-39	0-3 months and/or 8-24	and/or 0-\$25 and/or 2-4
40-49	3-6 months and/or 16-32	and/or 0-\$25 and/or 2-4
50-59	3-6 months and/or 24-40	and/or 0-\$25 and/or 5-10
60-69	6-9 months and/or 32-48	and/or 0-\$50 and/or 5-10
70-79	6-9 months and/or 40-56	and/or 0-\$50 and/or 10-20
80-89	9-12 months and/or 48-64	and/or 0-\$100 and/or 10-20
90-109	9-12 months and/or 56-72	and/or 0-\$100 and/or 15-30
110-129	8-12	
130-149	13-16	

150-199 21-28  
200-249 30-40  
250-299 52-65  
300-374 80-100  
375+ 103-129

Middle offenders with 110 points or more do not have to be committed. They may be assigned community supervision under option B.

All A+ offenses 180-224 weeks

**OR**  
**OPTION B**  
**STATUTORY OPTION**

0-12 Months Community Supervision  
0-150 Hours Community Service  
0-100 Fine  
Posting of a Probation Bond

If the offender has less than 110 points, the court may impose a determinate disposition of community supervision and/or up to 30 days confinement; in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150.

If the middle offender has 110 points or more, the court may impose a disposition under option A and may suspend the disposition on the condition that the offender serve up to thirty days of confinement and follow all conditions of community supervision. If the offender fails to comply with the terms of community supervision, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order execution of the disposition. If the court imposes confinement for offenders with 110 points or more, the court shall state either aggravating or mitigating factors set forth in RCW 13.40.150.

**OR**  
**OPTION C**  
**MANIFEST INJUSTICE**

If the court determines that a disposition under A or B would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term and the provisions of RCW 13.40.030(2) shall be used to determine the range.

**JUVENILE SENTENCING STANDARDS**  
**SCHEDULE D-3**

This schedule may only be used for serious offenders. After the determination is made that a youth is a serious offender, the court has the discretion to select sentencing option A or B.

**SERIOUS OFFENDER**  
**OPTION A**  
**STANDARD RANGE**

Points Institution Time

0-129 8-12 weeks  
130-149 13-16 weeks  
150-199 21-28 weeks  
200-249 30-40 weeks  
250-299 52-65 weeks

300-374 80-100 weeks  
375+ 103-129 weeks  
All A+ Offenses 180-224 weeks

**OR**  
**OPTION B**  
**MANIFEST INJUSTICE**

A disposition outside the standard range shall be determined and shall be comprised of confinement or community supervision including posting a probation bond or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range.

**Sec. 7.** RCW 69.50.406 and 1987 c 458 s 5 are each amended to read as follows:

(a) Any person eighteen years of age or over who violates RCW 69.50.401(a) by distributing a controlled substance listed in Schedules I or II which is a narcotic drug or methamphetamine to a person under eighteen years of age is punishable by the fine authorized by RCW 69.50.401(a)(1) (i) or (ii), by a term of imprisonment of up to twice that authorized by RCW 69.50.401(a)(1) (i) or (ii), or by both.

(b) Any person eighteen years of age or over who violates RCW 69.50.401(a) by distributing any other controlled substance listed in Schedules I, II, III, IV, and V to a person under eighteen years of age who is at least three years his junior is punishable by the fine authorized by RCW 69.50.401(a)(1)(~~(ii)~~) (iii), (~~(iv)~~) (iv) or (v), by a term of imprisonment up to twice that authorized by RCW 69.50.401(a)(1)(~~(ii)~~) (iii), (~~(iv)~~) (iv) or (v), or both.

**Sec. 8.** RCW 69.50.415 and 1987 c 458 s 2 are each amended to read as follows:

(a) A person who unlawfully delivers a controlled substance in violation of RCW 69.50.401(a)(1) (i) (~~(ii)~~) (ii) or (iii) which controlled substance is subsequently used by the person to whom it was delivered, resulting in the death of the user, is guilty of controlled substances homicide.

(b) Controlled substances homicide is a class B felony punishable according to RCW 9A.20.021."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Law and Justice striking amendment to Substitute House Bill No. 2339.

The motion by Senator Smith carried and the Committee on Law and Justice striking amendment was adopted.

**MOTIONS**

On motion of Senator Smith, the following title amendment was adopted:

On page 1, line 2 of the title, after "methamphetamine;" strike the remainder of the title and insert "amending RCW 69.50.401, 9.94A.154, 9.94A.310, 13.40.0357, 69.50.406, and 69.50.415; reenacting and amending RCW 9.94A.320; adding a new section to chapter 69.50 RCW; and prescribing penalties."

On motion of Senator Smith, the rules were suspended, Substitute House Bill No. 2339, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2339, as amended by the Senate.

**ROLL CALL**

The Secretary called the roll on the final passage of Substitute House Bill No. 2339, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Owen - 1.

SUBSTITUTE HOUSE BILL NO. 2339, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 12:06 p.m., on motion of Senator Spanel, the Senate recessed until 2:15 p.m.

The Senate was called to order at 2:25 p.m. by President Pritchard.

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

REPORT OF STANDING COMMITTEE  
GUBERNATORIAL APPOINTMENT

February 27, 1996

GA 9272 ELIZABETH McLAUGHLIN, appointed February 13, 1996, for a term ending June 30, 2000, as a member of the Gambling Commission.

Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Fraser, Franklin, McDonald and Newhouse.

Referred to Committee on Rules.

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

MESSAGE FROM THE HOUSE

February 27, 1996

MR. PRESIDENT:

The Speaker has signed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2509, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2509.

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9159, Busse Nutley, as Chair of the Housing Finance Commission, was confirmed.

Senators Prentice and Bauer spoke to the confirmation of Busse Nutley as Chair of the Housing Finance Commission.

MOTION

On motion of Senator Sheldon, Senator McAuliffe was excused.

APPOINTMENT OF BUSSE NUTLEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 35; Nays, 8; Absent, 4; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn and Wood - 35.

Voting nay: Senators Hochstatter, McCaslin, Morton, Roach, Schow, Sellar, Strannigan and Zarelli - 8.

Absent: Senators Johnson, McDonald, Quigley and West - 4.

Excused: Senators McAuliffe and Owen - 2.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced former Governor of Washington, Albert Rosellini, who was seated on the rostrum.

With permission of the Senate, business was suspended to permit Governor Rosellini to address the Senate.

#### MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9261, Gary L. Christenson, as Administrator of the Washington State Health Care Authority, was confirmed.

#### APPOINTMENT OF GARY L. CHRISTENSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Owen - 1.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1182, by House Committee on Law and Justice (originally sponsored by Representatives Hickel and Appelwick)

Modifying the uniform commercial code.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, Second Substitute House Bill No. 1182 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1182.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1182 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senators Pelz and Rinehart - 2.

Excused: Senator Owen - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1182, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1008, by House Committee on Commerce and Labor (originally sponsored by Representatives Carlson, Ogden and Boldt)

Providing wine and beer educator's licenses.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Substitute House Bill No. 1008 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1008.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1008 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Owen - 1.

SUBSTITUTE HOUSE BILL NO. 1008, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2746, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives L. Thomas, Sheldon, Wolfe and Benton)

Changing the rates or terms of an insurance policy.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 2746 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2746.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2746 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton,

Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator Rinehart - 1.

Excused: Senator Owen - 1.

SUBSTITUTE HOUSE BILL NO. 2746, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1289, by House Committee on Law and Justice (originally sponsored by Representatives Ballasiotes, Costa, Sheahan, Van Luven, Lambert, Mason, Mielke, Reams, Delvin, Foreman and Scott)

Specifying the duties of an operator of a vessel involved in an accident.

The bill was read the second time.

#### MOTIONS

On motion of Senator Smith, the following Committee on Law and Justice amendment was adopted:

On page 2, beginning on line 21, after "(3)" strike all material through "freighters." on line 25, and insert "does not apply to vessels involved in commerce, including but not limited to tugs, barges, cargo vessels, commercial passenger vessels, fishing vessels, and processing vessels."

On motion of Senator Smith, the rules were suspended, Second Substitute House Bill No. 1289, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTIONS

On motion of Senator Thibaudeau, Senator Prentice was excused.

On motion of Senator Wood, Senator Hale was excused.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1289, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1289, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Excused: Senators Hale, Owen and Prentice - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 1289, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2533, by House Committee on Law and Justice (originally sponsored by Representatives Hickel, Sheahan, Cody, Sterk, Smith, Morris and Dellwo)

Revising misdemeanor probation programs.

The bill was read the second time.

## MOTIONS

On motion of Senator Hargrove, the following Committee on Human Services and Corrections amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 9.95 RCW to read as follows:

(1) When a superior court places a defendant convicted of a misdemeanor or gross misdemeanor on probation and orders supervision under RCW 9.92.060 or 9.95.210, the department of corrections has initial responsibility for supervision of that defendant.

(2) A county legislative authority may assume responsibility for the supervision of all defendants within its jurisdiction who have been convicted of a misdemeanor or gross misdemeanor and sentenced to probation by a superior court. The assumption of responsibility shall be made by contract with the department of corrections on a biennial basis.

(3) If a county assumes supervision responsibility, the county shall supervise all superior court misdemeanant probationers within that county for the duration of the biennium, as set forth in the contract with the department of corrections.

(4) A contract between a county legislative authority and the department of corrections for the transfer of supervision responsibility must include, at a minimum, the following provisions:

(a) The county's agreement to supervise all misdemeanant probationers who are sentenced by a superior court within that county and who reside within that county;

(b) A reciprocal agreement regarding the supervision of superior court misdemeanant probationers sentenced in one county but who reside in another county;

(c) The county's agreement to comply with the minimum standards for classification and supervision of offenders as required under section 2 of this act;

(d) The amount of funds available from the department of corrections to the county for supervision of superior court misdemeanant probationers, calculated according to a formula established by the department of corrections;

(e) A method for the payment of funds by the department of corrections to the county;

(f) The county's agreement that any funds received by the county under the contract will be expended only to cover costs of supervision of superior court misdemeanant probationers;

(g) The county's agreement to account to the department of corrections for the expenditure of all funds received under the contract and to submit to audits for compliance with the supervision standards and financial requirements of this section;

(h) Provisions regarding rights and remedies in the event of a possible breach of contract or default by either party; and

(i) Provisions allowing for voluntary termination of the contract by either party, with good cause, after sixty days' written notice.

(5) If the contract between the county and the department of corrections is terminated for any reason, the department of corrections shall reassume responsibility for supervision of superior court misdemeanant probationers within that county. In such an event, the department of corrections retains any and all rights and remedies available by law and under the contract.

(6) The department of corrections is immune from civil liability for any harm caused by the actions of a superior court misdemeanant probationer who is under the supervision of a county. A county is immune from civil liability for any harm caused by the actions of a superior court misdemeanant probationer who is under the supervision of the department of corrections. The immunity granted under this section applies regardless of whether the supervising agency is in compliance with the standards of supervision at the time of the misdemeanant probationer's actions.

(7) The department and its officials and employees, or in cases where a county assumes supervision responsibility, the county and its officials and employees, are immune from civil liability for any harm arising out of the good faith performance of their duties and for any harm caused by the actions of superior court misdemeanant probationers under their supervision.

(8) If sufficient resources are not available for the department of corrections, or the county assuming supervision responsibility, to comply with the minimum standards of supervision required by section 2 of this act, the department of corrections, or the county, is immune from civil liability for any harm caused by an inability to comply with the standards of supervision.

**NEW SECTION. Sec. 2.** A new section is added to chapter 9.95 RCW to read as follows:

(1) Probation supervision of misdemeanor offenders sentenced in a superior court must be based upon an offender classification system and supervision standards.

(2) Any entity under contract with the department of corrections pursuant to section 1 of this act shall establish and maintain a classification system that:

- (a) Provides for a standardized assessment of offender risk;
- (b) Differentiates between higher and lower risk offenders based on criminal history and current offense;
- (c) Assigns cases to a level of supervision based on assessed risk;
- (d) Provides, at a minimum, three levels of supervision;
- (e) Provides for periodic review of an offender's classification level during the term of supervision; and
- (f) Structures the discretion and decision making of supervising officers.

(3) Any entity under contract with the department of corrections pursuant to section 1 of this act may establish and maintain supervision standards that:

(a) Identify the frequency and nature of offender contact within each of at least three classification levels;

(b) Provide for a minimum of one face-to-face contact each month with offenders classified at the highest level of risk;

- (c) Provide for a minimum of one personal contact per quarter for lower-risk offenders;
- (d) Provide for specific reporting requirements for offenders within each level of the classification system;
- (e) Assign higher-risk offenders to staff trained to deal with higher-risk offenders;
- (f) Verify compliance with sentence conditions imposed by the court; and
- (g) Report to the court violations of sentence conditions as appropriate.

(4) Under no circumstances may an entity under contract with the department of corrections pursuant to section 1 of this act establish or maintain supervision that is less stringent than that offered by the department.

(5) The minimum supervision standards established and maintained by the department of corrections shall provide for no less than one contact per quarter for misdemeanor probationers under its jurisdiction. The contact shall be a personal interaction accomplished either face-to-face or by telephone, unless the department finds that the individual circumstances of the offender do not require personal interaction to meet the objectives of the supervision. The circumstances under which the department may find that an offender does not require personal interaction are limited to the following: (a) The offender has no special conditions or crime-related prohibitions imposed by the court other than legal financial obligations; and (b) the offender poses minimal risk to public safety.

(6) The classification system and supervision standards must be established and met within the resources available as provided for by the legislature and the cost of supervision assessments collected, and may be enhanced by funds otherwise generated by the supervising entity.

**Sec. 3.** RCW 9.95.210 and 1995 1st sp.s. c 19 s 29 are each amended to read as follows:

(1) In granting probation, the superior court may suspend the imposition or the execution of the sentence and may direct that the suspension may continue upon such conditions and for such time as it shall designate, not exceeding the maximum term of sentence or two years, whichever is longer.

(2) In the order granting probation and as a condition thereof, the superior court may in its discretion imprison the defendant in the county jail for a period not exceeding one year and may fine the defendant any sum not exceeding the statutory limit for the offense committed, and court costs. As a condition of probation, the superior court shall require the payment of the penalty assessment required by RCW 7.68.035. The superior court may also require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary: (a) To comply with any order of the court for the payment of family support; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement; (c) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required; (d) following consideration of the financial condition of the person subject to possible electronic monitoring, to pay for the costs of electronic monitoring if that monitoring was required by the court as a condition of release from custody or as a condition of probation; (e) to contribute to a county or interlocal drug fund; and (f) to make restitution to a public agency for the costs of an emergency response under RCW 38.52.430, and may require bonds for the faithful observance of any and all conditions imposed in the probation.

(3) The superior court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the superior court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries,

as administrator of the crime victims' compensation program, may petition the superior court within one year of imposition of the sentence for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the superior court shall hold a restitution hearing and shall enter a restitution order.

(4) In granting probation, the superior court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary. If the county legislative authority has elected to assume responsibility for the supervision of superior court misdemeanant probationers within its jurisdiction, the superior court misdemeanant probationer shall report to a probation officer employed or contracted for by the county. In cases where a superior court misdemeanant probationer is sentenced in one county, but resides within another county, there must be provisions for the probationer to report to the agency having supervision responsibility for the probationer's county of residence.

(5) If the probationer has been ordered to make restitution and the superior court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made. If the superior court has ordered supervision and restitution has not been made as ordered, the officer shall inform the prosecutor of that violation of the terms of probation not less than three months prior to the termination of the probation period. The secretary of corrections will promulgate rules and regulations for the conduct of the person during the term of probation. For defendants found guilty in district court, like functions as the secretary performs in regard to probation may be performed by probation officers employed for that purpose by the county legislative authority of the county wherein the court is located.

**Sec. 4.** RCW 9.95.214 and 1995 1st sp.s. c 19 s 32 are each amended to read as follows:

Whenever a defendant convicted of a misdemeanor or gross misdemeanor is placed on probation under RCW 9.92.060 or 9.95.210, and the defendant is supervised by the department of corrections or a county probation department, the department or county probation department may assess and collect from the defendant for the duration of the term of supervision a monthly assessment not to exceed one hundred dollars per month. This assessment shall be paid to the ~~((department))~~ agency supervising the defendant and shall be applied, along with funds appropriated by the legislature, toward the payment or part payment of the cost of supervising the defendant.

**Sec. 5.** RCW 9.92.060 and 1995 1st sp.s. c 19 s 30 are each amended to read as follows:

(1) Whenever any person is convicted of any crime except murder, burglary in the first degree, arson in the first degree, robbery, rape of a child, or rape, the superior court may, in its discretion, at the time of imposing sentence upon such person, direct that such sentence be stayed and suspended until otherwise ordered by ~~((such))~~ the superior court, and that the sentenced person be placed under the charge of a community corrections officer employed by the department of corrections, or if the county elects to assume responsibility for the supervision of all superior court misdemeanant probationers a probation officer employed or contracted for by the county, upon such terms as the superior court may determine.

(2) As a condition to suspension of sentence, the superior court shall require the payment of the penalty assessment required by RCW 7.68.035. In addition, the superior court may require the convicted person to make such monetary payments, on such terms as the superior court deems appropriate under the circumstances, as are necessary: (a) To comply with any order of the court for the payment of family support; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement; (c) to pay any fine imposed and not suspended and the court or other costs incurred in the prosecution of the case, including reimbursement of the state for costs of extradition if return to this state by extradition was required; and (d) to contribute to a county or interlocal drug fund.

(3) As a condition of the suspended sentence, the superior court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary. If the county legislative authority has elected to assume responsibility for the supervision of superior court misdemeanant probationers within its jurisdiction, the superior court misdemeanant probationer shall report to a probation officer employed or contracted for by the county. In cases where a superior court misdemeanant probationer is sentenced in one county, but resides within another county, there must be provisions for the probationer to report to the agency having supervision responsibility for the probationer's county of residence.

(4) If restitution to the victim has been ordered under subsection (2)(b) of this section and the superior court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made as ordered. If the superior court has ordered supervision and restitution has not been made, the officer shall inform the prosecutor of that violation of the terms of the suspended sentence not less than three months prior to the termination of the suspended sentence.

**Sec. 6.** RCW 10.64.120 and 1991 c 247 s 3 are each amended to read as follows:

(1) Every judge of a court of limited jurisdiction shall have the authority to levy upon a person a monthly assessment not to exceed ~~((fifty))~~ one hundred dollars for services provided whenever ~~((a))~~ the person is referred by the court to the misdemeanant probation department for evaluation or supervision services. The assessment may also be made by a ~~((sentencing))~~ judge in superior court when such misdemeanor or gross misdemeanor cases are heard in the superior court.

(2) For the purposes of this section the office of the administrator for the courts shall define a probation department and adopt rules for the qualifications of probation officers based on occupational and educational requirements developed by an oversight committee. This oversight committee shall include a representative from the district and municipal court judges association, the misdemeanor corrections association, the office of the administrator for the courts, and associations of cities and counties. The oversight committee shall consider qualifications that provide the training and education necessary to (a) conduct presentencing and postsentencing background investigations, including sentencing recommendations to the court regarding jail terms, alternatives to incarceration, and conditions of release; and (b) provide ongoing supervision and assessment of offenders' needs and the risk they pose to the community.

(3) It shall be the responsibility of the probation services office to implement local procedures approved by the court of limited jurisdiction to ensure collection and payment of such fees into the general fund of the city or county treasury.

~~((3))~~ (4) Revenues raised under this section shall be used to fund programs for probation services and shall be in addition to those funds provided in RCW 3.62.050.

**Sec. 7.** RCW 36.01.070 and 1967 c 200 s 9 are each amended to read as follows:

Notwithstanding the provisions of chapter 72.01 RCW or any other provision of law, counties may engage in probation and parole services and employ personnel therefor under such terms and conditions as any such county shall so determine. If a county elects to assume responsibility for the supervision of superior court misdemeanor offenders placed on probation under RCW 9.92.060 or 9.95.210, the county may contract with other counties to receive or provide such probation services. A county may also enter into partnership agreements with the department of corrections under RCW 72.09.300."

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 9.95.210, 9.95.214, 9.92.060, 10.64.120, and 36.01.070; and adding new sections to chapter 9.95 RCW."

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 2533, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2533, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2533, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Owen - 1.

SUBSTITUTE HOUSE BILL NO. 2533, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4014, by House Committee on Trade and Economic Development (originally sponsored by Representatives Valle, Van Luven, Sheldon, D. Schmidt, Mason, Hickel, Veloria, Hatfield, Kessler, Blanton and Radcliff)

Requesting that federal law be amended to allow foreign-flagged cruise ships between U.S. ports.

The joint memorial was read the second time.

## MOTION

On motion of Senator Pelz, the rules were suspended, Substitute House Joint Memorial No. 4014 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Joint Memorial No. 4014.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Joint Memorial No. 4014 and the joint memorial passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator Deccio - 1.

Excused: Senator Owen - 1.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4014, having received the constitutional majority, was declared passed.

## SECOND READING

HOUSE BILL NO. 1707, by Representatives Hargrove, Sheahan and Pelesky

Correcting references to classification of cities and towns.

The bill was read the second time.

## MOTIONS

Senator Winsley moved that the following Committee on Government Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 35.01.020 and 1994 c 81 s 4 are each amended to read as follows:

A second class city is a city with a population of (~~more than~~) fifteen hundred or more at the time of its organization or reorganization that does not have a charter adopted under Article XI, section 10, of the state Constitution, and does not operate under Title 35A RCW.

**Sec. 2.** RCW 35.01.040 and 1994 c 81 s 5 are each amended to read as follows:

A town has a population of less than fifteen hundred (~~or less~~) at the time of its organization and does not operate under Title 35A RCW.

**Sec. 3.** RCW 35.22.010 and 1965 c 7 s 35.22.010 are each amended to read as follows:

Cities of the first class shall be organized and governed according to the law providing for the government of cities having a population of (~~twenty~~) ten thousand or more inhabitants that have adopted a charter in accordance with Article (~~(H)~~) XI, section 10 of the state Constitution.

**Sec. 4.** RCW 35.23.051 and 1994 c 223 s 17 and 1994 c 81 s 36 are each reenacted and amended to read as follows:

General municipal elections in second class cities (~~(not operating under the commission form of government)~~) shall be held biennially in the odd-numbered years and shall be subject to general election law.

The terms of office of the mayor, city attorney, clerk, and treasurer shall be four years and until their successors are elected and qualified and assume office in accordance with RCW 29.04.170: **PROVIDED**, That if the offices of city attorney, clerk, and treasurer are made appointive, the city attorney, clerk, and treasurer shall not be appointed for a definite term: **PROVIDED FURTHER**, That the term of the elected treasurer shall not commence in the same biennium in which the term of the mayor commences, nor in which the terms of the city attorney and clerk commence if they are elected.

Council positions shall be numbered in each second class city so that council position seven has a two-year term of office and council positions one through six shall each have four-year terms of office. Each councilmember shall remain in office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170.

In its discretion the council of a second class city may divide the city by ordinance into a convenient number of wards, not exceeding six, fix the boundaries of the wards, and change the ward boundaries from time to time and as provided in RCW 29.70.100. No change in the boundaries of any ward shall be made within one hundred twenty days next before the date of a general municipal election, nor within twenty months after the wards have been established or altered. However, if a boundary change results in one ward being represented by more councilmembers than the number to which it is entitled, those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy, and the councilmembers so assigned shall be deemed to be residents of the wards to which they are assigned for purposes of determining whether those positions are vacant.

Whenever such city is so divided into wards, the city council shall designate by ordinance the number of councilmembers to be elected from each ward, apportioning the same in proportion to the population of the wards. Thereafter the councilmembers so designated shall be elected by the voters resident in such ward, or by general vote of the whole city as may be designated in such ordinance. Council position seven shall not be associated with a ward and the person elected to that position may reside anywhere in the city and voters throughout the city may vote at a primary to nominate candidates for position seven, when a primary is necessary, and at a general election to elect the person to council position seven. ~~((When))~~ Additional territory that is added to the city ((it may)) shall, by act of the council, be annexed to contiguous wards without affecting the right to redistrict at the expiration of twenty months after last previous division. The removal of a councilmember from the ward for which he or she was elected shall create a vacancy in such office.

Wards shall be redrawn as provided in chapter 29.70 RCW. Wards shall be used as follows: (1) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (2) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city had prior to January 1, 1994, limited the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so. The elections for the remaining council position or council positions that are not associated with a ward shall be conducted as if the wards did not exist.

**Sec. 5.** RCW 35.23.101 and 1994 c 223 s 19 and 1994 c 81 s 38 are each reenacted and amended to read as follows:

The council of a second class city may declare a council position vacant if the councilmember is absent for three consecutive regular meetings without permission of the council. In addition, a vacancy in an elective office shall occur and shall be filled as provided in chapter 42.12 RCW.

Vacancies in offices other than that of mayor or city councilmember shall be filled by appointment of the mayor.

If there is a temporary vacancy in an appointive office due to illness, absence from the city, or other temporary inability to act, the mayor may appoint a temporary appointee to exercise the duties of the office until the temporary disability of the incumbent is removed.

**Sec. 6.** RCW 35.33.020 and 1985 c 175 s 4 are each amended to read as follows:

The provisions of this chapter apply to all cities of the first class ~~((which)) that~~ have a population of less than three hundred thousand, to all cities of the second ~~((and third classes)) class~~, and to all towns, except those cities and towns ~~((which)) that~~ have adopted an ordinance under RCW 35.34.040 providing for a biennial budget.

**Sec. 7.** RCW 35.34.020 and 1985 c 175 s 5 are each amended to read as follows:

This chapter applies to all cities of the first~~((;)) and~~ second~~((, and third))~~ classes and to all towns ~~((which)), that~~ have by ordinance adopted this chapter authorizing the adoption of a fiscal biennium budget.

**Sec. 8.** RCW 35.86.010 and 1975 1st ex.s. c 221 s 1 are each amended to read as follows:

Cities of the first~~((;)) and~~ second~~((, and third))~~ classes are authorized to provide off-street parking space and facilities located on land dedicated for park or civic center purposes, or on other municipally-owned land where the primary purpose of such off-street parking facility is to provide parking for persons who use such park or civic center facilities. In addition a city may own other off-street parking facilities and operate them in accordance with RCW 35.86A.120.

**Sec. 9.** RCW 35A.06.020 and 1995 c 134 s 11 are each amended to read as follows:

The classifications of municipalities ~~((which existed prior to the time this title goes into effect--)) as~~ first class cities, second class cities, unclassified cities, and towns~~((--))~~, and the restrictions, limitations, duties, and obligations specifically imposed by law upon such classes of cities and towns, shall have no application to noncharter code cities, but every noncharter code city, by adopting such classification, has elected to be governed by the provisions of this title, with the

powers granted hereby. However, any code city that retains its old plan of government is subject to the laws applicable to that old plan of government until the city abandons its old plan of government and reorganizes and adopts a plan of government under chapter 35A.12 or 35A.13 RCW.

**Sec. 10.** RCW 35A.12.010 and 1994 c 223 s 30 are each amended to read as follows:

The government of any noncharter code city or charter code city electing to adopt the mayor-council plan of government authorized by this chapter shall be vested in an elected mayor and an elected council. The council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants, the council shall consist of seven members(~~(: PROVIDED, That)~~). A city with a population of over two thousand but less than twenty-five hundred at the time of reclassification as an optional municipal code city may choose to maintain a seven-member council. The decision concerning the number of councilmembers shall be made by the council and be incorporated as a section of the ordinance adopting for the city the classification of noncharter code city. If the population of a city after having become a code city decreases from twenty-five hundred or more to less than twenty-five hundred, it shall continue to have a seven member council. If, after a city has become a mayor-council code city, its population increases to twenty-five hundred or more inhabitants, the number of councilmanic offices in such city may increase from five to seven members upon the affirmative vote of a majority of the existing council to increase the number of councilmanic offices in the city. When the population of a mayor-council code city having five councilmanic offices increases to five thousand or more inhabitants, the number of councilmanic offices in the city shall increase from five to seven members. In the event of an increase in the number of councilmanic offices, the city council shall, by majority vote, pursuant to RCW 35A.12.050, appoint two persons to serve in these offices until the next municipal general election, at which election one person shall be elected for a two-year term and one person shall be elected for a four-year term. The number of inhabitants shall be determined by the most recent official state or federal census or determination by the state office of financial management. A charter adopted under the provisions of this title, incorporating the mayor-council plan of government set forth in this chapter, may provide for an uneven number of councilmembers not exceeding eleven.

A noncharter code city of less than five thousand inhabitants which has elected the mayor-council plan of government and which has seven councilmanic offices may establish a five-member council in accordance with the following procedure. At least six months prior to a municipal general election, the city council shall adopt an ordinance providing for reduction in the number of councilmanic offices to five. The ordinance shall specify which two councilmanic offices, the terms of which expire at the next general election, are to be terminated. The ordinance shall provide for the renumbering of council positions and shall also provide for a two-year extension of the term of office of a retained councilmanic office, if necessary, in order to comply with RCW 35A.12.040.

However, a noncharter code city that has retained its old mayor-council plan of government, as provided in RCW 35A.02.130, is subject to the laws applicable to that old plan of government.

NEW SECTION. **Sec. 11.** RCW 35.21.620 shall be recodified as a section in chapter 35.22 RCW.

NEW SECTION. **Sec. 12.** The following acts or parts of acts are each repealed:

- (1) RCW 35.21.600 and 1979 c 151 s 27, 1965 ex.s. c 47 s 6, & 1965 c 7 s 35.21.600;
- (2) RCW 35.21.610 and 1965 ex.s. c 47 s 1; and
- (3) RCW 35A.61.010 and 1967 ex.s. c 119 s 35A.61.010."

On motion of Senator Winsley, the following amendment by Senators Winsley and Haugen to the Committee on Government Operations striking amendment was adopted:

On page 1, after line 17 of the amendment, insert the following:

**"Sec. 3.** RCW 35.02.130 and 1994 c 154 s 308 are each amended to read as follows:

The city or town officially shall become incorporated at a date from one hundred eighty days to three hundred sixty days after the date of the election on the question of incorporation. An interim period shall exist between the time the newly elected officials have been elected and qualified and this official date of incorporation. During this interim period, the newly elected officials are authorized to adopt ordinances and resolutions which shall become effective on or after the official date of incorporation, and to enter into contracts and agreements to facilitate the transition to becoming a city or town and to ensure a continuation of governmental services after the official date of incorporation. Periods of time that would be required to elapse between the enactment and effective date of such ordinances, including but not limited to times for publication or for filing referendums, shall commence upon the date of such enactment as though the city or town were officially incorporated.

During this interim period, the city or town governing body may adopt rules establishing policies and procedures under the state environmental policy act, chapter 43.21C RCW, and may use these rules and procedures in making determinations under the state environmental policy act, chapter 43.21C RCW.

During this interim period, the newly formed city or town and its governing body shall be subject to the following as though the city or town were officially incorporated: RCW 4.24.470 relating to immunity; chapter 42.17 RCW relating to open government; chapter 40.14 RCW relating to the preservation and disposition of public records; chapters 42.20 and 42.23 RCW relating to ethics and conflicts of interest; chapters 42.30 and 42.32 RCW relating to open public meetings and minutes; RCW 35.22.288, (~~35.23.310, 35.24.220~~) 35.23.221, 35.27.300, 35A.12.160, as appropriate, and chapter 35A.65 RCW relating to the publication of notices and ordinances; RCW 35.21.875 and 35A.21.230 relating to the designation of an official newspaper; RCW 36.16.138 relating to liability insurance; RCW 35.22.620, 35.23.352, and 35A.40.210, as appropriate, and statutes referenced therein relating to public contracts and bidding; and chapter 39.34 RCW relating to interlocal cooperation. Tax anticipation or revenue anticipation notes or warrants and other short-term obligations may be issued and funds may be borrowed on the security of these instruments during this interim period, as provided in chapter 39.50 RCW. Funds also may be borrowed from federal, state, and other governmental agencies in the same manner as if the city or town were officially incorporated.

RCW 84.52.020 and 84.52.070 shall apply to the extent that they may be applicable, and the governing body of such city or town may take appropriate action by ordinance during the interim period to adopt the property tax levy for its first full calendar year following the interim period.

The governing body of the new city or town may acquire needed facilities, supplies, equipment, insurance, and staff during this interim period as if the city or town were in existence. An interim city manager or administrator, who shall have such administrative powers and duties as are delegated by the governing body, may be appointed to serve only until the official date of incorporation. After the official date of incorporation the governing body of such a new city organized under the council manager form of government may extend the appointment of such an interim manager or administrator with such limited powers as the governing body determines, for up to ninety days. This governing body may submit ballot propositions to the voters of the city or town to authorize taxes to be collected on or after the official date of incorporation, or authorize an annexation of the city or town by a fire protection district or library district to be effective immediately upon the effective date of the incorporation as a city or town.

The boundaries of a newly incorporated city or town shall be deemed to be established for purposes of RCW 84.09.030 on the date that the results of the initial election on the question of incorporation are certified or the first day of January following the date of this election if the newly incorporated city or town does not impose property taxes in the same year that the voters approve the incorporation.

The newly elected officials shall take office immediately upon their election and qualification with limited powers during this interim period as provided in this section. They shall acquire their full powers as of the official date of incorporation and shall continue in office until their successors are elected and qualified at the next general municipal election after the official date of incorporation: PROVIDED, That if the date of the next general municipal election is less than twelve months after the date of the first election of councilmembers, those initially elected councilmembers shall serve until their successors are elected and qualified at the next following general municipal election as provided in RCW 29.04.170. For purposes of this section, the general municipal election shall be the date on which city and town general elections are held throughout the state of Washington, pursuant to RCW 29.13.020.

In any newly incorporated city that has adopted the council-manager form of government, the term of office of the mayor, during the interim period only, shall be set by the council, and thereafter shall be as provided by law.

The official date of incorporation shall be on a date from one hundred eighty to three hundred sixty days after the date of the election on the question of incorporation, as specified in a resolution adopted by the governing body during this interim period. A copy of the resolution shall be filed with the county legislative authority of the county in which all or the major portion of the newly incorporated city or town is located. If the governing body fails to adopt such a resolution, the official date of incorporation shall be three hundred sixty days after the date of the election on the question of incorporation. The county legislative authority of the county in which all or the major portion of the newly incorporated city or town is located shall file a notice with the county assessor that the city or town has been authorized to be incorporated immediately after the favorable results of the election on the question of incorporation have been certified. The county legislative authority shall file a notice with the secretary of state that the city or town is incorporated as of the official date of incorporation.

**Sec. 4.** RCW 35.02.180 and 1986 c 234 s 17 are each amended to read as follows:

The ownership of all county roads located within the boundaries of a newly incorporated city or town shall revert to the city or town and become streets as of the official date of incorporation. However, any special assessments attributable to these county roads shall continue to exist and be collected as if the incorporation had not occurred. Property within the newly incorporated city or town shall continue to be subject to any indebtedness attributable to these roads and any related property tax levies.

The territory included within the newly incorporated city or town shall be removed from the road district as of the official date of incorporation. The territory included within the newly incorporated city or town shall be removed from a fire protection district or districts or library district or districts in which it was located, as of the official date of incorporation, unless the fire protection district or districts have annexed the city or town during the interim period as provided in RCW ((52.04.160 through 52.04.200)) 52.04.061 through 52.04.101, or the library district or districts have annexed the city or town during the interim period as provided in RCW ((27.12.260 through 27.12.290)) 27.12.360 through 27.12.395.

The ownership of all assets and liabilities of any park and recreation district created and governed under the provisions of chapter 36.69 RCW that is located wholly within a city or town incorporated after August 1, 1995, shall, upon adoption of a resolution by the council of the newly incorporated city or town, revert to the city or town and become assets and liabilities of the city or town as of the official date of incorporation. However, any special assessments attributable to the park and recreation district shall continue to exist and be collected as if the incorporation had not occurred. Property that was within the boundaries of the park and recreation district shall continue to be subject to any indebtedness attributable to the park and recreation district and any related property tax levies."

Renumber the remaining sections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the Committee on Government Operations striking amendment, as amended, to House Bill No. 1707.

The Committee on Government Operations striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Winsley, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "towns;" strike the remainder of the title and insert "amending RCW 35.01.020, 35.01.040, 35.22.010, 35.33.020, 35.34.020, 35.86.010, 35A.06.020, and 35A.12.010; reenacting and amending RCW 35.23.051 and 35.23.101; adding a new section to chapter 35.22 RCW; recodifying RCW 35.21.620; and repealing RCW 35.21.600, 35.21.610, and 35A.61.010."

On page 6, line 16 of the title amendment, after "35.01.040," insert "35.02.130, 35.02.180,"

On motion of Senator Winsley, the rules were suspended, House Bill No. 1707, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1707, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1707, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Owen - 1.

HOUSE BILL NO. 1707, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2936, by House Committee on Commerce and Labor (originally sponsored by Representatives Clements, Chandler, Lisk, Foreman, Honeyford, Grant, Skinner and Mastin)

Exempting food storage facilities from building code requirements relating to ammonia usage.

The bill was read the second time.

#### MOTIONS

On motion of Senator Rasmussen, the following Committee on Agriculture and Agricultural Trade and Development amendment was adopted:

Strike everything after the enacting clause and insert the following:

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

(1) Ammonia refrigeration systems or systems using type A-1 refrigerants in cold storage warehouses and controlled atmosphere storage warehouses used to store fruit or vegetables are not required to comply with any requirements of sections 1118 and 1119 of the uniform mechanical code, as adopted by the state building code council, or sections 6308 and 6309 of the uniform fire code, as adopted by the state building code council, or with any requirements of local amendments adopted to these sections of the uniform mechanical code and uniform fire code.

(2) The state building code council shall adopt rules consistent with this section."

On motion of Senator Rasmussen, the following title amendment was adopted:

On page 1, line 1 of the title, after "storage;" strike the remainder of the title and insert "and adding a new section to chapter 19.27 RCW."

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 2936, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2936, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2936, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Owen - 1.

SUBSTITUTE HOUSE BILL NO. 2936, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2939, by House Committee on Financial Institutions and Insurance (originally sponsored by Representative L. Thomas)

Examining credit unions.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 2939 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2939.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2939 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator McDonald - 1.

Excused: Senator Owen - 1.

SUBSTITUTE HOUSE BILL NO. 2939, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SECOND ENGROSSED HOUSE BILL NO. 1659, by Representatives Mielke, Quall, Crouse, Costa, Kremen and Cooke

Regulating real estate brokerage relationships.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Second Engrossed House Bill No. 1659 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed House Bill No. 1659.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed House Bill No. 1659 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Owen - 1.

SECOND ENGROSSED HOUSE BILL NO. 1659, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1302, by Representatives Delvin, Costa, Appelwick, Hickel, Robertson, Sheahan, Padden, L. Thomas and Mastin

Revising provisions relating to food stamp crimes.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, House Bill No. 1302 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1302.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1302 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Owen - 1.

HOUSE BILL NO. 1302, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2468, by House Committee on Law and Justice (originally sponsored by Representatives Appelwick, Costa, Sheahan, Scott and Hatfield)

Clarifying the division of certain court filing fees.

The bill was read the second time.

#### MOTIONS

On motion of Senator Smith, the following Committee on Law and Justice amendment was adopted:

Beginning on page 1, line 18, after "by law" strike all material through "11.96.170." on page 2, line 2, and insert "~~((; or filing a petition, written agreement, or memorandum as provided in RCW 11.96.170)).~~"

On motion of Senator Smith, the rules were suspended, Substitute House Bill No. 2468, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2468, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2468, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senators Moyer and Pelz - 2.

Excused: Senator Owen - 1.

SUBSTITUTE HOUSE BILL NO. 2468, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1860, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives L. Thomas, Goldsmith and Robertson)

Regulating real estate appraisers.

The bill was read the second time.

#### MOTIONS

On motion of Senator Prentice, the following Committee on Financial Institutions and Housing amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 18.140.005 and 1993 c 30 s 1 are each amended to read as follows:

It is the intent of the legislature that only individuals who meet and maintain minimum standards of competence and conduct ~~((may provide))~~ established under this chapter for certified or licensed real estate appraisers may provide real estate appraisal services to the public.

**Sec. 2.** RCW 18.140.010 and 1993 c 30 s 2 are each amended to read as follows:

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

(1) "Appraisal" ~~((or "real estate appraisal"))~~ means ~~((an analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real estate, for or in expectation of compensation. An appraisal may be classified by subject matter into either a valuation or an analysis. A "valuation" is an estimate of the value of real estate or real property. An "analysis" is a study of real estate or real property other than estimating value))~~ the act or process of estimating value; an estimate of value; or of or pertaining to appraising and related functions.

(2) "Appraisal report" means any communication, written or oral, of an appraisal, ~~((except that all appraisal reports in federally related transactions are required to be written reports))~~ review, or consulting service in accordance with the standards of professional conduct or practice, adopted by the director, that is transmitted to the client upon completion of an assignment.

(3) "Appraisal assignment" means an engagement for which an appraiser is employed or retained to act, or would be perceived by third parties or the public as acting, as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion relating to the ~~((nature, quality,))~~ value~~((, or utility))~~ of specified interests in, or aspects of, identified real estate. The term "appraisal assignment" may apply to valuation work and analysis work.

(4) "Brokers price opinion" means an oral or written report of property value that is prepared by a real estate broker or salesperson licensed under chapter 18.85 RCW for listing, sale, purchase, or rental purposes.

(5) "Certified appraisal" means an appraisal prepared or signed by a state-certified real estate appraiser. A certified appraisal represents to the public that it meets the appraisal standards defined in this chapter.

~~((5))~~ (6) "Client" means any party for whom an appraiser performs a service.

(7) "Committee" means the real estate appraiser advisory committee of the state of Washington.

~~((6))~~ (8) "Comparative market analysis" means a brokers price opinion.

(9) "Department" means the department of licensing.

~~((7))~~ (10) "Director" means the director of the department of licensing.

~~((8))~~ (11) "Expert review appraiser" means a state-certified or state-licensed real estate appraiser chosen by the director for the purpose of providing appraisal review assistance to the director.

(12) "Federal department" means an executive department of the United States of America specifically concerned with housing finance issues, such as the department of housing and urban development, the department of veterans affairs, or their legal federal successors.

(13) "Federal financial institutions regulatory agency" means the board of governors of the federal reserve system, the federal deposit insurance corporation, the office of the comptroller of the currency, the office of thrift supervision, the national credit union administration, their successors and/or such other agencies as may be named in future amendments to 12 U.S.C. Sec. 3350(6).

(14) "Federal secondary mortgage marketing agency" means the federal national mortgage association, the government national mortgage association, the federal home loan mortgage corporation, their successors and/or such other similarly functioning housing finance agencies as may be federally chartered in the future.

(15) "Financial institution" means any person doing business under the laws of this state or the United States relating to banks, bank holding companies, savings banks, trust companies, savings and loan associations, credit unions, consumer loan companies, and the affiliates, subsidiaries, and service corporations thereof.

(16) "Licensed appraisal" means an appraisal prepared or signed by a state-licensed real estate appraiser. A licensed appraisal represents to the public that it meets the appraisal standards defined in this chapter.

~~((9))~~ (17) "Mortgage broker" for the purpose of this chapter means a mortgage broker licensed under chapter 19.146 RCW, any mortgage broker approved and subject to audit by the federal national mortgage association, the government national mortgage association, or the federal home loan mortgage corporation as provided in RCW 19.146.020, any mortgage broker approved by the United States secretary of housing and urban development for participation in any

mortgage insurance under the national housing act, 12 U.S.C. Sec. 1201, and the affiliates, subsidiaries, and service corporations thereof.

~~((18))~~ (18) "Real estate" means an identified parcel or tract of land, including improvements, if any.

~~((19))~~ (19) "Real property" means one or more defined interests, benefits, or rights inherent in the ownership of real estate.

~~((20))~~ (20) "Review" means the act or process of critically studying an appraisal report prepared by another.

(21) "Specialized appraisal services" means all appraisal services which do not fall within the definition of appraisal assignment. The term "specialized appraisal service" may apply to valuation work and to analysis work. Regardless of the intention of the client or employer, if the appraiser would be perceived by third parties or the public as acting as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion, the work is classified as an appraisal assignment and not a specialized appraisal service.

~~((22))~~ (22) "State-certified general real estate appraiser" means a person certified by the director to develop and communicate real estate appraisals of all types of property. A state-certified general real estate appraiser may designate or identify an appraisal rendered by him or her as a "certified appraisal."

~~((23))~~ (23) "State-certified residential real estate appraiser" means a person certified by the director to develop and communicate real estate appraisals of all types of residential property of one to four units without regard to transaction value or complexity and nonresidential property having a transaction value as specified in rules adopted by the director. A state certified residential real estate appraiser may designate or identify an appraisal rendered by him or her as a "certified appraisal."

~~((24))~~ (24) "State-licensed real estate appraiser" means a person licensed by the director to develop and communicate real estate appraisals of noncomplex one to four residential units and complex one to four residential units and nonresidential property having transaction values as specified in rules adopted by the director.

**Sec. 3.** RCW 18.140.020 and 1993 c 30 s 3 are each amended to read as follows:

(1) No person other than a state-certified or state-licensed real estate appraiser may receive compensation of any form for a real estate appraisal or an appraisal review.

(2) No person, other than a state-certified or state-licensed real estate appraiser, may assume or use that title or any title, designation, or abbreviation likely to create the impression of certification or licensure as a real estate appraiser by this state.

(3) A person who is not certified or licensed under this chapter shall not ~~((describe or refer to))~~ prepare any appraisal of real estate located in this state ~~((by the term "certified" or "licensed."))~~

~~((2)) This section does not preclude a person who is not certified or licensed as a state-certified or state-licensed real estate appraiser from appraising real estate in this state for compensation, except in federally related transactions requiring licensure or certification to perform appraisal services)), except as provided under subsection (1) of this section.~~

(4) This section does not preclude a staff employee of a governmental entity from performing an appraisal or an appraisal assignment within the scope of his or her employment insofar as the performance of official duties for the governmental entity are concerned. Such an activity for the benefit of the governmental entity is exempt from the requirements of this chapter.

(5) This section does not preclude an individual person licensed by the state of Washington as a real estate broker or as a real estate salesperson and who performs a brokers price opinion as a service to a prospective seller, buyer, lessor, or lessee as the only intended user, and not for dissemination to a third party, within the scope of his or her employment or agency. Such an activity for the sole benefit of the prospective seller, buyer, lessor, or lessee is exempt from the requirements of this chapter.

(6) This section does not apply to an appraisal or an appraisal review performed for a financial institution or mortgage broker, whether conducted by an employee or third party, when such appraisal or appraisal review is not required to be performed by a state-certified or state-licensed real estate appraiser by the appropriate federal financial institutions regulatory agency.

(7) This section does not apply to an attorney licensed to practice law in this state or to a certified public accountant, as defined in RCW 18.04.025, who evaluates real property in the normal scope of his or her professional services.

**Sec. 4.** RCW 18.140.030 and 1993 c 30 s 4 are each amended to read as follows:

The director shall have the following powers and duties:

(1) To adopt rules in accordance with chapter 34.05 RCW necessary to implement this chapter;

(2) To receive and approve or deny applications for certification or licensure as a state-certified or state-licensed real estate appraiser under this chapter; to establish appropriate administrative procedures for the processing of such applications;

to issue certificates or licenses to qualified applicants pursuant to the provisions of this chapter; and to maintain a register of the names and addresses of individuals who are currently certified or licensed under this chapter;

(3) To establish, provide administrative assistance, and appoint the members for the real estate appraiser advisory committee to enable the committee to act in an advisory capacity to the director;

(4) To solicit bids and enter into contracts with educational testing services or organizations for the preparation of questions and answers for certification or licensure examinations;

(5) To administer or contract for administration of certification or licensure examinations at locations and times as may be required to carry out the responsibilities under this chapter;

(6) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

(7) To consider recommendations by the real estate appraiser advisory committee relating to the experience, education, and examination requirements for each classification of state-certified appraiser and for licensure;

(8) To impose continuing education requirements as a prerequisite to renewal of certification or licensure;

(9) To consider recommendations by the real estate appraiser advisory committee relating to standards of professional appraisal practice in the enforcement of this chapter;

(10) To investigate all complaints or reports of unprofessional conduct as defined in this chapter and to hold hearings as provided in this chapter;

(11) To establish appropriate administrative procedures for disciplinary proceedings conducted pursuant to the provisions of this chapter;

(12) To compel the attendance of witnesses and production of books, documents, records, and other papers; to administer oaths; and to take testimony and receive evidence concerning all matters within their jurisdiction. These powers may be exercised directly by the director or the director's authorized representatives acting by authority of law;

(13) To take emergency action ordering summary suspension of a license or certification pending proceedings by the director;

(14) To employ such professional, clerical, and technical assistance as may be necessary to properly administer the work of the director;

(15) To establish forms necessary to administer this chapter;

(16) To adopt standards of professional conduct or practice; ~~(and)~~

(17) To establish an expert review appraiser roster comprised of state-certified or licensed real estate appraisers whose purpose is to assist the director by applying their individual expertise by reviewing real estate appraisals for compliance with this chapter. Qualifications to act as an expert review appraiser shall be established by the director with the advice of the committee. An application to serve as an expert review appraiser shall be submitted to the real estate appraiser program, and the roster of accepted expert review appraisers shall be maintained by the department. An expert review appraiser may be added to or deleted from that roster by the director. The expert review appraiser shall be reimbursed for expenses in the same manner as the department reimburses the committee; and

(18) To do all other things necessary to carry out the provisions of this chapter and minimally meet the requirements of federal guidelines regarding state certification or licensure of appraisers that the director determines are appropriate for state-certified and state-licensed appraisers in this state.

**Sec. 5.** RCW 18.140.090 and 1993 c 30 s 9 are each amended to read as follows:

(1) As a prerequisite to taking an examination for certification or licensure, an applicant must meet the experience requirements adopted by the director.

(2) The preexamination experience claimed by an applicant, and accepted by the department for the purpose of taking the examination, shall remain subject to postlicensure auditing by the department.

**Sec. 6.** RCW 18.140.130 and 1993 c 30 s 13 are each amended to read as follows:

(1) Each original and renewal license or certificate issued under this chapter shall expire on the applicant's second birthday following issuance of the license or certificate.

(2) To be renewed as a state-licensed or state-certified real estate appraiser, the holder of a valid license or certificate shall apply and pay the prescribed fee to the director no earlier than one hundred twenty days prior to the expiration date of the license or certificate and shall demonstrate satisfaction of any continuing education requirements.

(3) If a person fails to renew a license or certificate prior to its expiration and no more than ~~((two years have))~~ one year has passed since the person last held a valid license or certificate, the person may obtain a renewal license or certificate by satisfying all of the requirements for renewal and paying late renewal fees.

The director shall cancel the license or certificate of any person whose renewal fee is not received within ~~((two years))~~ one year from the date of expiration. A person may obtain a new license or certificate by satisfying the procedures and qualifications for initial licensure or certification, including the successful completion of any applicable examinations.

**Sec. 7.** RCW 18.140.140 and 1993 c 30 s 14 are each amended to read as follows:

(1) A license or certificate issued under this chapter shall bear the signature or facsimile signature of the director and a license or certificate number assigned by the director.

(2) Each state-licensed or state-certified real estate appraiser shall place his or her license or certificate number adjacent to or immediately below the title "state-licensed real estate appraiser," "state-certified residential real estate appraiser," or "state-certified general real estate appraiser" when used in an appraisal report or in a contract or other instrument used by the licensee or certificate holder in conducting real property appraisal activities, except that the license or certificate number shall not be required to appear when the title is not accompanied by a signature as is typical on such promotional and stationery items as brochures, business cards, forms, or letterhead.

**Sec. 8.** RCW 18.140.150 and 1993 c 30 s 15 are each amended to read as follows:

(1) The term "state-licensed" or "state-certified real estate appraiser" may only be used to refer to individuals who hold the license or certificate and may not be used following or immediately in connection with the name or signature of a firm, partnership, corporation, ~~((or))~~ group, or limited liability company, or in such manner that it might be interpreted as referring to a firm, partnership, corporation, group, limited liability company, or anyone other than an individual holder of the license or certificate.

(2) No license or certificate may be issued under this chapter to a corporation, partnership, firm, limited liability company, or group. This shall not be construed to prevent a state-licensed or state-certified appraiser from signing an appraisal report on behalf of a corporation, partnership, firm, ~~((or))~~ group practice, or limited liability company.

**Sec. 9.** RCW 18.140.160 and 1993 c 30 s 17 are each amended to read as follows:

The director may deny an application for licensure or certification and may ~~((be denied. The director may))~~ impose any one or more of the following sanctions against a state-licensed or state-certified appraiser(s): Suspend, revoke, or levy a fine not to exceed one thousand dollars for each offense and/or otherwise discipline in accordance with the provisions of this chapter, for any of the following acts or omissions:

(1) Failing to meet the minimum qualifications for state licensure or certification established by or pursuant to this chapter;

(2) Procuring or attempting to procure state licensure or certification under this chapter by knowingly making a false statement, knowingly submitting false information, or knowingly making a material misrepresentation on any application filed with the director;

(3) Paying money other than the fees provided for by this chapter to any employee of the director or the committee to procure state licensure or certification under this chapter;

(4) Obtaining a license or certification through the mistake or inadvertence of the director;

(5) Conviction of any gross misdemeanor or felony or the commission of any act involving moral turpitude, dishonesty, or corruption whether or not the act constitutes a crime. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license or certificate holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(6) Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report, or communicating an appraisal;

(7) Negligence or incompetence in developing an appraisal, preparing an appraisal report, or communicating an appraisal;

(8) Continuing to act as a state-licensed or state-certified real estate appraiser when his or her license or certificate is on an expired status;

(9) Failing, upon demand, to disclose any information within his or her knowledge to, or to produce any document, book, or record in his or her possession for inspection of the director or the director's authorized representatives acting by authority of law;

(10) Violating any provision of this chapter or any lawful rule or regulation made by the director pursuant thereto;

(11) Advertising in a false, fraudulent, or misleading manner;

(12) Suspension, revocation, or restriction of the individual's license or certification to practice the profession by competent authority in any state, federal, or foreign jurisdiction, with a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(13) Failing to comply with an order issued by the director;

(14) Committing any act of fraudulent or dishonest dealing or a crime involving moral turpitude, with a certified copy of the final holding of any court of competent jurisdiction in such matter being conclusive evidence in any hearing under this chapter; and

(15) Issuing an appraisal report on any real property in which the appraiser has an interest unless his or her interest is clearly stated in the appraisal report.

**Sec. 10.** RCW 18.140.170 and 1993 c 30 s 18 are each amended to read as follows:

The director may investigate the actions of a state-licensed or state-certified real estate appraiser or an applicant for licensure or certification or relicensure or recertification. Upon receipt of information indicating that a state-licensed or state-certified real estate appraiser under this chapter may have violated this chapter, the director shall cause one or more of the staff investigators to make an investigation of the facts to determine whether or not there is admissible evidence of any such violation. If technical assistance is required, a staff investigator may consult with one or more of the members of the committee.

In any investigation made by the director's investigative staff, the director shall have the power to compel the attendance of witnesses and the production of books, documents, records, and other papers, to administer oaths, and to take testimony and receive evidence concerning all matters within the director's jurisdiction.

If the director determines, upon investigation, that a state-licensed or state-certified real estate appraiser under this chapter has violated this chapter, a statement of charges shall be prepared and served upon the state-licensed or state-certified real estate appraiser. The statement of charges shall be served as follows: The statement of charges shall be sent by certified or registered mail, and if no receipt of service is received, two attempts to personally serve the statement of charges shall be made. This statement of charges shall require the accused party to file an answer to the statement of charges within twenty days of the date of service.

In responding to a statement of charges, the accused party may admit to the allegations, deny the allegations, or otherwise plead. Failure to make a timely response shall be deemed an admission of the allegations contained in the statement of charges and will result in a default whereupon the director may enter an order under RCW 34.05.440. If a hearing is requested, the time of the hearing shall be scheduled but the hearing shall not be held earlier than thirty days after service of the charges upon the accused. A notice of hearing shall be issued at least twenty days prior to the hearing, specifying the time, date, and place of hearing.

**NEW SECTION. Sec. 11.** The director may refer a complaint for violation of any section of this chapter before any court of competent jurisdiction.

Any violation of the provisions of this chapter shall be prosecuted by the prosecuting attorney of each county in which the violation occurs, and if the prosecuting attorney fails to act, the director may request the attorney general to take action in lieu of the prosecuting attorney.

Whenever evidence satisfactory to the director suggests that any person has violated any of the provisions of this chapter, or any part or provision thereof, the director may bring an action, in the superior court in the county where the person resides, against the person to enjoin any person from continuing a violation or engaging or doing any act or acts in furtherance thereof. In this action an order or judgment may be entered awarding a preliminary or final injunction as may be proper.

The director may petition the superior court in any county in this state for the appointment of a receiver to take over, operate, or close any real estate appraisal activity or practice in this state which is found upon inspection of its books and records to be operating in violation of the provisions of this chapter, pending a hearing.

**NEW SECTION. Sec. 12.** Any person acting as a state-certified or state-licensed real estate appraiser without a certificate or license that is currently valid is guilty of a misdemeanor.

**NEW SECTION. Sec. 13.** RCW 18.140.085 and 1993 c 30 s 23 are each repealed.

**NEW SECTION. Sec. 14.** A new section is added to chapter 50.04 RCW to read as follows:

The term "employment" does not include services performed by an appraisal practitioner certified or licensed under chapter 18.140 RCW in an appraisal business if the use of the business facilities is contingent upon compensation to the owner of the business facilities and the person receives no compensation from the owner for the services performed. This exemption does not include services performed by an appraisal practitioner certified or licensed under chapter 18.140 RCW for an employer under chapter 50.44 RCW.

**NEW SECTION. Sec. 15.** Sections 11 and 12 of this act are each added to chapter 18.140 RCW.

NEW SECTION. **Sec. 16.** This act shall take effect July 1, 1996, except section 3 of this act, which shall take effect July 1, 1997."

On motion of Senator Prentice, the following title amendment was adopted:

On page 1, line 1, after "appraisers;" strike the remainder of the title and insert "amending RCW 18.140.005, 18.140.010, 18.140.020, 18.140.030, 18.140.090, 18.140.130, 18.140.140, 18.140.150, 18.140.160, and 18.140.170; adding new sections to chapter 18.140 RCW; adding a new section to chapter 50.04 RCW; repealing RCW 18.140.085; prescribing penalties; and providing effective dates."

#### MOTION

On motion of Senator Prentice, the rules were suspended, Second Substitute House Bill No. 1860, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1860, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1860, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 4; Excused, 1.

Voting yea: Senators Anderson, A., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44.

Absent: Senators Bauer, McDonald, Pelz and Rinehart - 4.

Excused: Senator Owen - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1860, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2440, by Representatives Schoesler, Sheldon, Johnson, Brown, Honeyford, Grant, Sheahan, McMorris, Boldt, Quall, Morris, Chappell, Campbell, Hymes, Brumsickle, Mastin, Benton, Foreman, Lisk, Crouse, Smith, Thompson, Mulliken and Kessler

Increasing tax deductions available to low-density light and power businesses.

The bill was read the second time.

#### MOTION

On motion of Senator Sutherland, the rules were suspended, House Bill No. 2440 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2440.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2440 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 46.

Absent: Senators Rinehart and Wojahn - 2.

Excused: Senator Owen - 1.

HOUSE BILL NO. 2440, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Hale, Gubernatorial Appointment No. 9202, Emmitt Jackson, as a member of the Board of Trustees for Columbia Basin Community College District No. 19, was confirmed.

MOTION

On motion of Senator Thibaudeau, Senator Rinehart was excused.

APPOINTMENT OF EMMITT JACKSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senator Deccio - 1.

Excused: Senators Owen and Rinehart - 2.

MOTION

On motion of Senator Loveland, Gubernatorial Appointment No. 9225, Kayleen Bye, as a member of the Board of Trustees for Walla Walla Community College District No. 20, was confirmed.

APPOINTMENT OF KAYLEEN BYE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senator Hargrove - 1.

Excused: Senators Owen and Rinehart - 2.

President Pro Tempore Wojahn assumed the Chair.

MOTION

On motion of Senator Wood, Senator Long was excused.

MOTION

On motion of Senator Johnson, Gubernatorial Appointment No. 9224, Lea Armstrong, as a member of the Board of Trustees for Green River Community College District No. 10, was confirmed.

Senators Johnson and Franklin spoke to the confirmation of Lea Armstrong as a member of the Board of Trustees for Green River Community College District No. 10.

#### APPOINTMENT OF LEA ARMSTRONG

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Excused: Senators Long, Owen and Rinehart - 3.

#### MOTION

On motion of Senator West, Gubernatorial Appointment No. 9240, David Clack, as a member of the Spokane Joint Center for Higher Education, was confirmed.

#### APPOINTMENT OF DAVID CLACK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator Kohl - 1.

Excused: Senator Owen - 1.

#### MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9171, Natalie Ybarra, as a member of the Housing Finance Commission, was confirmed.

#### APPOINTMENT OF NATALIE YBARRA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator McDonald - 1.

Excused: Senator Owen - 1.

#### MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9172, Reverend James T. Watson, as a member of the Housing Finance Commission, was confirmed.

Senators Prentice and Franklin spoke to the confirmation of Reverend James T. Watson, as a member of the Housing Finance Commission.

#### MOTION

On motion of Senator Anderson, Senator McDonald was excused.

#### APPOINTMENT OF REVEREND JAMES T. WATSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senator Schow - 1.

Excused: Senators McDonald and Owen - 2.

#### MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9174, Josephine V. Tamayo Murray, as a member of the Housing Finance Commission, was confirmed.

#### MOTIONS

On motion of Senator Thibaudeau, Senator Smith was excused.

On motion of Senator Wood, Senator Anderson was excused.

#### APPOINTMENT OF JOSEPHINE V. TAMAYO MURRAY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 44.

Absent: Senator West - 1.

Excused: Senators Anderson, A., McDonald, Owen and Smith - 4.

#### MOTION

On motion of Senator Snyder, Gubernatorial Appointment No. 9230, George Masten, as a member of the State Investment Board, was confirmed.

#### APPOINTMENT OF GEORGE MASTEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44.

Absent: Senators Finkbeiner and Rinehart - 2.

Excused: Senators McDonald, Owen and Smith - 3.

#### MOTION

On motion of Senator Wood, Senator Finkbeiner was excused.

MOTION

On motion of Senator Snyder, Gubernatorial Appointment No. 9231, Jimmy Cason, as a member of the State Investment Board, was confirmed.

APPOINTMENT OF JIMMY CASON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45.

Absent: Senator Kohl - 1.

Excused: Senators Finkbeiner, Owen and Smith - 3.

MOTION

On motion of Senator Prince, Gubernatorial Appointment No. 9281, Richard A. Davis, as a member of the Board of Regents for Washington State University, was confirmed.

APPOINTMENT OF RICHARD A. DAVIS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44.

Absent: Senators McDonald and Quigley - 2.

Excused: Senators Finkbeiner, Owen and Smith - 3.

MOTION

At 4:30 p.m., on motion of Senator Spanel, the Senate adjourned until 11:00 a.m., Wednesday, February 28, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-FIRST DAY, FEBRUARY 27, 1996

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**FIFTY-SECOND DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Wednesday, February 28, 1996  
The Senate was called to order at 11:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Fairley, Hargrove, Haugen, Long, Loveland, McCaslin, Moyer, Pelz, Quigley, Rinehart, Strannigan, West, Wojahn, Wood and Zarelli. On motion of Senator Thibaudeau, Senators Fairley, Hargrove, Haugen, Loveland, Pelz, Rinehart and Wojahn were excused. On motion of Senator Anderson, Senators Long, McCaslin, Moyer, Strannigan, Wood and Zarelli were excused.

The Sergeant at Arms Color Guard, consisting of Pages Lisa Hawkins and Nathan Sherwood, presented the Colors. Elder James Erlandson of the Reorganized Church of Jesus Christ of Latter-Day Saints of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

MR. PRESIDENT:

The House passed:  
SUBSTITUTE SENATE BILL NO. 5050,  
SUBSTITUTE SENATE BILL NO. 5522,  
SECOND SUBSTITUTE SENATE BILL NO. 5757,  
SUBSTITUTE SENATE BILL NO. 6113,  
SENATE BILL NO. 6167,  
SENATE BILL NO. 6181,  
SENATE BILL NO. 6216,  
SUBSTITUTE SENATE BILL NO. 6237,  
SUBSTITUTE SENATE BILL NO. 6263,  
SUBSTITUTE SENATE BILL NO. 6271,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6398,  
SENATE BILL NO. 6414,  
SENATE BILL NO. 6467,  
SUBSTITUTE SENATE BILL NO. 6487,  
SENATE BILL NO. 6489, and the same are herewith transmitted.

February 26, 1996

TIMOTHY A. MARTIN, Chief Clerk

February 27, 1996

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2910, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 27, 1996

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6554, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 27, 1996

MR. PRESIDENT:

The House passed:  
SUBSTITUTE SENATE BILL NO. 5140,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5605,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6093,  
SUBSTITUTE SENATE BILL NO. 6101,  
SENATE BILL NO. 6115,  
SUBSTITUTE SENATE BILL NO. 6150,  
SUBSTITUTE SENATE BILL NO. 6579,  
ENGROSSED SENATE BILL NO. 6631,  
SENATE JOINT MEMORIAL NO. 8023, and the same are herewith transmitted.

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE SENATE BILL NO. 5140,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5605,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6093,  
SUBSTITUTE SENATE BILL NO. 6101,  
SENATE BILL NO. 6115,  
SUBSTITUTE SENATE BILL NO. 6150,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6554,  
SUBSTITUTE SENATE BILL NO. 6579,  
ENGROSSED SENATE BILL NO. 6631,  
SENATE JOINT MEMORIAL NO. 8023.

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE SENATE BILL NO. 5050,  
SUBSTITUTE SENATE BILL NO. 5522,  
SECOND SUBSTITUTE SENATE BILL NO. 5757,  
SUBSTITUTE SENATE BILL NO. 6113,  
SENATE BILL NO. 6167,  
SENATE BILL NO. 6181,  
SENATE BILL NO. 6216,  
SUBSTITUTE SENATE BILL NO. 6237,  
SUBSTITUTE SENATE BILL NO. 6263,  
SUBSTITUTE SENATE BILL NO. 6271,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6398,  
SENATE BILL NO. 6414,  
SENATE BILL NO. 6467,  
SUBSTITUTE SENATE BILL NO. 6487,  
SENATE BILL NO. 6489.

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 2910 by House Committee on Education (originally sponsored by Representatives B. Thomas, Foreman, Talcott, Cairnes, Robertson, L. Thomas, Horn, Johnson, Cooke, Kessler, Huff, D. Sommers, Basich, Campbell, Smith, Quall and Carlson)

Authorizing charter schools.

Referred to Committee on Education.

MOTION

On motion of Senator Spanel, the rules were suspended and House Joint Memorial No. 4043, which was held on the desk February 26, 1996, was advanced to second reading and placed on the second reading calendar.

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

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

GA 9262 SENATOR HARRIET A. SPANEL, reappointed January 31, 1996, for a term ending June 12, 1999, as a member of the Pacific Marine Fisheries Commission. February 28, 1996  
Reported by Committee on Natural Resources

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Drew, Chair; Spanel, Vice Chair; Anderson, Hargrove, Haugen, Morton, Snyder and Swecker.

Passed to Committee on Rules.

GA 9263 SENATOR DEAN SUTHERLAND, reappointed January 31, 1996, for a term ending June 12, 1999, as a member of the Pacific Marine Fisheries Commission. February 28, 1996  
Reported by Committee on Natural Resources

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Drew, Chair; Spanel, Vice Chair; Anderson, Hargrove, Haugen, Morton, Snyder and Swecker.

Passed to Committee on Rules.

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

## MOTION

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

### SENATE RESOLUTION 1996-8697

WHEREAS, Oscar Berggren is affectionately known to friends, family, and neighbors as "Oskey"; and  
WHEREAS, Oskey Berggren has been of tremendous and outstanding service to his community of Roy for more than forty years;  
and  
WHEREAS, His work on behalf of fire prevention has no doubt saved the lives of many people and millions of dollars worth of property over the years; and  
WHEREAS, Without his hard work and commitment to the public health and safety, many of his neighbors would have lost their lives, their homes, and other property to fire; and  
WHEREAS, His efforts to bring fire protection to his community began in 1951 with the loss of his own family's home to fire; and  
WHEREAS, That loss only steeled his commitment to bring his neighbors together in true community spirit to form the Roy Fire District; and  
WHEREAS, Oskey Berggren served as Fire District Commissioner for more than forty years, from the district's inception in 1953, to January, 1996; and  
WHEREAS, The Fire District today has four stations, and is in the process of building a new replacement station at Hart's Lake and enlarging the station at Lacamas; and  
WHEREAS, Mr. Berggren's work on behalf of his community extends beyond fire protection to his service as a member of the Roy Grange #702; and  
WHEREAS, As an active Granger, he was instrumental in the introduction and passage of several bills in the Legislature affecting elections and taxation, including the 106% tax lid; and  
WHEREAS, His other community activities have included two terms of service on the HUD Citizens Advisory Board, petitioning the HUD Block Grant committee for a grant to build the McKenna Fire Station, helping to arrange the grant for the City of Roy water system, ten years service on the Pierce County Weed Board, and several years service to Drainage District #10; and  
WHEREAS, In addition to all his public service, Oskey Berggren has shown himself in private life to be a truly good friend and neighbor to the people of his community;  
WHEREAS, Through his service to his community at the Legislature over the years, Oskey Berggren has become a friend to lawmakers from all corners of Washington;  
NOW, THEREFORE, BE IT RESOLVED, That the members of the Senate of the state of Washington do hereby recognize and honor Mr. Oscar Berggren for his innumerable contributions to his community and our state, and his outstanding example of citizenship and concern for the common good, and that we urge all citizens of Washington to join with us in so honoring and recognizing Mr. Berggren and his contributions to our great state; and  
BE IT FURTHER RESOLVED, That copies of this resolution be transmitted immediately by the Secretary of the Senate to Mr. Oscar Berggren and his family, and to the Roy Fire District.

Senators Rasmussen, Franklin and Goings spoke to Senate Resolution 1996-8697.

## INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Oscar 'Oskey' Berggren, his family and friends, who were seated in the gallery.

## MOTION

At 11:18 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 1:08 p.m. by President Pritchard.

## SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9247, Lois M. Curtis, as a member of the Puget Sound Water Quality Authority, was confirmed.

## APPOINTMENT OF LOIS M. CURTIS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 34; Nays, 0; Absent, 2; Excused, 13.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Heavey, Hochstatter, Johnson, Kohl, McAuliffe, McDonald, Morton, Newhouse, Oke, Owen, Prentice, Prince, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau and Winsley - 34.  
Absent: Senators Quigley and West - 2.  
Excused: Senators Fairley, Hargrove, Haugen, Long, Loveland, McCaslin, Moyer, Pelz, Rinehart, Strannigan, Wojahn, Wood and Zarelli - 13.

## MOTIONS

On motion of Senator Snyder, Senator Quigley was excused.  
On motion of Senator Anderson, Senators Finkbeiner and Johnson were excused.

#### MOTION

On motion of Senator Franklin, Gubernatorial Appointment No. 9213, Alberta J. Canada, as a member of the Board of Trustees for Tacoma Community College District No. 22, was confirmed.

#### APPOINTMENT OF ALBERTA J. CANADA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 36; Nays, 0; Absent, 0; Excused, 13.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Franklin, Fraser, Goings, Hale, Heavey, Hochstatter, Kohl, Long, McAuliffe, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West and Winsley - 36.  
Excused: Senators Fairley, Finkbeiner, Hargrove, Haugen, Johnson, Loveland, McCaslin, Moyer, Quigley, Strannigan, Wojahn, Wood and Zarelli - 13.

#### MOTION

On motion of Senator Sellar, Senator Roach was excused.

#### MOTION

On motion of Senator Swecker, Gubernatorial Appointment No. 9259, Judy Guenther, as a member of the Board of Trustees for Centralia Community College District No. 12, was confirmed.

#### APPOINTMENT OF JUDY GUENTHER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 36; Nays, 0; Absent, 0; Excused, 13.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Franklin, Fraser, Goings, Hale, Heavey, Hochstatter, Kohl, Long, McAuliffe, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley and Wojahn - 36.  
Excused: Senators Fairley, Finkbeiner, Hargrove, Haugen, Johnson, Loveland, McCaslin, Moyer, Quigley, Roach, Strannigan, Wood and Zarelli - 13.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2637, by House Committee on Higher Education (originally sponsored by Representatives D. Sommers, Sheahan, Jacobsen, Dellwo, Schoesler, Carlson and Grant) (by request of Joint Center for Higher Education)

Changing provisions relating to the joint center for higher education.

The bill was read the second time.

#### MOTION

On motion of Senator Bauer, the rules were suspended, Engrossed Substitute House Bill No. 2637 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2637.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2637 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley and Wojahn - 39.

Excused: Senators Fairley, Finkbeiner, Johnson, Loveland, McCaslin, Roach, Schow, Strannigan, Wood and Zarelli - 10.  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2637, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2592, by House Committee on Finance (originally sponsored by Representatives B. Thomas, Morris and Boldt) (by request of Department of Revenue)

Providing consistency to penalty and interest administration of the department of revenue.

The bill was read the second time.

## MOTIONS

On motion of Senator Drew, the following amendment by Senators Rinehart and West was adopted:

On page 2, line 10, after "interest" insert "on the tax only"

On motion of Senator Drew, the rules were suspended, Engrossed Substitute House Bill No. 2592, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2592, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2592, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley and Wojahn - 44.

Excused: Senators Loveland, McCaslin, Strannigan, Wood and Zarelli - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2592, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2591, by Representatives Dickerson, Hymes and B. Thomas (by request of Department of Revenue)

Revising tax provisions that are obsolete or incorrect.

The bill was read the second time.

## MOTION

On motion of Senator Drew, the rules were suspended, House Bill No. 2591 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2591.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2591 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45.

Absent: Senator Fairley - 1.

Excused: Senators Loveland, McCaslin and Strannigan - 3.

HOUSE BILL NO. 2591, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2589, by Representatives B. Thomas, Dickerson and Boldt (by request of Department of Revenue)

Regulating unclaimed property procedures.

The bill was read the second time.

## MOTION

On motion of Senator Drew, the rules were suspended, House Bill No. 2589 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2589.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2589 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senator Deccio - 1.  
Excused: Senators Loveland and McCaslin - 2.  
HOUSE BILL NO. 2589, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1231, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Rust, Chandler, Valle, Cole, Mastin and Chopp)

Promoting the recycled content of products and buildings.

The bill was read the second time.

## MOTIONS

On motion of Senator Fairley, the following Committee on Ecology and Parks amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.19A.020 and 1995 c 269 s 1406 are each amended to read as follows:

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

~~(a) Be consistent with the USEPA product standards)) The USEPA product standards, as now or hereafter amended, are adopted as the minimum standards for the state of Washington. These standards shall be implemented for at least the products listed in (a) and (b) of this subsection by the dates indicated, unless the director finds that a different standard would significantly increase recycled product availability or competition(;~~

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

~~(c) Consider regional product manufacturing capability;~~

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

~~(e) Consider postconsumer waste content and the recyclability of the product.~~

~~(2) The director shall consult with the department of ecology prior to adopting the recycled content standards.~~

~~(3) The director shall adopt recycled content standards for at least the following products by the dates indicated:))~~

~~(a) By July 1, ((1992)) 1997:~~

~~(i) Paper and paper products;~~

~~(ii) Organic recovered materials; and~~

~~(iii) Latex paint products;~~

~~(b) By July 1, ((1993)) 1997:~~

~~(i) Products for lower value uses containing recycled plastics;~~

~~(ii) Retread and remanufactured tires;~~

~~(iii) Lubricating oils;~~

~~(iv) Automotive batteries; ((and))~~

~~(v) Building insulation;~~

~~(vi) Panelboard; and~~

~~(vii) Compost products.~~

~~((4)) (2) The standards required by this section shall be applied to recycled product purchasing by the department and other state agencies. The standards may be adopted or applied by any other local government in product procurement. The standards shall provide for exceptions under appropriate circumstances to allow purchases of recycled products that do not meet the minimum content requirements of the standards.~~

**Sec. 2.** RCW 43.19A.050 and 1991 c 297 s 7 are each amended to read as follows:

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

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

(a) At least ~~((forty)) sixty~~ percent by ~~((1993)) 1996;~~

(b) At least ~~((fifty)) seventy~~ percent by ~~((1994)) 1997;~~

(c) At least ~~((sixty)) eighty~~ percent by ~~((1995)) 1998.~~

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

(a) At least ~~((twenty-five)) forty~~ percent by ~~((1993)) 1996;~~

(b) At least ~~((forty)) sixty~~ percent by ~~((1995)) 1997;~~

(c) At least ~~((sixty)) eighty~~ percent by ~~((1997)) 1998.~~

**Sec. 3.** RCW 43.78.170 and 1991 c 297 s 10 are each amended to read as follows:

The public printer shall take all actions consistent with the plan under RCW 43.19A.050 to ensure that seventy-five percent or more of the total dollar amount of printing paper stock used by the printer is recycled content paper by January 1, ~~((1995)) 1997, and ninety percent or more of the total dollar amount of printing paper stock used by the printer is recycled content paper by January 1, 1999.~~

**Sec. 4.** RCW 47.28.220 and 1992 c 174 s 14 are each amended to read as follows:

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

(a) For the period July 1, ~~((1994)) 1996~~, through June 30, ~~((1993)) 1997~~, twenty-five percent of the total dollar amount purchased;

(b) For the period July 1, ~~((1993)) 1998~~, through June 30, ~~((1995)) 1999~~, fifty percent of the total dollar amount purchased. The percentages in this subsection apply ~~((only))~~ to the materials' value~~((s))~~ and ~~((do not))~~ include services or other materials.

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

(3)(a) For purposes of this section, "compost products" means mulch, soil amendments, ground cover, or other landscaping material derived from the biological or mechanical conversion of biosolids or cellulose-containing waste materials.

(b) For purposes of this section, "biosolids" means municipal sewage sludge or septic tank septage sludge that meets the requirements of chapter 70.95J RCW.

**NEW SECTION. Sec. 5.** A new section is added to chapter 39.04 RCW to read as follows:

(1) The state's preferences for the purchase and use of recycled-content products shall be included as a factor in the design and development of state capital improvement projects.

(2) Specifications for materials in state construction projects shall include the use of recycled-content products and recyclable products whenever practicable.

(3) This section does not apply to contracts entered into by a municipality.

**NEW SECTION. Sec. 6.** A new section is added to chapter 39.04 RCW to read as follows:

Material from demolition projects shall be recycled or reused whenever practicable.

**NEW SECTION. Sec. 7.** The following acts or parts of acts are each repealed:

(1) RCW 43.19A.090 and 1991 c 297 s 12; and

(2) RCW 43.19A.100 and 1991 c 297 s 13."

On motion of Senator Fairley, the following title amendment was adopted:

On page 1, line 2 of the title, after "buildings;" strike the remainder of the title and insert "amending RCW 43.19A.020, 43.19A.050, 43.78.170, and 47.28.220; adding new sections to chapter 39.04 RCW; and repealing RCW 43.19A.090 and 43.19A.100."

#### MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Substitute House Bill No. 1231, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1231, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1231, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Loveland and McCaslin - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1231, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2487, by House Committee on Children and Family Services (originally sponsored by Representatives Tokuda, Buck, Veloria, Carrell, Lambert, Mason, Romero, Honeyford, Dickerson, Murray, Boldt, Hymes, Chopp, Sheldon, Costa, Conway, Cooke and Kessler)

Continuing adoption support payments.

The bill was read the second time.

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 2487 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2487.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2487 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator McCaslin - 1.

SUBSTITUTE HOUSE BILL NO. 2487, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1704, by House Committee on Commerce and Labor (originally sponsored by Representatives Lisk, L. Thomas, Ballasiotes, Kremen, Chappell, Cooke, Goldsmith, Padden, Radcliff, Mulliken, Pennington, McMorris, Smith, Delvin, Hickel, Mastin, Sehlín, Beeksmá, Robertson, Cairnes, Koster, Brumsickle, D. Schmidt, Horn, Reams, Campbell, Chandler, Backlund, McMahan and Elliot)

Eliminating registration requirements for sellers of travel.

The bill was read the second time.

## MOTIONS

On motion of Senator Pelz, the following Committee on Labor, Commerce and Trade amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 19.138.021 and 1994 c 237 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of licensing.

(2) "Director" means the director of licensing or the director's designee.

(3) "Seller of travel" means a person, firm, or corporation both inside and outside the state of Washington, who transacts business with Washington consumers ~~(including, but not limited to, travel agencies, who sell, provide, furnish contracts for, arrange, or advertise, either directly or indirectly, by any means or method, to arrange or book any travel services including travel reservations or accommodations, tickets for domestic or foreign travel by air, rail, ship, bus, or other medium of transportation or hotel or other lodging accommodation and vouchers or coupons to be redeemed for future travel or accommodations for a fee, commission, or other valuable consideration)~~ for travel services.

(a) "Seller of travel" includes a travel agent and any person who is an independent contractor or outside agent for a travel agency or other seller of travel whose principal duties include consulting with and advising persons concerning travel arrangements or accommodations in the conduct or administration of its business. If a seller of travel is employed by a seller of travel who is registered under this chapter, the employee need not also be registered.

(b) "Seller of travel" does not include:

(i) An air carrier;

(ii) An owner or operator of a vessel, including an ocean common carrier as defined in 46 U.S.C. App. 1702(18), an owner or charterer of a vessel that is required to establish its financial responsibility in accordance with the requirements of the federal maritime commission, 46 U.S.C. App. 817 (e), and a steamboat company as defined in RCW 84.12.200 whether or not operating over and upon the waters of this state;

(iii) A motor carrier;

(iv) A rail carrier;

(v) A charter party carrier of passengers as defined in RCW 81.70.020;

(vi) An auto transportation company as defined in RCW 81.68.010;

(vii) A hotel or other lodging accommodation;

(viii) An affiliate of any person or entity described in (i) through (vii) of this subsection (3)(b) that is primarily engaged in the sale of travel services provided by the person or entity. For purposes of this subsection (3)(b)(viii), an "affiliate" means a person or entity owning, owned by, or under common ownership, with "owning," "owned," and "ownership" referring to equity holdings of at least eighty percent;

(ix) Direct providers of transportation by air, sea, or ground, or hotel or other lodging accommodations who do not book or arrange any other travel services.

(4) "Travel services" includes transportation by air, sea, or ~~(rail)~~ ground ~~(transportation)~~, hotel or any lodging accommodations, ~~(or)~~ package tours, ~~(whether offered or sold on a wholesale or retail basis)~~ or vouchers or coupons to be redeemed for future travel or accommodations for a fee, commission, or other valuable consideration.

(5) "Advertisement" includes, but is not limited to, a written or graphic representation in a card, brochure, newspaper, magazine, directory listing, or display, and oral, written, or graphic representations made by radio, television, or cable transmission that relates to travel services.

(6) "Transacts business with Washington consumers" means to directly offer or sell travel services to Washington consumers, including the placement of advertising in media based in the state of Washington or that is primarily directed to Washington residents. Advertising placed in national print or electronic media alone does not constitute "transacting business with Washington consumers." Those entities who only wholesale travel services are not "transacting business with Washington consumers" for the purposes of this chapter.

**Sec. 2.** RCW 19.138.030 and 1994 c 237 s 10 are each amended to read as follows:

A seller of travel shall not advertise that ~~(air, sea, or land transportation either separately or in conjunction with other)~~ any travel services ~~(is)~~ are or may be available unless he or she has, prior to the advertisement, determined that the product advertised was available at the time the advertising was placed. This determination can be made by the seller of travel either by use of an airline computer reservation system, or by written confirmation from the vendor whose program is being advertised.

It is the responsibility of the seller of travel to keep written or printed documentation of the steps taken to verify that the advertised offer was available at the time the advertising was placed. These records are to be maintained for at least two years after the placement of the advertisement.

**Sec. 3.** RCW 19.138.040 and 1994 c 237 s 11 are each amended to read as follows:

At or prior to the time of full or partial payment for ~~(air, sea, or land transportation or)~~ any ~~(other)~~ travel services ~~(offered by the seller of travel in conjunction with the transportation)~~, the seller of travel shall furnish to the person making the payment a written statement conspicuously setting forth the ~~(following)~~ information contained in subsections (1) through (6) of this section. If the sale of travel services is made over the telephone or by other electronic media and payment is made by credit or debit card, the seller of travel shall transmit to the person making the payment the written statement required by this section within three business days of the consumer's credit or debit card authorization. The written statement shall contain the following information:

(1) The name and business address and telephone number of the seller of travel.

(2) The amount paid, the date of such payment, the purpose of the payment made, and an itemized statement of the balance due, if any.

(3) The registration number of the seller of travel required by this chapter.

(4) The name of the vendor with whom the seller of travel has contracted to provide travel arrangements for a consumer and all pertinent information relating to the travel as known by the seller of travel at the time of booking. The seller of travel will make known further details as soon as received from the vendor. All information will be provided with final documentation.

(5) The conditions, if any, upon which the contract between the seller of travel and the passenger may be canceled, and the rights and obligations of all parties in the event of cancellation.

(6) A statement in eight-point boldface type in substantially the following form:

"If transportation or other services are canceled by the seller of travel, all sums paid to the seller of travel for services not performed in accordance with the contract between the seller of travel and the purchaser will be refunded within thirty days of receiving the funds from the vendor with whom the services were arranged, or if the funds were not sent to the vendor, the funds shall be returned within fourteen days after cancellation by the seller of travel to the purchaser unless the purchaser requests the seller of travel to apply the money to another travel product and/or date."

**Sec. 4.** RCW 19.138.100 and 1994 c 237 s 3 are each amended to read as follows:

No person, firm, or corporation may act or hold itself out as a seller of travel unless, prior to engaging in the business of selling or advertising to sell travel services, the person, firm, or corporation registers with the director under this chapter and rules adopted under this chapter.

(1) The registration number must be conspicuously posted in the place of business and must be included in all advertisements. Any corporation which issues a class of equity securities registered under section 12 of the securities exchange act of 1934, and any subsidiary, the majority of voting stock of which is owned by such corporation including any wholly owned subsidiary of such corporation are not required to include company registration numbers in advertisements.

(2) The director shall issue duplicate registrations upon payment of a nominal duplicate registration fee to valid registration holders operating more than one office.

(3) No registration is assignable or transferable.

(4) If a registered seller of travel sells his or her business, when the new owner becomes responsible for the business, the new owner must comply with all provisions of this chapter, including registration.

(5) If a seller of travel is employed by or under contract as an independent contractor or an outside agent of a seller of travel who is registered under this chapter, the employee, independent contractor, or outside agent need not also be registered if:

(a) The employee, independent contractor, or outside agent is conducting business as a seller of travel in the name of and under the registration of the registered seller of travel; and

(b) All money received for travel services by the employee, independent contractor, or outside agent is collected in the name of the registered seller of travel and deposited directly into the registered seller of travel's trust account as required under this chapter.

**Sec. 5.** RCW 19.138.110 and 1994 c 237 s 4 are each amended to read as follows:

An application for registration as a seller of travel shall be submitted in the form prescribed by rule by the director, and shall contain but not be limited to the following:

(1) The name, address, and telephone number of the seller of travel;

(2) Proof that the seller of travel holds a valid business license in the state of its principal state of business;

(3) A registration fee in an amount determined under RCW 43.24.086;

(4) The names, ~~((address))~~ business addresses, and ~~((social security))~~ business phone numbers of all employees, independent contractors, or outside agents who sell travel and are covered by the seller of travel's registration. This subsection shall not apply to the out-of-state employees of a corporation that issues a class of equity securities registered under section 12 of the securities exchange act of 1934, and any subsidiary, the majority of voting stock of which is owned by the corporation;

(5) A report prepared and signed by a bank officer, licensed public accountant, or certified public accountant or other report, approved by the director, that verifies that the seller of travel maintains a trust account at a federally insured financial institution located in Washington state, or other approved account ~~((at a federally insured institution located in the state of Washington))~~, the location and number of that trust account or other approved account, and verifying that the account ~~((is maintained and used))~~ exists as required by RCW 19.138.140. The director, by rule, may permit alternatives to the report that provides for at least the same level of verification.

**Sec. 6.** RCW 19.138.130 and 1994 c 237 s 6 are each amended to read as follows:

(1) The director may deny, suspend, or revoke the registration of a seller of travel if the director finds that the applicant:

(a) Was previously the holder of a registration issued under this chapter, and the registration was revoked for cause and never reissued by the director, or the registration was suspended for cause and the terms of the suspension have not been fulfilled;

(b) Has been found guilty of a felony within the past five years involving moral turpitude, or of a misdemeanor concerning fraud or conversion, or suffers a judgment in a civil action involving willful fraud, misrepresentation, or conversion;

(c) Has made a false statement of a material fact in an application under this chapter or in data attached to it;

(d) Has violated this chapter or failed to comply with a rule adopted by the director under this chapter;

(e) Has failed to display the registration as provided in this chapter;

(f) Has published or circulated a statement with the intent to deceive, misrepresent, or mislead the public; or

(g) Has committed a fraud or fraudulent practice in the operation and conduct of a travel agency business, including, but not limited to, intentionally misleading advertising ~~((or~~

~~((or~~ h) Has aided or abetted a person, firm, or corporation that they know has not registered in this state in the business of conducting a travel agency or other sale of travel).

(2) If the seller of travel is found in violation of this chapter or in violation of the consumer protection act, chapter 19.86 RCW, by the entry of a judgment or by settlement of a claim, the director may revoke the registration of the seller of travel, and the director may reinstate the registration at the director's discretion.

**Sec. 7.** RCW 19.138.140 and 1994 c 237 s 8 are each amended to read as follows:

(1) ~~((Within five business days of receipt,))~~ A seller of travel shall deposit in a trust account maintained in a federally insured financial institution located in Washington state, or other account approved by the director, all sums held for more than five business days that are received from a person or entity, for retail travel services offered by the seller of travel ~~((in a trust account or other approved account maintained in a federally insured financial institution located in Washington state. Exempted are airline sales made)).~~ This subsection does not apply to travel services sold by a seller of travel, when payments for the ~~((airline tickets))~~ travel services are made through the airline reporting corporation either by cash or credit or debit card sale.

(2) The trust account or other approved account required by this section shall be established and maintained for the benefit of any person or entity paying money to the seller of travel. The seller of travel shall not in any manner encumber the amounts in trust and shall not withdraw money from the account except the following amounts may be withdrawn at any time:

(a) Partial or full payment for travel services to the entity directly providing the travel service;

(b) Refunds as required by this chapter;

(c) The amount of the sales commission;

(d) Interest earned and credited to the trust account or other approved account; ~~((or))~~

(e) Remaining funds of a purchaser once all travel services have been provided or once tickets or other similar documentation binding upon the ultimate provider of the travel services have been provided; or

(f) Reimbursement to the seller of travel for agency operating funds that are advanced for a customer's travel services.

(3) At the time of registration, the seller of travel shall file with the department the account number and the name of the financial institution at which the trust account or other approved account is held as set forth in RCW 19.138.110. The seller of travel shall notify the department of any change in the account number or location within one business day of the change.

(4) The director, by rule, may allow for the use of other types of funds or accounts only if the protection for consumers is no less than that provided by this section.

(5) The seller of travel need not comply with the requirements of this section if all of the following apply, except as exempted in subsection (1) of this section:

(a) The payment is made by credit card;

(b) The seller of travel does not deposit, negotiate, or factor the credit card charge or otherwise seek to obtain payment of the credit card charge to any account over which the seller of travel has any control; and

(c) If the charge includes transportation, the carrier that is to provide the transportation processes the credit card charge, or if the charge is only for services, the provider of services processes the credit card charges.

(6) If the seller of travel maintains its principal place of business in another state and maintains a trust account or other approved account in that state consistent with the requirement of this section, and if that seller of travel has transacted business within the state of Washington in an amount exceeding five million dollars for the preceding year, the out-of-state trust account or other approved account may be substituted for the in-state account required under this section.

**NEW SECTION. Sec. 8.** (1) There is created the joint legislative task force on the sale of travel services. The task force shall consider: Options for improving the implementation of chapter 19.138 RCW; methods of providing reduction in unnecessary regulatory burdens; methods of improving protections for purchasers of travel services; and review of rule making under the directions provided in the statutes relating to sellers of travel services.

(2) The task force shall consist of the following members: Two members of the senate, appointed by the president of the senate, one from the majority and one from the minority caucus; two members of the house of representatives, appointed by the speaker of the house of representatives, one from the majority and one from the minority caucus; a representative from the office of the attorney general; a representative from the department of licensing; and four members of the travel industry. The four members of the travel industry shall be jointly appointed by the president of the senate and the speaker of the house of representatives and shall include: A representative of wholesalers of travel services; a representative of a membership organization that sells travel services; and two retailers of travel services. The retailers of travel services shall represent an economic cross section of the retailers of travel services. Recommendations for appointment of the travel industry representatives may be made by industry representatives.

(3) The task force shall meet not more than three times, as a whole. The task force shall submit any recommendations it makes to the legislature by December 1, 1996. The task force may make recommendations for statutory or administrative changes.

(4) The legislative members shall be reimbursed for travel and expenses under RCW 43.03.050 and 43.03.060.

(5) The task force shall cease to exist on January 1, 1997.

**NEW SECTION. Sec. 9.** RCW 19.138.055 and 1994 c 237 s 31 are each repealed.

**NEW SECTION. Sec. 10.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Pelz, the following title amendment was adopted:

On page 1, line 1 of the title, after "travel;" strike the remainder of the title and insert "amending RCW 19.138.021, 19.138.030, 19.138.040, 19.138.100, 19.138.110, 19.138.130, and 19.138.140; creating a new section; repealing RCW 19.138.055; and declaring an emergency."

#### MOTION

On motion of Senator Pelz, the rules were suspended, Engrossed Substitute House Bill No. 1704, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1704, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1704, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator Quigley - 1.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1704, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2195, by House Committee on Corrections (originally sponsored by Representatives Blanton, Quall, Sheldon and Costa) (by request of Department of Corrections)

Authorizing the department of corrections to intercept, record, and divulge electronically monitored inmate conversations.

The bill was read the second time.

#### MOTIONS

On motion of Senator Hargrove, the following Committee on Human Services and Corrections amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.73.095 and 1989 c 271 s 210 are each amended to read as follows:

(1) RCW 9.73.030 through 9.73.080 shall not apply to employees of the department of corrections in the following instances: Intercepting, recording, or divulging any telephone calls from an inmate or resident of a state correctional facility; or intercepting, recording, or divulging any monitored nontelephonic conversations in inmate living units, cells, rooms, dormitories, and common spaces where inmates may be present. For the purposes of this section, "state correctional facility" means a facility that is under the control and authority of the department of corrections, and used for the incarceration, treatment, or rehabilitation of convicted felons.

(2) All personal calls made by inmates shall be collect calls only. The calls will be "operator announcement" type calls. The operator shall notify the receiver of the call that the call is coming from a prison inmate, and that it will be recorded and may be monitored.

(3) The department of corrections shall adhere to the following procedures and restrictions when intercepting, recording, or divulging any telephone calls from an inmate or resident of a state correctional facility as provided for by this section. The department shall also adhere to the following procedures and restrictions when intercepting, recording, or divulging any monitored nontelephonic conversations in inmate living units, cells, rooms, dormitories, and common spaces where inmates may be present:

(a) ~~(Before the implementation of this section, all inmates or residents of a state correctional facility shall be notified in writing that, as of May 7, 1989, their telephone conversations may be intercepted, recorded, and/or divulged.~~

~~(b))~~ Unless otherwise provided for in this section, after intercepting or recording ~~((a-telephone))~~ any conversation, only the superintendent and his or her designee shall have access to that recording.

~~((c))~~ (b) The contents of ~~((a))~~ any intercepted and recorded ~~((telephone))~~ conversation shall be divulged only as is necessary to safeguard the orderly operation of the correctional facility, in response to a court order, or in the prosecution or investigation of any crime.

~~((d))~~ (c) All ~~((telephone))~~ conversations that are recorded under this section, unless being used in the ongoing investigation or prosecution of a crime, or as is necessary to assure the orderly operation of the correctional facility, shall be destroyed one year after the intercepting and recording.

(4) So as to safeguard the sanctity of the attorney-client privilege, the department of corrections shall not intercept, record, or divulge any conversation between an inmate or resident and an attorney. The department shall develop policies and procedures to implement this section. The department's policies and procedures implemented under this section shall also recognize the privileged nature of confessions made by an offender to a member of the clergy or a priest in his or her professional character, in the course of discipline enjoined by the church to which he or she belongs as provided in RCW 5.60.060(3).

(5) The department shall notify in writing all inmates, residents, and personnel of state correctional facilities that their nontelephonic conversations may be intercepted, recorded, or divulged in accordance with the provisions of this section.

(6) The department shall notify all visitors to state correctional facilities who may enter inmate living units, cells, rooms, dormitories, or common spaces where inmates may be present, that their conversations may be intercepted, recorded, or divulged in accordance with the provisions of this section. The notice required under this subsection shall be accomplished through a means no less conspicuous than a general posting in a location likely to be seen by visitors entering the facility.

NEW SECTION. Sec. 2. The department shall provide the notification required under RCW 9.73.095(5) to all current inmates, residents, and personnel no later than May 1, 1996. Posting of the notification to visitors required under RCW 9.73.095(6) shall be in place no later than July 1, 1996.

NEW SECTION. Sec. 3. RCW 9.73.145 and 1989 c 31 s 1 are each repealed.

NEW SECTION. Sec. 4. (1) Sections 1 and 3 of this act shall take effect August 1, 1996.

(2) Section 2 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 2 of the title, after "conversations;" strike the remainder of the title and insert "amending RCW 9.73.095; creating a new section; repealing RCW 9.73.145; providing an effective date; and declaring an emergency."

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 2195, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2195, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2195, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator McCaslin - 1.

SUBSTITUTE HOUSE BILL NO. 2195, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2256, by House Committee on Capital Budget (originally sponsored by Representatives Honeyford, Chopp, Keiser, Regala, Dickerson, Mason and Patterson) (by request of Public Works Board and Department of Community, Trade, and Economic Development)

Authorizing certain public works projects.

The bill was read the second time.

#### MOTION

On motion of Senator Drew, the rules were suspended, Substitute House Bill No. 2256 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2256.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2256 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice,

Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator Pelz - 1.

Excused: Senator McCaslin - 1.

SUBSTITUTE HOUSE BILL NO. 2256, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2259, by Representatives McMahan, Sheahan, Dellwo and Costa (by request of Administrator for the Courts)

Revising the procedure for impanelling juries.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, House Bill No. 2259 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2259.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2259 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 2; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 45.

Voting nay: Senator Zarelli - 1.

Absent: Senators Deccio and Strannigan - 2.

Excused: Senator McCaslin - 1.

HOUSE BILL NO. 2259, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2136, by Representatives Chandler, Chappell, Horn, Rust, Mastin, Dickerson, Honeyford, Robertson, Smith and Murray (by request of Department of Ecology)

Authorizing freshwater aquatic weeds account moneys to be used for hydrilla eradication.

The bill was read the second time.

#### MOTION

On motion of Senator Drew, the rules were suspended, House Bill No. 2136 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2136.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2136 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator McCaslin - 1.

HOUSE BILL NO. 2136, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2605, by House Committee on Natural Resources (originally sponsored by Representatives Linville, Fuhrman, L. Thomas, Thompson, Regala, Basich, Quall, Hatfield, B. Thomas, Stevens, Sheldon and Buck)

Allowing importation of Macrocyctis seaweed for the use in the herring spawn-on-kelp fishery.

The bill was read the second time.

#### MOTION

Senator Drew moved that the following Committee on Natural Resources amendment not be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 79.01.805 and 1994 c 286 s 1 are each amended to read as follows:

(1) The maximum daily wet weight harvest or possession of seaweed for personal use from all aquatic lands as defined under RCW 79.90.010 and all privately owned tidelands is ten pounds per person. The department of natural resources in cooperation with the department of fish and wildlife may establish seaweed harvest limits of less than ten pounds for conservation purposes. This section shall in no way affect the ability of any state agency to prevent harvest of any species of marine aquatic plant from lands under its control, ownership, or management.

(2) Except as provided under subsection (3) of this section, commercial harvesting of seaweed from aquatic lands as defined under RCW 79.90.010, and all privately owned tidelands is prohibited. This subsection shall in no way affect commercial seaweed aquaculture.

(3) Upon mutual approval by the department and the department of fish and wildlife, seaweed species of the genus *Macrocystis* may be commercially harvested for use in the herring spawn-on-kelp fishery.

(4) ~~(Seaweed species of the genus *Macrocystis* may not be imported after July 1, 1995, for use in the herring spawn-on-kelp fishery--)~~ Importation of seaweed species of the genus *Macrocystis* into Washington state for the herring spawn-on-kelp fishery is subject to the fish and shellfish disease control policies of the department of fish and wildlife. *Macrocystis* shall not be imported from areas with fish or shellfish diseases associated with organisms that are likely to be transported with *Macrocystis*. The department of fish and wildlife shall incorporate this policy on *Macrocystis* importation into its overall fish and shellfish disease control policies.

(5) The department of natural resources shall assess the department's management policy and make recommendations to the legislature for appropriate statutory changes concerning marine seaweed conservation, harvest, reintroduction, aquaculture, and long-term productivity of the seaweed resource and aquatic environment. The department shall report its findings to the legislature on or before December 1, 1997.

(6) The fish and wildlife commission shall examine and report to the legislature on the herring spawn-on-kelp fishery to determine the advisability of continuing the fishery, allowing importation of kelp from sources outside of the state, the threat of disease and pest introduction, and the long-term health of the herring resource. In formulating its recommendations the commission shall place the conservation needs of salmon and marine groundfish which depend on healthy herring stocks at a higher priority than the needs of the spawn-on-kelp fishery. The commission shall report its findings to the legislature on or before December 1, 1997."

The President declared the question before the Senate to be the motion by Senator Drew that the Committee on Natural Resources striking amendment to Substitute House Bill No. 2605 not be adopted.

The motion by Senator Drew carried and the committee striking amendment was not adopted.

#### MOTION

On motion of Senator Drew, the rules were suspended, Substitute House Bill No. 2605 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2605.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2605 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator McCaslin - 1.

SUBSTITUTE HOUSE BILL NO. 2605, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2431, by House Committee on Transportation (originally sponsored by Representative K. Schmidt)

Allowing state pilotage exemptions for certain vessels.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, Substitute House Bill No. 2431 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2431.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2431 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2431, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

#### SECOND READING

HOUSE BILL NO. 2137, by Representatives Chandler, Chappell, Horn, Rust, Regala, Thompson and Murray (by request of Department of Ecology)

Requiring biennial progress reports from the department of ecology.

The bill was read the second time.

#### MOTION

On motion of Senator Drew, the rules were suspended, House Bill No. 2137 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2137.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2137 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

HOUSE BILL NO. 2137, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2151, by House Committee on Health Care (originally sponsored by Representatives Dyer, Backlund, Cody and Murray) (by request of Department of Health)

Establishing uniform licensing procedures.

The bill was read the second time.

#### MOTION

Senator Quigley moved that the following Committee on Health and Long-Term Care amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.70.250 and 1989 1st ex.s. c 9 s 319 are each amended to read as follows:

((+)) It shall be the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. The secretary shall from time to time establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or regulation of professions, occupations, or businesses administered by the department. In fixing said fees, the secretary shall set the fees for each program at a sufficient level to defray the costs of administering that program. All such fees shall be fixed by rule adopted by the secretary in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

~~((2) Notwithstanding subsection (1) of this section, no fee for midwives, as licensed in chapter 18.50 RCW may be increased by more than one hundred dollars or fifty percent, whichever is greater during any biennium.))~~

Sec. 2. RCW 43.70.280 and 1989 1st ex.s. c 9 s 322 are each amended to read as follows:

(1) The secretary, in consultation with health profession boards and commissions, shall establish by rule the administrative procedures, administrative requirements, and fees for initial issue, renewal, and reissue of a credential for professions under RCW 18.130.040, including procedures and requirements for late renewals and uniform application of late renewal penalties. Failure to renew invalidates the credential and all privileges granted by the credential. Administrative procedures and administrative requirements do not include establishing, monitoring, and enforcing qualifications for licensure, scope or standards of practice, continuing competency mechanisms, and discipline when such authority is authorized in statute to a health profession board or commission. For the purposes of this section, "in consultation with" means providing an opportunity for meaningful participation in development of rules consistent with processes set forth in RCW 34.05.310.

(2) Notwithstanding any provision of law to the contrary which provides for a licensing period for any type of license subject to this chapter including those under RCW 18.130.040, the secretary of health may, from time to time, extend or otherwise modify the duration of any licensing, certification, or registration period, whether an initial or renewal period, if the secretary determines that it would result in a more economical or efficient operation of state government and that the public health, safety, or welfare would not be substantially adversely affected thereby. However, no license, certification, or registration may be issued or approved for a period in excess of four years, without renewal. Such extension, reduction, or other modification of a licensing, certification, or registration period shall be by rule or regulation of the department of health adopted in accordance with the provisions of chapter 34.05 RCW. Such rules and regulations may provide a method for imposing and collecting such additional proportional fee as may be required for the extended or modified period.

(3) Unless extended by the legislature, effective July 1, 1998, the authority of the secretary to establish administrative procedures and administrative requirements for initial issue, renewal, and reissue of a credential, including procedures and requirements for late renewals

and uniform application of late renewal penalties, shall cease to apply to those health professions otherwise regulated by a board or commission with statutory rule-making authority. If not extended by the legislature, such authority shall transfer to the respective board or commission. Rules adopted by the secretary under this section shall remain in effect after July 1, 1998, until modified or repealed in accordance with the provisions of chapter 34.05 RCW.

**Sec. 3.** RCW 18.06.120 and 1995 c 323 s 10 are each amended to read as follows:

(1) Every person licensed in acupuncture shall ~~((register with the secretary annually and pay an annual renewal fee determined by the secretary as provided in RCW 43.70.250 on or before the license holder's birth anniversary date. The license of the person shall be renewed for a period of one year or longer in the discretion of the secretary. A person whose practice is exclusively out of state or who is on sabbatical shall be granted an inactive licensure status and pay a reduced fee. The reduced fee shall be set by the secretary under RCW 43.70.250))~~ comply with the administrative procedures and administrative requirements for registration and renewal set by the secretary under RCW 43.70.250 and 43.70.280.

(2) ~~((Any failure to register and pay the annual renewal fee shall render the license invalid. The license shall be reinstated upon: (a) Written application to the secretary; (b) payment to the state of a penalty fee determined by the secretary as provided in RCW 43.70.250; and (c) payment to the state of all delinquent annual license renewal fees.~~

(3) ~~Any person who fails to renew his or her license for a period of three years shall not be entitled to renew the licensure under this section. Such person, in order to obtain a licensure in acupuncture in this state, shall file a new application under this chapter, along with the required fee, and shall meet examination or continuing education requirements as the secretary, by rule, provides.~~

(4) All fees collected under this section and RCW 18.06.070 shall be credited to the health professions account as required under RCW 43.70.320.

**Sec. 4.** RCW 18.19.070 and 1994 sp.s. c 9 s 501 are each amended to read as follows:

(1) The Washington state mental health quality assurance council is created, consisting of ~~((nine))~~ seven members appointed by the secretary. All appointments shall be for a term of four years. No person may serve as a member of the council for more than two consecutive full terms.

Voting members of the council must include one social worker certified under RCW 18.19.110, one mental health counselor certified under RCW 18.19.120, one marriage and family therapist certified under RCW 18.19.130, one counselor registered under RCW 18.19.090, one hypnotherapist registered under RCW 18.19.090, and two public members. Each member of the council must be a citizen of the United States and a resident of this state. Public members of the council may not be a member of any other health care licensing board or commission, or have a fiduciary obligation to a facility rendering health services regulated by the council, or have a material or financial interest in the rendering of health services regulated by the council.

The secretary may appoint the initial members of the council to staggered terms of from one to four years. Thereafter, all members shall be appointed to full four-year terms. Members of the council hold office until their successors are appointed.

The secretary may remove any member of the council for cause as specified by rule. In the case of a vacancy, the secretary shall appoint a person to serve for the remainder of the unexpired term.

(2) The council shall meet at the times and places designated by the secretary and shall hold meetings during the year as necessary to provide advice to the secretary.

Each member of the council shall be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060. In addition, members of the council shall be compensated in accordance with RCW 43.03.240 when engaged in the authorized business of the council. The members of the council are immune from suit in an action, civil or criminal, based on their official acts performed in good faith as members of the council.

**Sec. 5.** RCW 18.19.100 and 1991 c 3 s 25 are each amended to read as follows:

The secretary shall establish ~~((by rule the procedural))~~ administrative procedures, administrative requirements, and fees for renewal of registrations ~~((Failure to renew shall invalidate the registration and all privileges granted by the registration. Subsequent registration will require application and payment of a fee as determined by the secretary under RCW 43.70.250))~~ as provided in RCW 43.70.250 and 43.70.280.

**Sec. 6.** RCW 18.19.170 and 1991 c 3 s 32 are each amended to read as follows:

A certificate issued under this chapter shall be renewed as ~~((determined by))~~ provided in RCW 43.70.250 and 43.70.280. The secretary ~~((who))~~ may establish ~~((rules governing))~~ continuing competence requirements. ~~((An additional fee may be set by the secretary as a renewal requirement when certification has lapsed due to failure to renew prior to the expiration date.))~~

**Sec. 7.** RCW 18.22.120 and 1990 c 147 s 13 are each amended to read as follows:

The board shall establish by rule the requirements for renewal of licenses and relicensing. ~~((The secretary shall establish a renewal and late renewal penalty fee as provided in RCW 43.70.250, and the term for renewal of a license under RCW 43.70.280. Failure to renew invalidates the license and all privileges granted by it. The board shall determine by rule when a license shall be canceled for failure to renew and shall establish prerequisites for relicensing.))~~ Administrative procedures, administrative requirements, and fees shall be established as provided in RCW 43.70.250 and 43.70.280.

**Sec. 8.** RCW 18.25.020 and 1994 sp.s. c 9 s 109 are each amended to read as follows:

(1) Any person not now licensed to practice chiropractic in this state and who desires to practice chiropractic in this state, before it shall be lawful for him or her to do so, shall make application therefor to the secretary, upon such form and in such manner as may be adopted and directed by the secretary. Each applicant who matriculates to a chiropractic college after January 1, 1975, shall have completed not less than one-half of the requirements for a baccalaureate degree at an accredited and approved college or university and shall be a graduate of a chiropractic school or college accredited and approved by the commission and shall show satisfactory evidence of completion by each applicant of a resident course of study of not less than four thousand classroom hours of instruction in such school or college. Applications shall be in writing and shall be signed by the applicant in his or her own handwriting and shall be sworn to before some officer authorized to administer oaths, and shall recite the history of the applicant as to his or her educational advantages, his or her experience in matters pertaining to a knowledge of the care of the sick, how long he or she has studied chiropractic, under what teachers, what collateral branches, if any, he or she has studied, the length of time he or she has engaged in clinical practice; accompanying the same by reference therein, with any proof thereof in the shape of diplomas, certificates, and shall accompany said application with satisfactory evidence of good character and reputation.

(2) ~~((There shall be paid to the secretary by each applicant for a license, a fee determined by the secretary as provided in RCW 43.70.250 which shall accompany application and a fee determined by the secretary as provided in RCW 43.70.250, which shall be paid upon issuance of license. Like fees shall be paid for any subsequent examination and application.))~~ Applicants shall follow administrative procedures and administrative requirements and pay fees as provided in RCW 43.70.250 and 43.70.280.

**Sec. 9.** RCW 18.25.070 and 1994 sp.s. c 9 s 114 are each amended to read as follows:

~~((H))~~ Every person practicing chiropractic shall, as a prerequisite to ~~((annual))~~ renewal of license, submit to the secretary at the time of application therefor, satisfactory proof showing attendance of at least twenty-five hours per year during the preceding ~~((twelve-month))~~ credential period, at one or more chiropractic symposiums which are recognized and approved by the commission. The commission may, for good cause shown, waive said attendance. The following guidelines for such symposiums shall apply:

~~((a))~~ (1) The commission shall set criteria for the course content of educational symposia concerning matters which are recognized by the state of Washington chiropractic licensing laws; it shall be the licensee's responsibility to determine whether the course content meets these criteria;

~~((b))~~ (2) The commission shall adopt standards for distribution of annual continuing education credit requirements;  
~~((c))~~ (3) Rules shall be adopted by the commission for licensees practicing and residing outside the state who shall meet all requirements established by rule of the commission.

~~((2) Every person practicing chiropractic within this state shall pay on or before his or her birth anniversary date, after a license is issued to him or her as provided in this chapter, to the secretary a renewal license fee to be determined by the secretary as provided in RCW 43.70.250. The secretary shall, thirty days or more before the birth anniversary date of each chiropractor in the state, mail to that chiropractor a notice of the fact that the renewal fee will be due on or before his or her birth anniversary date. Nothing in this chapter shall be construed so as to require that the receipts shall be recorded as original licenses are required to be recorded.~~

~~The failure of any licensed chiropractor to pay his or her annual license renewal fee within thirty days of license expiration shall work a forfeiture of his or her license. It shall not be reinstated except upon evidence that continuing educational requirements have been fulfilled and the payment of a penalty to be determined by the secretary as provided in RCW 43.70.250, together with all annual license renewal fees delinquent at the time of the forfeiture, and those for each year thereafter up to the time of reinstatement. If the licensee allows his or her license to lapse for more than three years, he or she may be reexamined as provided for in RCW 18.25.040 at the discretion of the commission.)~~

**Sec. 10.** RCW 18.29.021 and 1995 c 198 s 4 are each amended to read as follows:

(1) The department shall issue a license to any applicant who, as determined by the secretary:  
(a) Has successfully completed an educational program approved by the secretary. This educational program shall include course work encompassing the subject areas within the scope of the license to practice dental hygiene in the state of Washington;  
(b) Has successfully completed an examination administered or approved by the dental hygiene examining committee; and  
(c) Has not engaged in unprofessional conduct or is not unable to practice with reasonable skill and safety as a result of a physical or mental impairment.

(2) Applications for licensure ~~((shall be submitted on forms provided by the department. The department may require any information and documentation necessary to determine if the applicant meets the criteria for licensure as provided in this chapter and chapter 18.130 RCW. Each applicant shall pay a fee determined by the secretary as provided in RCW 43.70.250. The fee shall be submitted with the application))~~ must comply with administrative procedures, administrative requirements, and fees established according to RCW 43.70.250 and 43.70.280.

**Sec. 11.** RCW 18.29.071 and 1991 c 3 s 49 are each amended to read as follows:

The secretary shall establish ~~((by rule))~~ the administrative procedures, administrative requirements, and fees for renewal of licenses as provided in this chapter and in RCW 43.70.250 and 43.70.280. ~~((The secretary shall establish a renewal and late renewal penalty fee as provided in RCW 43.70.250. Failure to renew invalidates the license and all privileges granted by the license. The secretary shall determine by rule whether a license shall be canceled for failure to renew and shall establish procedures and requirements for relicensure.))~~

**Sec. 12.** RCW 18.30.120 and 1995 c 1 s 13 (Initiative Measure No. 607) are each amended to read as follows:

(1) ~~((A license issued under RCW 18.30.080 is valid for two years. A license may be renewed by paying the renewal fee))~~ The licensing period, administrative procedures, administrative requirements, and fees shall be determined by the secretary as provided in RCW 43.70.250 and 43.70.280.

(2) ~~((If a license issued is effective on a date other than July 1, it shall be valid until the following June 30.))~~

~~((3))~~ The license shall contain, on its face, the address or addresses where the license holder will perform the dentist services.

**Sec. 13.** RCW 18.30.130 and 1995 c 198 s 23 are each amended to read as follows:

The secretary shall establish by rule the ~~((administrative))~~ requirements for renewal of licenses to practice dentistry, but shall not increase the licensure requirements provided in this chapter. The secretary shall establish ~~((a renewal and late renewal penalty in accordance with RCW 43.70.250. Failure to renew shall invalidate the license and all privileges granted by the license. The secretary shall determine by rule whether a license shall be canceled for failure to renew and shall establish procedures and prerequisites for relicensure))~~ administrative procedures, administrative requirements, and fees for license periods and renewals as provided in RCW 43.70.250 and 43.70.280.

**Sec. 14.** RCW 18.32.110 and 1991 c 3 s 63 are each amended to read as follows:

Each applicant shall pay a fee determined by the secretary as provided in RCW 43.70.250 ~~((, which shall accompany the application))~~ and 43.70.280.

**Sec. 15.** RCW 18.32.170 and 1991 c 3 s 66 are each amended to read as follows:

A fee determined by the secretary as provided in RCW 43.70.250 and 43.70.280 shall be charged for every duplicate license issued by the secretary.

**Sec. 16.** RCW 18.32.180 and 1994 sp.s. c 9 s 216 are each amended to read as follows:

~~((1))~~ Every person licensed to practice dentistry in this state shall ~~((register with the secretary, and pay a renewal registration fee determined by the secretary as provided in RCW 43.70.250. Any failure to register and pay the renewal registration fee renders the license invalid, and the practice of dentistry shall not be permitted. The license shall be reinstated upon written application to the secretary and payment to the state of a penalty fee determined by the secretary as provided in RCW 43.70.250, together with all delinquent license renewal fees.~~

(2) A person who fails to renew the license for a period of three years may not renew the license under subsection (1) of this section. In order to obtain a license to practice dentistry in this state, such a person shall file an original application as provided for in this chapter, along with the requisite fees, renew his or her license and comply with administrative procedures, administrative requirements, and fees as provided in RCW 43.70.250 and 43.70.280. The commission, in its sole discretion, may permit the applicant to be licensed without examination, and with or without conditions, if it is satisfied that the applicant meets all the requirements for licensure in this state and is competent to engage in the practice of dentistry.

**Sec. 17.** RCW 18.32.220 and 1991 c 3 s 70 are each amended to read as follows:

Anyone who is a licensed dentist in the state of Washington who desires to change residence to another state or territory, shall, upon application to the secretary and payment of a fee as determined by the secretary under RCW 43.70.250 and 43.70.280, receive a certificate over the signature of the secretary or his or her designee, which shall attest to the facts mentioned in this section, and giving the date upon which the dentist was licensed.

**Sec. 18.** RCW 18.34.120 and 1991 c 3 s 79 are each amended to read as follows:

Each licensee hereunder shall pay ~~((an annual))~~ a renewal registration fee determined by the secretary as provided in RCW 43.70.250 ~~((, on or before the first day of July of each year, and thereupon the license of such person shall be renewed for a period of one year. Any failure to pay the annual renewal registration fee shall render the license invalid, but such license shall be reinstated upon written application therefor to the secretary and payment of a penalty determined by the secretary as provided in RCW 43.70.250, together with all delinquent annual license renewal fees. In addition,))~~ and 43.70.280. The secretary may adopt rules establishing mandatory continuing education requirements to be met by persons applying for license renewal.

**Sec. 19.** RCW 18.35.060 and 1993 c 313 s 3 are each amended to read as follows:

(1) The department shall issue a trainee license to any applicant who has shown to the satisfaction of the department that the applicant:

(a) ~~((The applicant))~~ Is at least eighteen years of age;  
(b) If issued a trainee license, would be employed and directly supervised in the fitting and dispensing of hearing aids by a person licensed in good standing as a fitter-dispenser for at least one year unless otherwise approved by the board; and

(c) Has ~~((paid an application fee))~~ complied with administrative procedures, administrative requirements, and fees determined ~~((by the secretary))~~ as provided in RCW 43.70.250~~((to the department))~~ and 43.70.280.

The provisions of RCW 18.35.030, 18.35.110, and 18.35.120 shall apply to any person issued a trainee license. Pursuant to the provisions of this section, a person issued a trainee license may engage in the fitting and dispensing of hearing aids without having first passed the examination provided under this chapter.

(2) The trainee license shall contain the name of the person licensed under this chapter who is employing and supervising the trainee and that person shall execute an acknowledgment of responsibility for all acts of the trainee in connection with the fitting and dispensing of hearing aids.

(3) A trainee may fit and dispense hearing aids, but only if the trainee is under the direct supervision of a person licensed under this chapter in a capacity other than as a trainee. Direct supervision by a licensed fitter-dispenser shall be required whenever the trainee is engaged in the fitting or dispensing of hearing aids during the trainee's first three months of full-time employment. The board shall develop and adopt guidelines on any additional supervision or training it deems necessary.

~~((The trainee license shall expire one year from the date of its issuance except that on recommendation of the board the license may be reissued for one additional year only))~~ No individual may hold a trainee license for more than two years.

(5) No person licensed under this chapter may assume the responsibility for more than two trainees at any one time, except that the department may approve one additional trainee if none of the trainees is within the initial ninety-day period of direct supervision and the licensee demonstrates to the department's satisfaction that adequate supervision will be provided for all trainees.

**Sec. 20.** RCW 18.35.080 and 1991 c 3 s 83 are each amended to read as follows:

The department shall license each applicant~~((without discrimination))~~ who satisfactorily completes the required examination and~~((upon payment of a fee determined by the secretary as provided in RCW 43.70.250 to the department, shall issue to the applicant a license. If a person does not apply for a license within three years of the successful completion of the license examination, reexamination is required for licensure. The license shall be effective until the licensee's next birthday at which time it is subject to renewal. Subsequent renewal dates shall coincide with the licensee's birthday))~~ complies with administrative procedures and administrative requirements established pursuant to RCW 43.70.250 and 43.70.280.

**Sec. 21.** RCW 18.35.090 and 1991 c 3 s 84 are each amended to read as follows:

Each person who engages in the fitting and dispensing of hearing aids shall ~~((as the department prescribes by rule, pay to the department a fee established by the secretary under RCW 43.70.250 for a renewal of the license))~~ comply with administrative procedures and administrative requirements established under RCW 43.70.250 and 43.70.280 and shall keep the license conspicuously posted in the place of business at all times. ~~((Any person who fails to renew his or her license prior to the expiration date must pay a penalty fee in addition to the renewal fee and satisfy the requirements that may be set forth by rule promulgated by the secretary for reinstatement.))~~ The secretary may ~~((by rule))~~ establish mandatory continuing education requirements and/or continued competency standards to be met by licensees as a condition for license renewal.

**Sec. 22.** RCW 18.36A.130 and 1991 c 3 s 98 are each amended to read as follows:

~~((Applications for licensure shall be submitted on forms provided by the department. The department may require any information and documentation needed to determine if the applicant meets the criteria for licensure as provided in this chapter and chapter 18.130 RCW. Each applicant shall pay a fee determined by the secretary as provided in RCW 43.70.250. The fee shall be submitted with the application))~~ Applicants shall comply with administrative procedures, administrative requirements, and fees determined by the secretary as provided in RCW 43.70.250 and 43.70.280.

**Sec. 23.** RCW 18.36A.140 and 1991 c 3 s 99 are each amended to read as follows:

The secretary shall establish ~~((by rule))~~ the administrative procedures, administrative requirements, and fees for renewal and late renewal of licenses as provided in RCW 43.70.250 and 43.70.280. ~~((The secretary shall establish a renewal and late renewal penalty fee as provided in RCW 43.70.250. Failure to renew shall invalidate the license and all privileges granted by the license. The secretary shall determine by rule whether a license shall be canceled for failure to renew and shall establish procedures and prerequisites for relicensure.))~~

**Sec. 24.** RCW 18.50.050 and 1991 c 3 s 108 are each amended to read as follows:

~~((If the application is approved and the candidate shall have deposited an examination fee determined by the secretary as provided in RCW 43.70.250 with the secretary, the candidate shall be admitted to the examination, and in case of failure to pass the examination, may be reexamined at any regular examination within one year without the payment of an additional fee, said fee to be retained by the secretary after failure to pass the second examination))~~ Applicants shall comply with administrative procedures, administrative requirements, and fees determined by the secretary as provided by RCW 43.70.250 and 43.70.280.

**Sec. 25.** RCW 18.50.102 and 1991 c 3 s 110 are each amended to read as follows:

Every person licensed to practice midwifery shall register with the secretary ~~((annually))~~ and pay ~~((an annual))~~ a renewal ~~((registration))~~ fee determined by the secretary as provided in RCW 43.70.250 ~~((on or before the licensee's birth anniversary date. The license of the person shall be renewed for a period of one year. Any failure to register and pay the annual renewal registration fee shall render the license invalid. The license shall be reinstated upon written application to the secretary, payment to the state of a penalty fee determined by the secretary as provided in RCW 43.70.250, and payment to the state of all delinquent annual license renewal fees. Any person who fails to renew his or her license for a period of three years shall not be entitled to renew such license under this section. Such person, in order to obtain a license to practice midwifery in this state, shall file a new application under this chapter, along with the required fee. The secretary, in the secretary's discretion, may permit the applicant to be licensed without examination if satisfied that the applicant meets all the requirements for licensure in this state and is competent to engage in the practice of midwifery))~~ and 43.70.280.

**Sec. 26.** RCW 18.52.110 and 1992 c 53 s 8 are each amended to read as follows:

(1) Every holder of a nursing home administrator's license shall ~~((reregister on dates specified by the secretary. Such relicensure shall be granted upon receipt of a fee determined by the secretary as provided in RCW 43.70.250, and upon))~~ renew that license by fulfilling the continuing competency requirement and by complying with administrative procedures, administrative requirements, and fees as determined according to RCW 43.70.250 and 43.70.280. ~~((In the event that any license is not reregistered, the secretary may charge up to double the relicensure fee. In the event that the license of an individual is not relicensed within two years from the most recent date for relicensure it shall lapse and such individual must again apply for licensing and meet all requirements of this chapter for a new applicant.))~~ The board may prescribe rules for maintenance of a license ~~((at a reduced fee))~~ for temporary or permanent withdrawal or retirement from the active practice of nursing home administration.

(2) A condition of ~~((relicensure))~~ renewal shall be the presentation of proof by the applicant that the board requirement for continuing competency related to the administration of nursing homes has been met.

**Sec. 27.** RCW 18.52.130 and 1992 c 53 s 9 are each amended to read as follows:

The secretary may issue a nursing home administrator's license to anyone who holds a current administrator's license from another jurisdiction upon receipt of an application ~~((fee and an annual license fee, as provided in RCW 43.70.250))~~ and complying with administrative procedures, administrative requirements, and fees determined according to RCW 43.70.250 and 43.70.280, if the standards for licensing in such other jurisdiction are substantially equivalent to those prevailing in this state, and that the applicant is otherwise qualified as determined by the board.

**Sec. 28.** RCW 18.52C.030 and 1991 c 3 s 131 are each amended to read as follows:

A person who operates a nursing pool shall register the pool with the secretary. Each separate location of the business of a nursing pool shall have a separate registration.

The secretary ~~(by rule,)~~ shall establish ~~(forms and procedures for the processing of nursing pool registration applications, including the payment of registration fees pursuant to RCW 43.70.250. An application for a nursing pool registration shall include at least the following information:~~

- ~~(1) The names and addresses of the owner or owners of the nursing pool; and~~
- ~~(2) If the owner is a corporation, copies of its articles of incorporation and current bylaws, together with the names and addresses of its officers and directors.~~

A registration issued by the secretary in accordance with this section shall remain effective for a period of one year from the date of its issuance unless the registration is revoked or suspended pursuant to RCW 18.52C.040(4), or unless the nursing pool is sold or ownership or management is transferred, in which case the registration of the nursing pool shall be voided and the new owner or operator shall apply for a new registration)) ~~administrative procedures, administrative requirements, and fees as provided in RCW 43.70.250 and 43.70.280.~~

**Sec. 29.** RCW 18.53.050 and 1991 c 3 s 134 are each amended to read as follows:

Every ~~(registered)~~ licensed optometrist shall ~~(annually or on the date specified by the secretary pay to the state treasurer a renewal fee, to be determined by the secretary as provided in RCW 43.70.250, and failure to pay such fee within the prescribed time shall cause the suspension of his or her certificate)~~ renew his or her license by complying with administrative procedures, administrative requirements, and fees determined according to RCW 43.70.250 and 43.70.280.

**Sec. 30.** RCW 18.53.070 and 1991 c 3 s 136 are each amended to read as follows:

~~(The fees for application for examination and)~~ Administrative procedures, administrative requirements, and fees for issuing a ~~(certificate of registration)~~ license shall be determined ~~(by the secretary)~~ as provided in RCW 43.70.250 ~~(which shall be paid to the secretary as he or she shall prescribe)~~ and 43.70.280.

**Sec. 31.** RCW 18.55.030 and 1991 c 3 s 143 are each amended to read as follows:

~~(Upon receipt of an application for a license and the license fee as determined by the secretary, the secretary shall issue a license if the applicant meets the requirements established under this chapter. The license, unless suspended or revoked, shall be renewed annually. All licenses issued under the provisions of this chapter shall expire on the 1st day of July.)~~ The secretary shall determine administrative procedures, administrative requirements, and fees for licenses and renewals as provided in RCW 43.70.250 and 43.70.280.

**Sec. 32.** RCW 18.55.040 and 1991 c 180 s 4 are each amended to read as follows:

No applicant shall be licensed under this chapter until the applicant ~~(pays an examination fee determined by the secretary, as provided in RCW 43.70.250, and certifies under oath after furnishing satisfactory documentation,)~~ complies with administrative procedures, administrative requirements, and fees determined by the secretary according to RCW 43.70.250 and 43.70.280. Qualifications must require that the applicant:

- (1) Is eighteen years or more of age;
- (2) Has graduated from high school or has received a general equivalency degree;
- (3) Is of good moral character; and
- (4)(a) Had at least ten thousand hours of apprenticeship training under the direct supervision of a licensed ocularist; or
- (b) Successfully completed a prescribed course in ocularist training programs approved by the secretary; or
- (c) Has had at least ten thousand hours of apprenticeship training under the direct supervision of a practicing ocularist, or has the equivalent experience as a practicing ocularist, or any combination of training and supervision, not in the state of Washington; and
- (5) Successfully passes an examination conducted or approved by the secretary.

**Sec. 33.** RCW 18.55.050 and 1991 c 180 s 6 are each amended to read as follows:

Every individual licensed or registered under this chapter shall ~~(pay an annual license or registration renewal fee)~~ comply with administrative procedures, administrative requirements, and fees determined by the secretary, as provided by RCW 43.70.250 ~~(on or before the expiration date established by the secretary. An application for renewal shall be on the form provided by the secretary and shall be filed with the department of health not less than ten days prior to its expiration. Each application for renewal shall be accompanied by a renewal fee in an amount to be determined by the secretary. Any license or registration not renewed as provided in this section shall be invalid.~~

The secretary may provide by rule the procedures that may allow for the reinstatement of a license or registration upon payment of the renewal fee and a late renewal penalty fee) and 43.70.280 to renew his or her license.

**Sec. 34.** RCW 18.57.035 and 1991 c 160 s 9 are each amended to read as follows:

The board may grant approval to issue without examination a license to an osteopathic physician and surgeon in a board-approved postgraduate training program in this state if the applicant files an application and meets all the requirements for licensure set forth in RCW 18.57.020 except for completion of one year of postgraduate training. The secretary shall issue a postgraduate osteopathic medicine and surgery license that permits the physician in postgraduate training to practice osteopathic medicine and surgery only in connection with his or her duties as a physician in postgraduate training and does not authorize the physician to engage in any other form of practice. Each physician in postgraduate training shall practice osteopathic medicine and surgery only under the supervision of a physician licensed in this state under this chapter or chapter 18.71 RCW, but such supervision shall not be construed to necessarily require the personal presence of the supervising physician at the place where services are rendered.

All persons licensed under this section shall be subject to the jurisdiction of the board of osteopathic medicine and surgery as set forth in this chapter and chapter 18.130 RCW.

Persons applying for licensure pursuant to this section shall ~~(pay an application and renewal fee)~~ comply with administrative procedures, administrative requirements, and fees determined ~~(by the secretary)~~ as provided in RCW 43.70.250 ~~(Licenses issued hereunder may be renewed annually)~~ and 43.70.280. Any person who obtains a license pursuant to this section may, apply for licensure under this chapter, but shall submit a new application form and comply with all other licensing requirements of this chapter.

**Sec. 35.** RCW 18.57.045 and 1991 c 160 s 4 are each amended to read as follows:

A licensed osteopathic physician and surgeon who desires to leave the active practice of osteopathic medicine and surgery in this state may secure from the secretary an inactive license. The ~~(initial and renewal)~~ administrative procedures, administrative requirements, and fees for an inactive license shall be determined ~~(by the secretary)~~ as provided in RCW 43.70.250 and 43.70.280. The holder of an inactive license may reactivate his or her license to practice osteopathic medicine and surgery in accordance with rules adopted by the board.

**Sec. 36.** RCW 18.57.050 and 1991 c 160 s 6 are each amended to read as follows:

~~(Each applicant on making application shall pay the secretary a fee determined by the secretary as provided in RCW 43.70.250. Application fees are nonrefundable.)~~ The board may establish rules and regulations governing mandatory continuing education requirements which shall be met by physicians applying for renewal of licenses. ~~(The secretary shall establish a renewal and late renewal penalty fee as provided in RCW 43.70.250. Failure to renew the license invalidates all privileges granted by the license.)~~ Administrative procedures, administrative requirements, and fees for applications and renewals shall be established as provided in RCW 43.70.250 and 43.70.280. The board shall determine ~~(by rule when a license shall be canceled for failure to renew and shall establish)~~ prerequisites for relicensing.

**Sec. 37.** RCW 18.57.080 and 1991 c 160 s 7 are each amended to read as follows:

Applicants for a license to practice osteopathic medicine and surgery must successfully complete an examination prepared or approved by the board. The examination shall be conducted in the English language, shall determine the applicant's fitness to practice osteopathic medicine and surgery, and may be in whole or in part in writing or by practical application on those general subjects and topics of which knowledge is commonly and generally required of applicants who have obtained the doctor of osteopathic medicine and surgery conferred by accredited schools of osteopathic medicine and surgery approved by the board. If an examination does not encompass the

subject of osteopathic principles and practice, the applicant shall be required to complete the board-administered examination. The board may prepare and administer or approve preparation and administration of examinations on such subjects as the board deems advisable. The examination papers of any examination administered by the board shall form a part of the applicant's records and shall be retained as determined by the secretary for a period of not less than one year. All applicants for examination or reexamination shall ~~((pay a fee))~~ comply with administrative procedures, administrative requirements, and fees determined ((by the secretary)) as provided in RCW 43.70.250 and 43.70.280.

**Sec. 38.** RCW 18.57.130 and 1991 c 160 s 10 and 1991 c 3 s 151 are each reenacted and amended to read as follows:

Any person who meets the requirements of RCW 18.57.020 as now or hereafter amended and has been examined and licensed to practice osteopathic medicine and surgery by a state board of examiners of another state or the duly constituted authorities of another state authorized to issue licenses to practice osteopathic medicine and surgery upon examination, shall upon approval of the board be entitled to receive a license to practice osteopathic medicine and surgery in this state upon ~~((the payment of))~~ complying with administrative procedures, administrative requirements, and paying a fee determined ((by the secretary)) as provided in RCW 43.70.250 ((to the state treasurer)) and 43.70.280 and filing a copy of his or her license in such other state, duly certified by the authorities granting the license to be a full, true, and correct copy thereof, and certifying also that the standard of requirements adopted by such authorities as provided by the law of such state is substantially equal to that provided for by the provisions of this chapter: PROVIDED, That no license shall issue without examination to any person who has previously failed in an examination held in this state: PROVIDED, FURTHER, That all licenses herein mentioned may be revoked for unprofessional conduct, in the same manner and upon the same grounds as if issued under this chapter: PROVIDED, FURTHER, That no one shall be permitted to practice surgery under this chapter who has not a license to practice osteopathic medicine and surgery.

**Sec. 39.** RCW 18.57A.020 and 1993 c 28 s 1 are each amended to read as follows:

(1) The board shall adopt rules fixing the qualifications and the educational and training requirements for licensure as an osteopathic physician assistant or for those enrolled in any physician assistant training program. The requirements shall include completion of an accredited physician assistant training program approved by the board and eligibility to take an examination approved by the board, providing such examination tests subjects substantially equivalent to the curriculum of an accredited physician assistant training program.

(2)(a) The board shall adopt rules governing the extent to which:

- (i) Physician assistant students may practice medicine during training; and
- (ii) Physician assistants may practice after successful completion of a training course.

(b) Such rules shall provide:

(i) That the practice of an osteopathic physician assistant shall be limited to the performance of those services for which he or she is trained; and

(ii) That each osteopathic physician assistant shall practice osteopathic medicine only under the supervision and control of an osteopathic physician licensed in this state, but such supervision and control shall not be construed to necessarily require the personal presence of the supervising physicians at the place where services are rendered. The board may authorize the use of alternative supervisors who are licensed either under chapter 18.57 or 18.71 RCW.

(3) Applicants for licensure shall file an application with the board on a form prepared by the secretary with the approval of the board, detailing the education, training, and experience of the physician assistant and such other information as the board may require. The application shall be accompanied by a fee determined by the secretary as provided in RCW 43.70.250 and 43.70.280. Each applicant shall furnish proof satisfactory to the board of the following:

(a) That the applicant has completed an accredited physician assistant program approved by the board and is eligible to take the examination approved by the board;

(b) That the applicant is of good moral character; and

(c) That the applicant is physically and mentally capable of practicing osteopathic medicine as an osteopathic physician assistant with reasonable skill and safety. The board may require any applicant to submit to such examination or examinations as it deems necessary to determine an applicant's physical and/or mental capability to safely practice as an osteopathic physician assistant.

(4) The board may approve, deny, or take other disciplinary action upon the application for a license as provided in the uniform disciplinary act, chapter 18.130 RCW. The license shall be renewed ~~((on a periodic basis as determined by the secretary under RCW 43.70.280, upon payment of a fee determined by the secretary as provided in RCW 43.70.250 and submission of a completed renewal application, in addition to any late renewal penalty fees as determined by the secretary as provided in RCW 43.70.250))~~ as determined under RCW 43.70.250 and 43.70.280.

**Sec. 40.** RCW 18.71A.040 and 1994 sp.s. c 9 s 321 are each amended to read as follows:

(1) No physician assistant practicing in this state shall be employed or supervised by a physician or physician group without the approval of the commission.

(2) Prior to commencing practice, a physician assistant licensed in this state shall apply to the commission for permission to be employed or supervised by a physician or physician group. The practice arrangement plan shall be jointly submitted by the physician or physician group and physician assistant. ~~((The secretary may charge a fee as provided in RCW 43.70.250 to recover the cost for the plan review))~~ Administrative procedures, administrative requirements, and fees shall be established as provided in RCW 43.70.250 and 43.70.280. The practice arrangement plan shall delineate the manner and extent to which the physician assistant would practice and be supervised. Whenever a physician assistant is practicing in a manner inconsistent with the approved practice arrangement plan, the medical ~~((disciplinary board (commission)))~~ commission may take disciplinary action under chapter 18.130 RCW.

**Sec. 41.** RCW 18.59.110 and 1991 c 3 s 156 are each amended to read as follows:

~~((The secretary shall prescribe and publish fees in amounts determined by the secretary as provided in RCW 43.70.250 for the following purposes:~~

- (1) Application for examination;
- (2) Initial license fee;
- (3) Renewal of license fee;
- (4) Late renewal fee; and
- (5) Limited permit fee.

~~The fees shall be set in such an amount as to reimburse the state, to the extent feasible, for the cost of the services rendered))~~ Administrative procedures, administrative requirements, and fees shall be established as provided in RCW 43.70.250 and 43.70.280 for applications, initial and renewal licenses, and limited permits.

**Sec. 42.** RCW 18.64.040 and 1989 1st ex.s. c 9 s 413 are each amended to read as follows:

Every applicant for license examination under this chapter shall pay the sum determined by the secretary under RCW 43.70.250 and 43.70.280 before the examination is attempted.

**Sec. 43.** RCW 18.64.043 and 1991 c 229 s 3 are each amended to read as follows:

(1) The owner of each pharmacy shall pay an original license fee to be determined by the secretary, and annually thereafter, on or before a date to be determined by the secretary, a fee to be determined by the secretary, for which he or she shall receive a license of location, which shall entitle the owner to operate such pharmacy at the location specified, or such other temporary location as the secretary may approve, for the period ending on a date to be determined by the secretary as provided in RCW 43.70.250 and 43.70.280, and each such owner shall at the time of filing proof of payment of such fee as provided in RCW 18.64.045 as now or hereafter amended, file with the

department on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of the pharmacy mentioned therein.

(2) It shall be the duty of the owner to immediately notify the department of any change of location or ownership and to keep the license of location or the renewal thereof properly exhibited in said pharmacy.

(3) Failure to comply with this section shall be deemed a misdemeanor, and each day that said failure continues shall be deemed a separate offense.

(4) In the event such license fee remains unpaid on the date due, no renewal or new license shall be issued except upon ~~((payment of the license renewal fee and a penalty fee equal to the original license fee))~~ compliance with administrative procedures, administrative requirements, and fees determined as provided in RCW 43.70.250 and 43.70.280.

**Sec. 44.** RCW 18.64.045 and 1991 c 229 s 4 are each amended to read as follows:

The owner of each and every place of business which manufactures drugs shall pay a license fee to be determined by the secretary, and thereafter, on or before a date to be determined by the secretary, a fee to be determined by the secretary as provided in RCW 43.70.250 and 43.70.280, for which the owner shall receive a license of location from the department, which shall entitle the owner to manufacture drugs at the location specified for the period ending on a date to be determined by the ~~((board))~~ secretary, and each such owner shall at the time of payment of such fee file with the department, on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of the ownership of such place of business mentioned therein. It shall be the duty of the owner to notify immediately the department of any change of location or ownership and to keep the license of location or the renewal thereof properly exhibited in such place of business. Failure to conform with this section shall be deemed a misdemeanor, and each day that said failure continues shall be deemed a separate offense. In event such license fee remains unpaid on the date due, no renewal or new license shall be issued except upon ~~((payment of the license renewal fee and a penalty fee equal to the license renewal fee))~~ compliance with administrative procedures, administrative requirements, and fees determined as provided in RCW 43.70.250 and 43.70.280.

**Sec. 45.** RCW 18.64.046 and 1991 c 229 s 5 are each amended to read as follows:

The owner of each place of business which sells legend drugs and nonprescription drugs, or nonprescription drugs at wholesale shall pay a license fee to be determined by the secretary, and thereafter, on or before a date to be determined by the secretary as provided in RCW 43.70.250 and 43.70.280, a like fee to be determined by the secretary, for which the owner shall receive a license of location from the department, which shall entitle such owner to either sell legend drugs and nonprescription drugs or nonprescription drugs at wholesale at the location specified for the period ending on a date to be determined by the ~~((board))~~ secretary, and each such owner shall at the time of payment of such fee file with the department, on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of the ownership of such place of business mentioned therein. It shall be the duty of the owner to notify immediately the department of any change of location and ownership and to keep the license of location or the renewal thereof properly exhibited in such place of business. Failure to conform with this section shall be deemed a misdemeanor, and each day that said failure continues shall be deemed a separate offense. In event such license fee remains unpaid on the date due, no renewal or new license shall be issued except upon ~~((payment of the license renewal fee and a penalty fee equal to the license renewal fee))~~ compliance with administrative procedures, administrative requirements, and fees determined as provided in RCW 43.70.250 and 43.70.280.

**Sec. 46.** RCW 18.64.047 and 1991 c 229 s 6 are each amended to read as follows:

Any itinerant vendor or any peddler of any nonprescription drug or preparation for the treatment of disease or injury, shall pay a registration fee determined by the secretary on a date to be determined by the secretary as provided in RCW 43.70.250 and 43.70.280. The department may issue a registration to such vendor on an approved application made to the department. Any itinerant vendor or peddler who shall vend or sell, or offer to sell to the public any such nonprescription drug or preparation without having registered to do so as provided in this section, shall be guilty of a misdemeanor and each sale or offer to sell shall constitute a separate offense. In event such registration fee remains unpaid on the date due, no renewal or new registration shall be issued except upon ~~((payment of the registration renewal fee and a penalty fee equal to the renewal fee))~~ compliance with administrative procedures, administrative requirements, and fees determined as provided in RCW 43.70.250 and 43.70.280. This registration shall not authorize the sale of legend drugs or controlled substances.

**Sec. 47.** RCW 18.64.140 and 1991 c 229 s 7 are each amended to read as follows:

Every licensed pharmacist who desires to practice pharmacy shall secure from the department a license, the fee for which shall be determined by the secretary under RCW 43.70.250 and 43.70.280. The administrative procedures, administrative requirements, renewal fee, and late renewal fee shall also be determined ((by the secretary)) under RCW 43.70.250 and 43.70.280. ~~((The date of renewal may be established by the secretary by regulation and the department may by regulation extend the duration of a licensing period for the purpose of staggering renewal periods. Such regulation may provide a method for imposing and collecting such additional proportional fee as may be required for the extended period.))~~ Payment of this fee shall entitle the licensee to a pharmacy law book, subsequent current mailings of all additions, changes, or deletions in the pharmacy practice act, chapter 18.64 RCW, and all additions, changes, or deletions of pharmacy board and department regulations. ~~((Pharmacists shall pay the license renewal fee and a penalty equal to the license renewal fee for the late renewal of their license.))~~ The current license shall be conspicuously displayed to the public in the pharmacy to which it applies. Any licensed pharmacist who desires to leave the active practice of pharmacy in this state may secure from the department an inactive license. The initial license and renewal fees shall be determined by the secretary under RCW 43.70.250 and 43.70.280. The holder of an inactive license may reactivate his or her license to practice pharmacy in accordance with rules adopted by the board.

**Sec. 48.** RCW 18.64.205 and 1991 c 229 s 2 are each amended to read as follows:

The board may adopt rules pursuant to this section authorizing a retired active license status. An individual licensed pursuant to this chapter, who is practicing only in emergent or intermittent circumstances as defined by rule established by the board, may hold a retired active license at a reduced renewal fee established by the secretary under RCW 43.70.250 and 43.70.280. Such a license shall meet the continuing education requirements, if any, established by the board for renewals, and is subject to the provisions of the uniform disciplinary act, chapter 18.130 RCW. Individuals who have entered into retired status agreements with the disciplinary authority in any jurisdiction shall not qualify for a retired active license under this section.

**Sec. 49.** RCW 18.64.310 and 1989 1st ex. s. c 9 s 410 are each amended to read as follows:

The department shall:

(1) Establish reasonable license and examination fees and fees for services to other agencies in accordance with RCW 43.70.250 and 43.70.280. In cases where there are unanticipated demands for services, the department may request payment for services directly from the agencies for whom the services are performed, to the extent that revenues or other funds are available. Drug-related investigations regarding licensed health care practitioners shall be funded by an appropriation to the department from the health professions account. The payment may be made on either an advance or a reimbursable basis as approved by the director of financial management;

(2) Employ, with confirmation by the board, an executive officer, who shall be exempt from the provisions of chapter 41.06 RCW and who shall be a pharmacist registered in Washington, and employ inspectors, investigators, chemists, and other persons as necessary to assist it for any purpose which it may deem necessary;

(3) Investigate and prosecute, at the direction of the board, including use of subpoena powers, violations of law or regulations under its jurisdiction or the jurisdiction of the board of pharmacy;

(4) Make, at the direction of the board, inspections and investigations of pharmacies and other places, including dispensing machines, in which drugs or devices are stored, held, compounded, dispensed, sold, or administered to the ultimate consumer, to take and

analyze any drugs or devices and to seize and condemn any drugs or devices which are adulterated, misbranded, stored, held, dispensed, distributed, administered, or compounded in violation of or contrary to law. The written operating agreement between the department and the board, as required by RCW 43.70.240 shall include provisions for the department to involve the board in carrying out its duties required by this section.

**Sec. 50.** RCW 18.64A.030 and 1989 1st ex.s. c 9 s 423 are each amended to read as follows:

The board shall adopt, in accordance with chapter 34.05 RCW, rules and regulations governing the extent to which pharmacy assistants may perform services associated with the practice of pharmacy during training and after successful completion of a training course. Such regulations shall provide for the certification of pharmacy assistants by the department at a fee determined by the secretary under RCW 43.70.250 and 43.70.280 according to the following levels of classification:

(1) "Level A pharmacy assistants" may assist in performing, under the immediate supervision and control of a licensed pharmacist, manipulative, nondiscretionary functions associated with the practice of pharmacy.

(2) "Level B pharmacy assistants" may perform, under the general supervision of a licensed pharmacist, duties including but not limited to, typing of prescription labels, filing, refiling, bookkeeping, pricing, stocking, delivery, nonprofessional phone inquiries, and documentation of third party reimbursements.

**Sec. 51.** RCW 18.64A.060 and 1989 1st ex.s. c 9 s 425 are each amended to read as follows:

No pharmacy licensed in this state shall utilize the services of pharmacy assistants without approval of the board.

Any pharmacy licensed in this state may apply to the board for permission to use the services of pharmacy assistants. The application shall be accompanied by a ~~((uniform)) fee ((to be determined by the secretary)) and shall comply with administrative procedures and administrative requirements set pursuant to RCW 43.70.250 and 43.70.280,~~ shall detail the manner and extent to which the pharmacy assistants would be used and supervised, and shall provide other information in such form as the secretary may require.

The board may approve or reject such applications. In addition, the board may modify the proposed utilization of pharmacy assistants and approve the application as modified. ~~((No such approval shall extend for more than one year, but approval once granted may be renewed annually upon payment of a uniform fee as determined by the secretary.))~~ Whenever it appears to the board that a pharmacy assistant is being utilized in a manner inconsistent with the approval granted, the board may withdraw such approval. In the event a hearing is requested upon the rejection of an application, or upon the withdrawal of approval, a hearing shall be conducted in accordance with chapter 18.64 RCW, as now or hereafter amended, and appeal may be taken in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

**Sec. 52.** RCW 18.71.080 and 1994 sp.s. c 9 s 312 are each amended to read as follows:

Every person licensed to practice medicine in this state shall ~~((register with the secretary of health annually, and pay an annual renewal registration fee determined by the secretary as provided in RCW 43.70.250)) pay licensing fees and renew his or her license in accordance with administrative procedures and administrative requirements adopted as provided in RCW 43.70.250 and 43.70.280.~~ The commission may establish rules governing mandatory continuing education requirements which shall be met by physicians applying for renewal of licenses. The rules shall provide that mandatory continuing education requirements may be met in part by physicians showing evidence of the completion of approved activities relating to professional liability risk management. ~~((Any failure to register and pay the annual renewal registration fee shall render the license invalid, but such license shall be reinstated upon written application therefor to the secretary, and payment to the state of a penalty fee determined by the secretary as provided in RCW 43.70.250, together with all delinquent annual license renewal fees: PROVIDED, HOWEVER, That any person who fails to renew the license for a period of three years, shall in no event be entitled to renew the license under this section. Such a person in order to obtain a license to practice medicine in this state, shall file an original application as provided for in this chapter, along with the requisite fee therefor.))~~ The commission, in its sole discretion, may permit ~~((such))~~ an applicant who has not renewed his or her license to be licensed without examination if it is satisfied that such applicant meets all the requirements for licensure in this state, and is competent to engage in the practice of medicine.

**Sec. 53.** RCW 18.71.085 and 1994 sp.s. c 9 s 313 are each amended to read as follows:

The commission may adopt rules pursuant to this section authorizing an inactive license status.

(1) An individual licensed pursuant to chapter 18.71 RCW may place his or her license on inactive status. The holder of an inactive license shall not practice medicine and surgery in this state without first activating the license.

(2) The administrative procedures, administrative requirements, and fee for inactive renewal ~~((fee))~~ shall be established ~~((by the secretary))~~ pursuant to RCW 43.70.250 and 43.70.280. ~~((Failure to renew an inactive license shall result in cancellation in the same manner as an active license.))~~

(3) An inactive license may be placed in an active status upon compliance with rules established by the commission.

(4) Provisions relating to disciplinary action against a person with a license shall be applicable to a person with an inactive license, except that when disciplinary proceedings against a person with an inactive license have been initiated, the license shall remain inactive until the proceedings have been completed.

**Sec. 54.** RCW 18.71.095 and 1994 sp.s. c 9 s 315 are each amended to read as follows:

The commission may, without examination, issue a limited license to persons who possess the qualifications set forth herein:

(1) The commission may, upon the written request of the secretary of the department of social and health services or the secretary of corrections, issue a limited license to practice medicine in this state to persons who have been accepted for employment by the department of social and health services or the department of corrections as physicians; who are licensed to practice medicine in another state of the United States or in the country of Canada or any province or territory thereof; and who meet all of the qualifications for licensure set forth in RCW 18.71.050.

Such license shall permit the holder thereof to practice medicine only in connection with patients, residents, or inmates of the state institutions under the control and supervision of the secretary of the department of social and health services or the department of corrections.

(2) The commission may issue a limited license to practice medicine in this state to persons who have been accepted for employment by a county or city health department as physicians; who are licensed to practice medicine in another state of the United States or in the country of Canada or any province or territory thereof; and who meet all of the qualifications for licensure set forth in RCW 18.71.050.

Such license shall permit the holder thereof to practice medicine only in connection with his or her duties in employment with the city or county health department.

(3) Upon receipt of a completed application showing that the applicant meets all of the requirements for licensure set forth in RCW 18.71.050 except for completion of two years of postgraduate medical training, and that the applicant has been appointed as a resident physician in a program of postgraduate clinical training in this state approved by the commission, the commission may issue a limited license to a resident physician. Such license shall permit the resident physician to practice medicine only in connection with his or her duties as a resident physician and shall not authorize the physician to engage in any other form of practice. Each resident physician shall practice medicine only under the supervision and control of a physician licensed in this state, but such supervision and control shall not be construed to necessarily require the personal presence of the supervising physician at the place where services are rendered.

(4)(a) Upon nomination by the dean of the school of medicine at the University of Washington or the chief executive officer of a hospital or other appropriate health care facility licensed in the state of Washington, the commission may issue a limited license to a physician applicant invited to serve as a teaching-research member of the institution's instructional staff if the sponsoring institution and the applicant give evidence that he or she has graduated from a recognized medical school and has been licensed or otherwise privileged to practice medicine at his or her location of origin. Such license shall permit the recipient to practice medicine only within the confines of the instructional program specified in the application and shall terminate whenever the holder ceases to be involved in that program, or at the end

of one year, whichever is earlier. Upon request of the applicant and the institutional authority, the license may be renewed for no more than a total of two years.

(b) Upon nomination by the dean of the school of medicine of the University of Washington or the chief executive officer of any hospital or appropriate health care facility licensed in the state of Washington, the commission may issue a limited license to an applicant selected by the sponsoring institution to be enrolled in one of its designated departmental or divisional fellowship programs provided that the applicant shall have graduated from a recognized medical school and has been granted a license or other appropriate certificate to practice medicine in the location of the applicant's origin. Such license shall permit the holder only to practice medicine within the confines of the fellowship program to which he or she has been appointed and, upon the request of the applicant and the sponsoring institution, the license may be renewed by the commission for no more than a total of two years.

All persons licensed under this section shall be subject to the jurisdiction of the commission to the same extent as other members of the medical profession, in accordance with this chapter and chapter 18.130 RCW.

Persons applying for licensure and renewing licenses pursuant to this section shall ~~((pay an application fee))~~ comply with administrative procedures, administrative requirements, and fees determined ((by the secretary)) as provided in RCW 43.70.250 ((and, in the event the license applied for is issued, a license fee at the rate provided for renewals of licenses generally. Licenses issued hereunder may be renewed annually pursuant to the provisions of RCW 18.71.080)) and 43.70.280. Any person who obtains a limited license pursuant to this section may ~~((without an additional application fee,))~~ apply for licensure under this chapter, but shall submit a new application form and comply with all other licensing requirements of this chapter.

**Sec. 55.** RCW 18.71.205 and 1995 c 65 s 3 are each amended to read as follows:

(1) The secretary of the department of health, in conjunction with the advice and assistance of the emergency medical services licensing and certification advisory committee as prescribed in RCW 18.73.050, and the commission, shall prescribe:

(a) Practice parameters, training standards for, and levels of, physician trained emergency medical service intermediate life support technicians and paramedics;

(b) Minimum standards and performance requirements for the certification and recertification of physician's trained emergency medical service intermediate life support technicians and paramedics; and

(c) Procedures for certification, recertification, and decertification of physician's trained emergency medical service intermediate life support technicians and paramedics.

(2) Initial certification shall be for a period ~~((of three years))~~ established by the secretary pursuant to RCW 43.70.250 and 43.70.280.

(3) Recertification shall be granted upon proof of continuing satisfactory performance and education, and shall be for a period ~~((of three years))~~ established by the secretary pursuant to RCW 43.70.250 and 43.70.280.

(4) As used in chapters 18.71 and 18.73 RCW, "approved medical program director" means a person who:

(a) Is licensed to practice medicine and surgery pursuant to chapter 18.71 RCW or osteopathy and surgery pursuant to chapter 18.57 RCW; and

(b) Is qualified and knowledgeable in the administration and management of emergency care and services; and

(c) Is so certified by the department of health for a county, group of counties, or cities with populations over four hundred thousand in coordination with the recommendations of the local medical community and local emergency medical services and trauma care council.

(5) The Uniform Disciplinary Act, chapter 18.130 RCW, governs uncertified practice, the issuance and denial of certificates, and the disciplining of certificate holders under this section. The secretary shall be the disciplining authority under this section. Disciplinary action shall be initiated against a person credentialed under this chapter in a manner consistent with the responsibilities and duties of the medical program director under whom such person is responsible.

(6) Such activities of ~~((physician's))~~ physician's trained emergency medical service intermediate life support technicians and paramedics shall be limited to actions taken under the express written or oral order of medical program directors and shall not be construed at any time to include free standing or nondirected actions, for actions not presenting an emergency or life-threatening condition.

**Sec. 56.** RCW 18.71.400 and 1993 c 367 s 18 are each amended to read as follows:

There is hereby levied to be collected by the department of health from every physician and surgeon licensed pursuant to chapter 18.71 RCW and every physician assistant licensed pursuant to chapter 18.71A RCW ~~((an annual))~~ a medical disciplinary assessment equal to the license renewal fee established by the secretary under RCW 43.70.250 and 43.70.280. The assessment levied pursuant to this section is in addition to any license renewal fee ~~((established under RCW 43.70.250)).~~

**Sec. 57.** RCW 18.71A.020 and 1994 sp.s. c 9 s 319 are each amended to read as follows:

(1) The commission shall adopt rules fixing the qualifications and the educational and training requirements for licensure as a physician assistant or for those enrolled in any physician assistant training program. The requirements shall include completion of an accredited physician assistant training program approved by the commission and eligibility to take an examination approved by the commission, if the examination tests subjects substantially equivalent to the curriculum of an accredited physician assistant training program. Physician assistants licensed by the board of medical examiners as of June 7, 1990, shall continue to be licensed.

(2)(a) The commission shall adopt rules governing the extent to which:

(i) Physician assistant students may practice medicine during training; and

(ii) Physician assistants may practice after successful completion of a physician assistant training course.

(b) Such rules shall provide:

(i) That the practice of a physician assistant shall be limited to the performance of those services for which he or she is trained; and

(ii) That each physician assistant shall practice medicine only under the supervision and control of a physician licensed in this state, but such supervision and control shall not be construed to necessarily require the personal presence of the supervising physician or physicians at the place where services are rendered.

(3) Applicants for licensure shall file an application with the commission on a form prepared by the secretary with the approval of the commission, detailing the education, training, and experience of the physician assistant and such other information as the commission may require. The application shall be accompanied by a fee determined by the secretary as provided in RCW 43.70.250 and 43.70.280. Each applicant shall furnish proof satisfactory to the commission of the following:

(a) That the applicant has completed an accredited physician assistant program approved by the commission and is eligible to take the examination approved by the commission;

(b) That the applicant is of good moral character; and

(c) That the applicant is physically and mentally capable of practicing medicine as a physician assistant with reasonable skill and safety. The commission may require an applicant to submit to such examination or examinations as it deems necessary to determine an applicant's physical or mental capability, or both, to safely practice as a physician assistant.

(4) The commission may approve, deny, or take other disciplinary action upon the application for license as provided in the Uniform Disciplinary Act, chapter 18.130 RCW. The license shall be renewed ~~((on a periodic basis as determined by the secretary under RCW 43.70.280, upon payment of a fee determined by the secretary as provided in RCW 43.70.250, and submission of a completed renewal application, in addition to any late renewal penalty fees as determined by the secretary as provided in RCW 43.70.250))~~ as determined under RCW 43.70.250 and 43.70.280. The commission may authorize the use of alternative supervisors who are licensed either under chapter 18.57 or 18.71 RCW.

**Sec. 58.** RCW 18.71A.040 and 1994 sp.s. c 9 s 321 are each amended to read as follows:

(1) No physician assistant practicing in this state shall be employed or supervised by a physician or physician group without the approval of the commission.

(2) Prior to commencing practice, a physician assistant licensed in this state shall apply to the commission for permission to be employed or supervised by a physician or physician group. The practice arrangement plan shall be jointly submitted by the physician or physician group and physician assistant. ~~((The secretary may charge a fee as provided in RCW 43.70.250 to recover the cost for the plan review))~~ Administrative procedures, administrative requirements, and fees shall be established as provided in RCW 43.70.250 and 43.70.280. The practice arrangement plan shall delineate the manner and extent to which the physician assistant would practice and be supervised. Whenever a physician assistant is practicing in a manner inconsistent with the approved practice arrangement plan, the ~~(medical disciplinary board [commission])~~ commission may take disciplinary action under chapter 18.130 RCW.

**Sec. 59.** RCW 18.74.050 and 1991 c 3 s 178 are each amended to read as follows:

The secretary shall furnish a license upon the authority of the board to any person who applies and who has qualified under the provisions of this chapter. At the time of applying, the applicant shall ~~((pay to the state treasurer a fee determined by the secretary as provided in RCW 43.70.250))~~ comply with administrative procedures, administrative requirements, and fees established pursuant to RCW 43.70.250 and 43.70.280. No person registered or licensed on July 24, 1983, as a physical therapist shall be required to pay an additional fee for a license under this chapter.

**Sec. 60.** RCW 18.74.060 and 1991 c 3 s 179 are each amended to read as follows:

Upon the recommendation of the board, the secretary shall license as a physical therapist and shall furnish a license to any person who is a physical therapist registered or licensed under the laws of another state or territory, or the District of Columbia, if the qualifications for such registration or license required of the applicant were substantially equal to the requirements under this chapter. At the time of making application, the applicant shall ~~((pay to the state treasurer a fee determined by the secretary as provided in RCW 43.70.250))~~ comply with administrative procedures, administrative requirements, and fees established pursuant to RCW 43.70.250 and 43.70.280.

**Sec. 61.** RCW 18.74.070 and 1991 c 3 s 180 are each amended to read as follows:

Every licensed physical therapist shall apply to the secretary for a renewal of the license and pay to the state treasurer a fee determined by the secretary as provided in RCW 43.70.250 and 43.70.280. ~~((The license of a physical therapist who fails to renew the license within thirty days of the date set by the secretary for renewal shall automatically lapse. Within three years from the date of lapse and upon the recommendation of the board, the secretary may revive a lapsed license upon the payment of all past unpaid renewal fees and a penalty fee to be determined by the secretary. The board may require reexamination of an applicant whose license has lapsed for more than three years and who has not continuously engaged in lawful practice in another state or territory, or waive reexamination in favor of evidence of continuing education satisfactory to the board.))~~

**Sec. 62.** RCW 18.79.200 and 1994 sp.s. c 9 s 420 are each amended to read as follows:

An applicant for a license to practice as a registered nurse, advanced registered nurse practitioner, or licensed practical nurse shall comply with administrative procedures, administrative requirements, and ~~((pay a fee))~~ fees as determined ~~((by the secretary))~~ under RCW 43.70.250 ~~((to the state treasurer))~~ and 43.70.280.

**Sec. 63.** RCW 18.79.210 and 1994 sp.s. c 9 s 421 are each amended to read as follows:

A license issued under this chapter ~~((whether in an active or inactive status,))~~ must be renewed, except as provided in this chapter. The licensee shall ~~((send the renewal form to the department with a renewal fee,))~~ comply with administrative procedures, administrative requirements, and fees as determined ~~((by the secretary))~~ under RCW 43.70.250 ~~((before the expiration date. Upon receipt of the renewal form and the appropriate fee, the department shall issue the licensee a license, which declares the holder to be a legal practitioner of registered nursing, advanced registered nursing practice, or licensed practical nursing, as appropriate, in either active or inactive status, for the period of time stated on the license))~~ and 43.70.280.

**Sec. 64.** RCW 18.83.060 and 1991 c 3 s 197 are each amended to read as follows:

~~((Each applicant for a license shall file with the secretary an application duly verified, in such form and setting forth such information as the board shall prescribe. An application fee determined by the secretary as provided in RCW 43.70.250 shall accompany each application))~~ Administrative procedures, administrative requirements, and fees for applications and examinations shall be established as provided in RCW 43.70.250 and 43.70.280.

**Sec. 65.** RCW 18.83.072 and 1995 c 198 s 12 are each amended to read as follows:

(1) Examination of applicants shall be held in Olympia, Washington, or at such other place as designated by the secretary, at least annually at such times as the board may determine.

(2) Any applicant shall have the right to discuss with the board his or her performance on the examination.

(3) Any applicant who fails to make a passing grade on the examination may be allowed to retake the examination. Any applicant who fails the examination a second time must obtain special permission from the board to take the examination again.

(4) ~~((The reexamination fee shall be the same as the application fee set forth in RCW 18.83.060.))~~

(5) The board may approve an examination prepared or administered by a private testing agency or association of licensing authorities.

**Sec. 66.** RCW 18.83.080 and 1991 c 3 s 199 are each amended to read as follows:

~~((Upon forwarding to the secretary by))~~ The board ~~((of))~~ shall forward to the secretary the name of each applicant entitled to a license under this chapter ~~((,))~~. The secretary shall promptly issue to such applicant a license authorizing such applicant to use the title "psychologist" ~~((for a period of one year. Said license shall be in such form as the secretary shall determine)).~~ Each licensed psychologist shall keep his or her license displayed in a conspicuous place in his or her principal place of business.

**Sec. 67.** RCW 18.83.082 and 1984 c 279 s 82 are each amended to read as follows:

~~((1) A valid receipt for an initial application for license hereunder, provided the applicant meets the requirements of RCW 18.83.070 (1), (2), and (3), shall constitute a temporary permit to practice psychology until the board completes action on the application. The board must complete action within one year of the date such receipt is issued.))~~

(2) A person, not licensed in this state, who wishes to perform practices under the provisions of this chapter for a period not to exceed ninety days within a calendar year, must petition the board for a temporary permit to perform such practices. If the person is licensed or certified in another state deemed by the board to have standards equivalent to this chapter, a permit may be issued. No fee shall be charged for such temporary permit.

**Sec. 68.** RCW 18.83.090 and 1991 c 3 s 200 are each amended to read as follows:

The board shall establish rules governing mandatory continuing education requirements which shall be met by any psychologist applying for a license renewal. ~~((Each licensed psychologist shall pay to the health professions account, created in RCW 43.70.320, annually, at such time as determined by the board, an annual license renewal fee determined by the secretary under RCW 43.70.250. Upon receipt of the fee, the secretary shall issue a certificate of renewal in such form as the secretary shall determine))~~ Administrative procedures, administrative requirements, and fees for renewal and reissue of licenses shall be established as provided in RCW 43.70.250 and 43.70.280.

**Sec. 69.** RCW 18.83.105 and 1991 c 3 s 201 are each amended to read as follows:

The board may issue certificates of qualification with appropriate title to applicants who meet all the licensing requirements except the possession of the degree of Doctor of Philosophy or its equivalent in psychology from an accredited educational institution. These certificates of qualification certify that the holder has been examined by the board and is deemed competent to perform certain functions within the practice of psychology under the periodic direct supervision of a psychologist licensed by the board. Such functions will be

specified on the certificate issued by the board. Such applicant shall ~~(pay to the board of examiners a fee determined by the secretary as provided in RCW 43.70.250 for certification in a single area of qualification and a fee for amendment of the certificate to include each additional area of qualification))~~ comply with administrative procedures, administrative requirements, and fees determined under RCW 43.70.250 and 43.70.280. Upon petition by a holder the board of examiners may grant authority to function without immediate supervision.

**Sec. 70.** RCW 18.83.170 and 1991 c 3 s 202 are each amended to read as follows:

Upon ~~(application accompanied by a fee determined by the secretary as provided in RCW 43.70.250))~~ compliance with administrative procedures, administrative requirements, and fees determined under RCW 43.70.250 and 43.70.280, the board may grant a license, without written examination, to any applicant who has not previously failed any examination held by the board of psychology of the state of Washington and furnishes evidence satisfactory to the board that the applicant:

- (1) Holds a doctoral degree with primary emphasis on psychology from an accredited college or university; and
- (2) Is licensed or certified to practice psychology in another state or country in which the requirements for such licensing or certification are, in the judgment of the board, essentially equivalent to those required by this chapter and the rules and regulations of the board. Such individuals must have been licensed or certified in another state for a period of at least two years; or
- (3) Is a diplomate in good standing of the American Board of Examiners in Professional Psychology.

**Sec. 71.** RCW 18.84.100 and 1991 c 3 s 211 are each amended to read as follows:

Applications for certification must be submitted on forms provided by the secretary. The secretary may require any information and documentation that reasonably relates to the determination of whether the applicant meets the requirements for certification provided for in this chapter and chapter 18.130 RCW. Each applicant shall ~~(pay a fee))~~ comply with administrative procedures, administrative requirements, and fees determined by the secretary as provided in RCW 43.70.250 ((which shall accompany the application)) and 43.70.280.

**Sec. 72.** RCW 18.84.110 and 1994 sp.s. c 9 s 509 are each amended to read as follows:

The secretary shall establish ~~(by rule)~~ the administrative procedures, administrative requirements, and fees for renewal of certificates as provided in RCW 43.70.250 and 43.70.280. ~~((Failure to renew invalidates the certificate and all privileges granted by the certificate. In the event a certificate has lapsed for a period longer than three years, the certificate shall demonstrate competence to the satisfaction of the secretary by continuing education or under the other standards determined by the secretary.))~~

**Sec. 73.** RCW 18.84.120 and 1991 c 222 s 4 are each amended to read as follows:

The secretary may issue a registration to an applicant who submits, on forms provided by the department, the applicant's name, the address, occupational title, name and location of business where applicant performs his or her services, and other information as determined by the secretary, including information necessary to determine whether there are grounds for denial of registration under this chapter or chapter 18.130 RCW. Each applicant shall pay a fee as determined by the secretary as provided in RCW 43.70.250 and 43.70.280. The secretary shall establish ~~(by rule)~~ the ~~(procedural)~~ administrative procedures, administrative requirements, and fees for registration and for renewal of registrations as provided in RCW 43.70.250 and 43.70.280.

**Sec. 74.** RCW 18.88A.120 and 1991 c 16 s 14 are each amended to read as follows:

Applications for registration and certification shall be submitted on forms provided by the secretary. The secretary may require any information and documentation that reasonably relates to the need to determine whether the applicant meets the criteria for registration and certification credentialing provided for in this chapter and chapter ~~((18.120))~~ 18.130 RCW. Each applicant shall ~~(pay a fee determined by the secretary under RCW 43.70.250. The fee shall accompany the application))~~ comply with administrative procedures, administrative requirements, and fees determined by the secretary under RCW 43.70.250 and 43.70.280.

**Sec. 75.** RCW 18.88A.130 and 1994 sp.s. c 9 s 715 are each amended to read as follows:

~~((The secretary shall establish by rule the procedural requirements and fees for renewal of a registration or certificate. Failure to renew shall invalidate the credential and all privileges granted by the credential. If a certificate has lapsed for a period longer than three years, the person shall demonstrate competence to the satisfaction of the commission by taking continuing education courses, or meeting other standards determined by the commission))~~ Registrations and certifications shall be renewed according to administrative procedures, administrative requirements, and fees determined by the secretary under RCW 43.70.250 and 43.70.280.

**Sec. 76.** RCW 18.89.110 and 1991 c 3 s 234 are each amended to read as follows:

- (1) The date and location of the examination shall be established by the secretary. Applicants who have been found by the secretary to meet the other requirements for certification shall be scheduled for the next examination following the filing of the application. However, the applicant shall not be scheduled for any examination taking place sooner than sixty days after the application is filed.
- (2) The secretary shall examine each applicant, by means determined most effective, on subjects appropriate to the scope of practice. Such examinations shall be limited to the purpose of determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently, and shall meet generally accepted standards of fairness and validity for certification examinations.
- (3) All examinations shall be conducted by the secretary, and all grading of the examinations shall be under fair and wholly impartial methods.
- (4) Any applicant who fails to make the required grade in the first examination is entitled to take up to three subsequent examinations, upon ~~((the prepayment of a fee determined by the secretary as provided in RCW 43.70.250 for each subsequent examination. Upon failure of four examinations, the secretary may invalidate the original application))~~ compliance with administrative procedures, administrative requirements, and fees determined by the secretary under RCW 43.70.250 and 43.70.280 and ((require)) such remedial education as is deemed necessary.

(5) The secretary may approve an examination prepared and administered by a private testing agency or association of credentialing boards for use by an applicant in meeting the certification requirement.

**Sec. 77.** RCW 18.89.120 and 1991 c 3 s 235 are each amended to read as follows:

Applications for certification shall be submitted on forms provided by the secretary. The secretary may require any information and documentation which reasonably relates to the need to determine whether the applicant meets the criteria for certification provided in this chapter and chapter 18.130 RCW. All ~~((applications))~~ applicants shall ((be accompanied by a fee)) comply with administrative procedures, administrative requirements, and fees determined by the secretary under RCW 43.70.250 and 43.70.280.

**Sec. 78.** RCW 18.89.140 and 1991 c 3 s 237 are each amended to read as follows:

~~((The secretary shall establish by rule the requirements and fees for renewal of certificates. Failure to renew shall invalidate the certificate and all privileges granted by the certificate. In the event a certificate has lapsed for a period longer than three years, the certified respiratory care practitioner shall demonstrate competence to the satisfaction of the secretary by continuing education or under the other standards determined by the secretary))~~ Certificates shall be renewed according to administrative procedures, administrative requirements, and fees determined by the secretary under RCW 43.70.250 and 43.70.280.

**Sec. 79.** RCW 18.92.140 and 1993 c 78 s 6 are each amended to read as follows:

Each person now qualified to practice veterinary medicine, surgery, and dentistry, registered as an animal technician, or registered as a veterinary medication clerk in this state or who becomes licensed or registered to engage in practice shall ~~((register with the secretary of health annually or on the date prescribed by the secretary and pay the renewal registration fee set by the secretary as provided in RCW 43.70.250. A person who fails to renew a license or certificate before its expiration is subject to a late renewal fee equal to one-third of the regular renewal fee set by the secretary))~~ comply with administrative procedures, administrative requirements, and fees determined as provided in RCW 43.70.250 and 43.70.280.

**Sec. 80.** RCW 18.92.145 and 1993 c 78 s 7 are each amended to read as follows:

~~(The secretary shall determine the)~~ Administrative procedures, administrative requirements, and fees~~(s)~~ shall be established as provided in RCW 43.70.250~~(s)~~ and 43.70.280 for the issuance, renewal, or administration of the following licenses, certificates of registration, permits, duplicate licenses, renewals, or examination:

- (1) For a license to practice veterinary medicine, surgery, and dentistry issued upon an examination given by the examining board;
- (2) For a license to practice veterinary medicine, surgery, and dentistry issued upon the basis of a license issued in another state;
- (3) For a certificate of registration as an animal technician;
- (4) For a certificate of registration as a veterinary medication clerk;
- (5) For a temporary permit to practice veterinary medicine, surgery, and dentistry. The temporary permit fee shall be accompanied by the full amount of the examination fee; and
- (6) For a license to practice specialized veterinary medicine.

**Sec. 81.** RCW 18.108.060 and 1991 c 3 s 256 are each amended to read as follows:

~~(All licenses issued under the provisions of this chapter, unless otherwise provided shall expire on the annual anniversary date of the individual's date of birth.~~

~~The secretary shall prorate the licensing fee for massage practitioner based on one twelfth of the annual license fee for each full calendar month between the issue date and the next anniversary of the applicant's birth date, a date used as the expiration date of such license.~~

~~Every applicant for a license shall pay an examination fee determined by the secretary as provided in RCW 43.70.250, which fee shall accompany their application. Applications for licensure shall be submitted on forms provided by the secretary.~~

~~Applicants granted a license under this chapter shall pay to the secretary a license fee determined by the secretary as provided in RCW 43.70.250, prior to the issuance of their license, and an annual renewal fee determined by the secretary as provided in RCW 43.70.250. Failure to renew shall invalidate the license and all privileges granted to the licensee, but such license may be reinstated upon written application to the secretary and payment to the state of all delinquent fees and penalties as determined by the secretary. In the event a license has lapsed for a period longer than three years, the licensee shall demonstrate competence to the satisfaction of the secretary by proof of continuing education or other standard determined by the secretary with the advice of the board.) Each applicant and license holder shall comply with administrative procedures, administrative requirements, and fees set by the secretary under RCW 43.70.250 and 43.70.280.~~

**Sec. 82.** RCW 18.135.050 and 1991 c 3 s 274 are each amended to read as follows:

(1) Any health care facility may certify a health care assistant to perform the functions authorized in this chapter in that health care facility; and any health care practitioner may certify a health care assistant capable of performing such services in any health care facility, or in his or her office, under a health care practitioner's supervision. Before certifying the health care assistant, the health care facility or health care practitioner shall verify that the health care assistant has met the minimum requirements established by the secretary under this chapter. These requirements shall not prevent the certifying entity from imposing such additional standards as the certifying entity considers appropriate. The health care facility or health care practitioner shall provide the licensing authority with a certified roster of health care assistants who are certified.

(2) Certification and recertification of a health care assistant shall be effective for a period ~~((of two years. Recertification is required at the end of this period))~~ determined by the secretary under RCW 43.70.250 and 43.70.280. Requirements for recertification shall be ~~((established by rule))~~ determined by the secretary under RCW 43.70.250 and 43.70.280.

**Sec. 83.** RCW 18.135.055 and 1991 c 3 s 275 are each amended to read as follows:

The health care facility or health care practitioner registering an initial or continuing certification pursuant to the provisions of this chapter shall ~~((pay a))~~ comply with administrative procedures, administrative requirements, and fees determined by the secretary as provided in RCW 43.70.250 and 43.70.280.

All fees collected under this section shall be credited to the health professions account as required in RCW 43.70.320.

**Sec. 84.** RCW 18.138.040 and 1991 c 3 s 281 are each amended to read as follows:

(1) If the applicant meets the qualifications as outlined in RCW 18.138.030(2), the secretary shall confer on such candidates the title certified dietitian.

(2) If the applicant meets the qualifications as outlined in RCW 18.138.030(4), the secretary shall confer on such candidates the title certified nutritionist.

~~(3) ((The application fee in an amount determined by the secretary shall accompany the application)) Applicants for certification as a certified dietitian or certified nutritionist shall comply with administrative procedures, administrative requirements, and fees determined by the secretary under RCW 43.70.250 and 43.70.280.~~

**Sec. 85.** RCW 18.138.060 and 1991 c 3 s 283 are each amended to read as follows:

(1) Every person certified as a certified dietitian or certified nutritionist shall ~~((pay a renewal registration fee determined by the secretary as provided in RCW 43.70.250. The certificate of the person shall be renewed for a period of one year or longer at the discretion of the secretary))~~ renew the certification according to administrative procedures, administrative requirements, and fees determined by the secretary as provided in RCW 43.70.250 and 43.70.280.

~~(2) ((Any failure to register and pay the annual renewal registration fee shall render the certificate invalid. The certificate shall be reinstated upon: (a) Written application to the secretary; (b) payment to the state of a penalty fee determined by the secretary; and (c) payment to the state of all delinquent annual certificate renewal fees.~~

~~(3) Any person who fails to renew his or her certification for a period of three years shall not be entitled to renew such certification under this section. Such person, in order to obtain a certification as a certified dietitian or certified nutritionist in this state, shall file a new application under this chapter, along with the required fee, and shall meet all requirements as the secretary provides.~~

~~(4)) All fees collected under this section shall be credited to the health professions account as required.~~

**Sec. 86.** RCW 18.155.040 and 1990 c 3 s 804 are each amended to read as follows:

In addition to any other authority provided by law, the secretary shall have the following authority:

(1) To set ~~((all))~~ administrative procedures, administrative requirements, and fees ~~((required in this chapter))~~ in accordance with RCW 43.70.250 and 43.70.280;

(2) To establish forms necessary to administer this chapter;

(3) To issue a certificate to any applicant who has met the education, training, and examination requirements for certification and deny a certificate to applicants who do not meet the minimum qualifications for certification. Proceedings concerning the denial of certificates based on unprofessional conduct or impaired practice shall be governed by the uniform disciplinary act, chapter 18.130 RCW;

(4) To hire clerical, administrative, and investigative staff as needed to implement and administer this chapter and to hire individuals including those certified under this chapter to serve as examiners or consultants as necessary to implement and administer this chapter;

(5) To maintain the official department record of all applicants and certifications;

(6) To conduct a hearing on an appeal of a denial of a certificate on the applicant's failure to meet the minimum qualifications for certification. The hearing shall be conducted pursuant to chapter 34.05 RCW;

(7) To issue subpoenas, statements of charges, statements of intent to deny certificates, and orders and to delegate in writing to a designee the authority to issue subpoenas, statements of charges, and statements of intent to deny certificates;

(8) To determine the minimum education, work experience, and training requirements for certification, including but not limited to approval of educational programs;

(9) To prepare and administer or approve the preparation and administration of examinations for certification;

- (10) To establish by rule the procedure for appeal of an examination failure;
- (11) To adopt rules implementing a continuing competency program;
- (12) To adopt rules in accordance with chapter 34.05 RCW as necessary to implement this chapter.

**Sec. 87.** RCW 18.155.080 and 1990 c 3 s 808 are each amended to read as follows:

The secretary shall establish ~~(by rule)~~ standards and procedures for approval of the following:

- (1) Educational programs and alternate training;
- (2) Examination procedures;
- (3) Certifying applicants who have a comparable certification in another jurisdiction;
- (4) Application method and forms;
- (5) Requirements for renewals of certificates;
- (6) Requirements of certified sex offender treatment providers who seek inactive status;
- (7) Other rules, policies, administrative procedures, and administrative requirements as appropriate to carry out the purposes of

this chapter.

**Sec. 88.** RCW 42.17.310 and 1995 c 267 s 6 are each amended to read as follows:

(1) The following are exempt from public inspection and copying:

- (a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.
- (b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.
- (c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.
- (d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.
- (e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.
- (f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.
- (g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.
- (h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.
- (i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.
- (j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.
- (k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.
- (l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.
- (m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.
- (n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.
- (o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW.
- (p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.
- (q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.
- (r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.
- (s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.
- (t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.
- (u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.
- (v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.
- (w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.140 maintained in the files of the department shall automatically be withheld from public inspection and copying ~~((if the provider has provided the department with an accurate alternative or business address and telephone number))~~ unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).
- (x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510, regardless of which agency is in possession of the information and documents.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

**NEW SECTION. Sec. 89.** A new section is added to chapter 43.70 RCW to read as follows:

The legislature finds that domestic violence is the leading cause of injury among women and is linked to numerous health problems, including depression, abuse of alcohol and other drugs, and suicide. Despite the frequency of medical attention, few people are diagnosed as victims of spousal abuse. The department, in consultation with the disciplinary authorities as defined in RCW 18.130.040, shall establish, within available department general funds, an ongoing domestic violence education program as an integral part of its health professions regulation. The purpose of the education program is to raise awareness and educate health care professionals regarding the identification, appropriate treatment, and appropriate referral of victims of domestic violence. The disciplinary authorities having the authority to offer continuing education may provide training in the dynamics of domestic violence. No funds from the health professions account may be utilized to fund activities under this section unless the disciplinary authority authorizes expenditures from its proportions of the account. A disciplinary authority may defray costs by authorizing a fee to be charged for participants or materials relating to any sponsored program.

**NEW SECTION. Sec. 90.** The following acts or parts of acts are each repealed:

(1) RCW 18.30.110 and 1995 c 198 s 22 & 1995 c 1 s 12 (Initiative Measure No. 607);

(2) RCW 18.32.120 and 1994 sp.s. c 9 s 214, 1991 c 3 s 64, 1989 c 202 s 20, 1985 c 7 s 24, 1975 1st ex.s. c 30 s 28, 1969 c 49 s 2, 1957 c 52 s 30, & 1953 c 93 s 5;

(3) RCW 18.53.055 and 1955 c 275 s 2;

(4) RCW 18.64A.065 and 1991 c 229 s 10;

(5) RCW 18.79.220 and 1994 sp.s. c 9 s 422; and

(6) RCW 18.83.100 and 1994 c 35 s 3, 1986 c 27 s 5, 1965 c 70 s 10, & 1955 c 305 s 10.

**NEW SECTION. Sec. 91.** By December 31, 1997, the secretary shall report to the appropriate standing committees of the legislature on the implementation of this act and, after consulting with board and commission members and representatives of health professional associations, shall make recommendations about the extent authority to establish administrative procedures and administrative requirements should continue to be vested with the secretary."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Health and Long-Term Care striking amendment to Substitute House Bill No. 2151.

The motion by Senator Quigley carried and the committee striking amendment was adopted.

## MOTIONS

On motion of Senator Quigley, the following title amendment was adopted:

On page 1, line 2 of the title, after "professionals;" strike the remainder of the title and insert "amending RCW 43.70.250, 43.70.280, 18.06.120, 18.19.070, 18.19.100, 18.19.170, 18.22.120, 18.25.020, 18.25.070, 18.29.021, 18.29.071, 18.30.120, 18.30.130, 18.32.110, 18.32.170, 18.32.180, 18.32.220, 18.34.120, 18.35.060, 18.35.080, 18.35.090, 18.36A.130, 18.36A.140, 18.50.050, 18.50.102, 18.52.110, 18.52.130, 18.52C.030, 18.53.050, 18.53.070, 18.55.030, 18.55.040, 18.55.050, 18.57.035, 18.57.045, 18.57.050, 18.57.080, 18.57A.020, 18.71A.040, 18.59.110, 18.64.040, 18.64.043, 18.64.045, 18.64.046, 18.64.047, 18.64.140, 18.64.205, 18.64.310, 18.64A.030, 18.64A.060, 18.71.080, 18.71.085, 18.71.095, 18.71.205, 18.71.400, 18.71A.020, 18.71A.040, 18.74.050, 18.74.060, 18.74.070, 18.79.200, 18.79.210, 18.83.060, 18.83.072, 18.83.080, 18.83.082, 18.83.090, 18.83.105, 18.83.170, 18.84.100, 18.84.110, 18.84.120, 18.88A.120, 18.88A.130, 18.89.110, 18.89.120, 18.89.140, 18.92.140, 18.92.145, 18.108.060, 18.135.050, 18.135.055, 18.138.040, 18.138.060, 18.155.040, 18.155.080, and 42.17.310; reenacting and amending RCW 18.57.130; adding a new section to chapter 43.70 RCW; creating a new section; and repealing RCW 18.30.110, 18.32.120, 18.53.055, 18.64A.065, 18.79.220, and 18.83.100."

On motion of Senator Quigley, the rules were suspended, Substitute House Bill No. 2151, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2151, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2151, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 4; Excused, 0.

Voting yeas: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wajahn and Wood - 45.

Absent: Senators Finkbeiner, Johnson, Roach and Zarelli - 4.

SUBSTITUTE HOUSE BILL NO. 2151, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Wood, Senator Johnson was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2520, by House Committee on Transportation (originally sponsored by Representatives K. Schmidt and Scott) (by request of Washington State Patrol)

Extending terminal safety audit fees to vehicles operating under the International Registration Plan.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, Substitute House Bill No. 2520 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2520.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2520 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yeas: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wajahn, Wood and Zarelli - 48.

Excused: Senator Johnson - 1.

SUBSTITUTE HOUSE BILL NO. 2520, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2498, by House Committee on Commerce and Labor (originally sponsored by Representatives Cairnes, Romero, Hymes and Cody) (by request of Department of Labor and Industries)

Providing uniform construction trade administrative procedures.

The bill was read the second time.

#### MOTIONS

On motion of Senator Pelz, the following Labor, Commerce and Trade amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.27.030 and 1992 c 217 s 1 are each amended to read as follows:

(1) An applicant for registration as a contractor shall submit an application under oath upon a form to be prescribed by the director and which shall include the following information pertaining to the applicant:

(a) Employer social security number.

(b) As applicable: (i) The industrial insurance account number covering employees domiciled in Washington; and (ii) evidence of workers' compensation coverage in the applicant's state of domicile for the applicant's employees working in Washington who are not domiciled in Washington.

(c) Employment security department number.

(d) State excise tax registration number.

(e) Unified business identifier (UBI) account number may be substituted for the information required by (b), (c), and (d) of this subsection.

(f) Type of contracting activity, whether a general or a specialty contractor and if the latter, the type of specialty.

(g) The name and address of each partner if the applicant be a firm or partnership, or the name and address of the owner if the applicant be an individual proprietorship, or the name and address of the corporate officers and statutory agent, if any, if the applicant be a corporation. The information contained in such application shall be a matter of public record and open to public inspection.

(2) The department may verify the workers' compensation coverage information provided by the applicant under subsection (1)(b) of this section, including but not limited to information regarding the coverage of an individual employee of the applicant. If coverage is provided under the laws of another state, the department may notify the other state that the applicant is employing employees in Washington.

(3) Registration shall be denied if the applicant has been previously registered as a sole proprietor, partnership, or corporation, and was a principal or officer of the corporation, and if the applicant has an unsatisfied final judgment (~~(in an action)~~) based on (~~RCW 18.27.040~~) this chapter that was incurred during a previous registration under this chapter.

**Sec. 2.** RCW 18.27.100 and 1993 c 454 s 3 are each amended to read as follows:

(1) Except as provided in RCW 18.27.065 for partnerships and joint ventures, no person who has registered under one name as provided in this chapter shall engage in the business, or act in the capacity, of a contractor under any other name unless such name also is registered under this chapter.

(2) All advertising and all contracts, correspondence, cards, signs, posters, papers, and documents which show a contractor's name or address shall show the contractor's name or address as registered under this chapter.

~~(3)((a) The alphabetized listing of contractors appearing in the advertising section of telephone books or other directories and)~~ All advertising that shows the contractor's name or address shall show the contractor's current registration number. The registration number may be omitted in an alphabetized listing of registered contractors stating only the name, address, and telephone number: PROVIDED, That signs on motor vehicles subject to RCW 46.16.010 and on-premise signs shall not constitute advertising as provided in this section. All materials used to directly solicit business from retail customers who are not businesses shall show the contractor's current registration number. A contractor shall not use a false or expired registration number in purchasing or offering to purchase an advertisement for which a contractor registration number is required. Advertising by airwave transmission shall not be subject to this subsection if the person selling the advertisement obtains the contractor's current registration number from the contractor.

~~((b) A person selling advertising should not accept advertisements for which the contractor registration number is required under (a) of this subsection if the contractor fails to provide the contractor registration number-))~~

(4) No contractor shall advertise that he or she is bonded and insured because of the bond required to be filed and sufficiency of insurance as provided in this chapter.

(5) A contractor shall not falsify a registration number and use it in connection with any solicitation or identification as a contractor. All individual contractors and all partners, associates, agents, salesmen, solicitors, officers, and employees of contractors shall use their true names and addresses at all times while engaged in the business or capacity of a contractor or activities related thereto.

(6)(a) The finding of a violation of this section by the director at a hearing held in accordance with the Administrative Procedure Act, chapter 34.05 RCW, shall subject the person committing the violation to a penalty of not more than five thousand dollars as determined by the director.

(b) Penalties under this section shall not apply to a violation determined to be an inadvertent error.

**Sec. 3.** RCW 18.106.100 and 1977 ex.s. c 149 s 9 are each amended to read as follows:

(1) The department may revoke (~~any~~) or suspend a certificate of competency (~~upon~~) for any of the following (grounds) reasons:

(a) The certificate was obtained through error or fraud;

(b) The certificate holder (~~thereof~~) is judged to be incompetent to carry on the trade of plumbing as a journeyman plumber or specialty plumber;

(c) The certificate holder (~~thereof~~) has violated any (~~of the~~) provision(s) of this chapter or any rule (~~or regulation promulgated thereto~~) adopted under this chapter.

(2) Before (~~any~~) a certificate of competency (~~shall be~~) is revoked or suspended, the (~~holder thereof shall be given written notice of the department's intention to do so, mailed by registered mail, return receipt requested, to said holder's last known address. Said~~) department shall send written notice by registered mail with return receipt requested to the certificate holder's last known address. The notice (shall enumerate) must list the allegations against (such) the certificate holder(,) and (shall) give him or her the opportunity to request a hearing before the advisory board. At (such) the hearing, the department and the certificate holder (shall) have opportunity to produce witnesses and give testimony. The hearing (shall) must be conducted in accordance with (the provisions of) chapter 34.05 RCW. The board shall render its decision based upon the testimony and evidence presented(,) and shall notify the parties immediately upon reaching its decision. A majority of the board (shall be) is necessary to render a decision.

(3) The department may deny renewal of a certificate of competency issued under this chapter if the applicant owes outstanding penalties for a final judgment under this chapter. The department shall notify the applicant of the denial by registered mail, return receipt requested, to the address on the application. The applicant may appeal the denial within twenty days by filing a notice of appeal with the department accompanied by a certified check for two hundred dollars which shall be returned to the applicant if the decision of the department is not upheld by the hearings officer. The office of administrative hearings shall conduct the hearing under chapter 34.05 RCW. If the hearings officer sustains the decision of the department, the two hundred dollars must be applied to the cost of the hearing.

**Sec. 4.** RCW 18.106.180 and 1994 c 174 s 3 are each amended to read as follows:

An authorized representative of the department may issue a notice of infraction as specified in RCW 18.106.020(3) if a person who is doing plumbing work or who is offering to do plumbing work fails to produce evidence of having a certificate or permit issued by the department in accordance with this chapter or of being supervised by a person who has such a certificate or permit. A notice of infraction issued under this section shall be personally served

on the person named in the notice by an authorized representative of the department or sent by certified mail to the last known address provided to the department of the person named in the notice.

**Sec. 5.** RCW 18.106.200 and 1994 c 174 s 5 are each amended to read as follows:

A violation designated as an infraction under this chapter shall be heard and determined by an administrative law judge of the office of administrative hearings. If a party desires to contest the notice of infraction, the party shall file a notice of appeal with the department within (~~fourteen~~) twenty days of issuance of the infraction. The administrative law judge shall conduct hearings in these cases at locations in the county where the infraction is alleged to have occurred.

**Sec. 6.** RCW 19.28.123 and 1988 c 81 s 5 are each amended to read as follows:

It shall be the purpose and function of the board to establish, in addition to a general electrical contractors' license, such classifications of specialty electrical contractors' licenses as it deems appropriate with regard to individual sections pertaining to state adopted codes in this chapter ((19-28 RCW)). In addition, it shall be the purpose and function of the board to establish and administer written examinations for general electrical (~~contractors' qualifying~~) administrators' certificates and the various specialty electrical (~~contractors' qualifying~~) administrators' certificates. Examinations shall be designed to reasonably insure that general and specialty electrical (~~contractors' qualifying~~) administrators' certificate holders are competent to engage in and supervise the work covered by this statute and their respective licenses. The examinations shall include questions from the following categories to assure proper safety and protection for the general public: (1) Safety, (2) state electrical code, and (3) electrical theory. The department with the consent of the board shall be permitted to enter into a contract with a professional testing agency to develop, administer, and score these examinations. The fee for the examination may be set by the department in its contract with the professional testing agency. The department may direct that the applicant pay the fee to the professional testing agency. The fee shall cover but not exceed the costs of preparing and administering the examination. It shall be the

further purpose and function of this board to advise the director as to the need of additional electrical inspectors and compliance officers to be utilized by the director on either a full-time or part-time employment basis and to carry out the duties enumerated in RCW 19.28.510 through 19.28.620 as well as generally advise the department on all matters relative to RCW 19.28.510 through 19.28.620.

**Sec. 7.** RCW 19.28.350 and 1988 c 81 s 12 are each amended to read as follows:

Any person, firm, partnership, corporation, or other entity violating any of the provisions of RCW 19.28.010 through 19.28.360 shall be assessed a penalty of not less than fifty dollars or more than ten thousand dollars. The department shall set by rule a schedule of penalties for violating RCW 19.28.010 through 19.28.360. The department shall notify the person, firm, partnership, corporation, or other entity violating any of the provisions of RCW 19.28.010 through 19.28.360 of the amount of the penalty and of the specific violation by certified mail, return receipt requested, sent to the last known address of the assessed party. Any penalty is subject to review by an appeal to the board. The filing of an appeal stays the effect of the penalty until the board makes its decision. The appeal shall be filed within ~~((fifteen))~~ twenty days after notice of the penalty is given to the assessed party by certified mail, return receipt requested, sent to the last known address of the assessed party and shall be made by filing a written notice of appeal with the department. The notice shall be accompanied by a certified check for two hundred dollars, which shall be returned to the assessed party if the decision of the department is not sustained by the board. If the board sustains the decision of the department, the two hundred dollars shall be applied by the department to the payment of the per diem and expenses of the members of the board incurred in the matter, and any balance remaining after payment of per diem and expenses shall be paid into the electrical license fund. The hearing and review procedures shall be conducted in accordance with chapter 34.05 RCW. The board shall assign its hearings to an administrative law judge to conduct the hearing and issue a proposed decision and order. The board shall be allowed a minimum of twenty days to review a proposed decision and shall issue its decision no later than the next regularly scheduled board meeting.

**Sec. 8.** RCW 19.28.540 and 1988 c 81 s 14 are each amended to read as follows:

The department, in coordination with the board, shall prepare an examination to be administered to applicants for journeyman and specialty certificates of competency. The examination shall be constructed to determine:

(1) Whether the applicant possesses varied general knowledge of the technical information and practical procedures that are identified with the status of journeyman electrician or specialty electrician; and

(2) Whether the applicant is sufficiently familiar with the applicable electrical codes and the rules of the department pertaining to electrical installations and electricians.

The department shall, at least four times annually, administer the examination to persons eligible to take it under RCW 19.28.530. A person may take the journeyman or specialty test as many times as necessary without limit. All applicants shall, before taking the examination, pay ~~((to the department and))~~ the required examination fee ~~((The department shall set the fee by rule))~~ to the agency administering the examination. The fee shall cover but not exceed the costs of preparing and administering the examination.

The department shall certify the results of the examination upon such terms and after such a period of time as the department, in cooperation with the board, deems necessary and proper.

(3) The department upon the consent of the board may enter into a contract with a professional testing agency to develop, administer, and score journeyman and/or specialty electrician certification examinations. The department may set the examination fee by contract with the professional testing agency.

**Sec. 9.** RCW 19.28.620 and 1988 c 81 s 16 are each amended to read as follows:

(1) It is unlawful for any person, firm, partnership, corporation, or other entity to employ an individual for purposes of RCW 19.28.510 through 19.28.620 who has not been issued a certificate of competency or a training certificate. It is unlawful for any individual to engage in the electrical construction trade or to maintain or install any electrical equipment or conductors without having in his or her possession a certificate of competency or a training certificate under RCW 19.28.510 through 19.28.620. Any person, firm, partnership, corporation, or other entity found in violation of RCW 19.28.510 through 19.28.620 shall be assessed a penalty of not less than fifty dollars or more than five hundred dollars. The department shall set by rule a schedule of penalties for violating RCW 19.28.510 through 19.28.620. An appeal may be made to the board as is provided in RCW 19.28.350. The appeal shall be filed within ~~((fifteen))~~ twenty days after the notice of the penalty is given to the assessed party by certified mail, return receipt requested, sent to the last known address of the assessed party and shall be made by filing a written notice of appeal with the department. Any equipment maintained or installed by any person who does not possess a certificate of competency under RCW 19.28.510 through 19.28.620 shall not receive an electrical work permit and electrical service shall not be connected or maintained to operate the equipment. Each day that a person, firm, partnership, corporation, or other entity violates ~~((the provisions of))~~ RCW 19.28.510 through 19.28.620 is a separate violation.

(2) A civil penalty shall be collected in a civil action brought by the attorney general in the county wherein the alleged violation arose at the request of the department if any of ~~((the provisions of))~~ RCW 19.28.510 through 19.28.620 or any rules ~~((promulgated))~~ adopted under RCW 19.28.510 through 19.28.620 are violated.

**NEW SECTION. Sec. 10.** Section 2 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Pelz, the following title amendment was adopted:

On page 1, line 2 of the title, after "procedures;" strike the remainder of the title and insert "amending RCW 18.27.030, 18.27.100, 18.106.100, 18.106.180, 18.106.200, 19.28.123, 19.28.350, 19.28.540, and 19.28.620; and declaring an emergency."

#### MOTION

On motion of Senator Pelz, the rules were suspended, Substitute House Bill No. 2498, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2498, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2498, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2498, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator Zarelli was excused.

SECOND READING

HOUSE BILL NO. 2495, by Representatives Brumsickle and Cole (by request of Department of Social and Health Services)

Revising educational program for juveniles in detention facilities.

The bill was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 2495 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2495.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2495 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 47.

Absent: Senator Morton - 1.

Excused: Senator Zarelli - 1.

HOUSE BILL NO. 2495, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2789, by Representatives Van Luven, Sheldon, Schoesler, Morris, Silver, Ogden, Thompson, Blanton, Patterson, Tokuda, Romero, Conway, Cole and Poulsen (by request of Governor Lowry)

Simplifying tax reporting and registration requirements for small businesses.

The bill was read the second time.

MOTION

On motion of Senator Drew, the rules were suspended, House Bill No. 2789 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2789.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2789 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Zarelli - 1.

HOUSE BILL NO. 2789, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2755, by House Committee on Trade and Economic Development (originally sponsored by Representatives Van Luven, Sheldon, Silver and Hatfield) (by request of Department of Community, Trade, and Economic Development)

Promoting economic development.

The bill was read the second time.

MOTION

On motion of Senator Pelz, the rules were suspended, Substitute House Bill No. 2755 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2755.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2755 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2755, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2730, by House Committee on Transportation (originally sponsored by Representatives McMahan, Sterk and K. Schmidt) (by request of Transportation Improvement Board)

Adjusting deductions to the city hardship assistance account.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, Substitute House Bill No. 2730 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2730.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2730 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2730, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 2:56 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 4:29 p.m. by President Pritchard.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 2735, by Representatives Dyer, D. Sommers, Sherstad and Scheurman

Exempting from certificate of need review certain nursing facilities that undertake renovations.

The bill was read the second time.

#### MOTION

On motion of Senator Quigley, the rules were suspended, Engrossed House Bill No. 2735 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2735.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2735 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senators McDonald and West - 2.

ENGROSSED HOUSE BILL NO. 2735, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Anderson, Senators Johnson and McDonald were excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2444, by House Committee on Natural Resources (originally sponsored by Representatives Brumsickle, Chappell, Buck, Cairnes, Sheldon, Honeyford, McMorris, Morris, Kessler, Delvin, Basich, Fuhrman, Regala, Schoesler, Mastin, Elliot, Johnson, D. Sommers, Boldt, Thompson and McMahan)

Amending the forest practice act of 1974 regarding federally approved habitat conservation plans.

The bill was read the second time.

#### MOTION

Senator Drew moved that the following Committee on Natural Resources amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 76.09 RCW to read as follows:

Forest practices consistent with a habitat conservation plan approved prior to the effective date of this act, by the secretary of the interior or commerce under 16 U.S.C. Sec. 1531 et seq., and the endangered species act of 1973 as amended, are exempt from rules and policies under this chapter, provided the proposed forest practices indicated in the application are in compliance with the plan, and provided this exemption applies only to rules and policies adopted primarily for the protection of one or more species, including unlisted species, covered by the plan. Such forest practices are deemed not to have the potential for a substantial impact on the environment but may be found to have the potential for a substantial impact on the environment due to other reasons under RCW 76.09.050.

Nothing in this section is intended to limit the board's rule-making authority under this chapter.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Natural Resources striking amendment to Substitute House Bill No. 2444.

The motion by Senator Drew carried and the committee striking amendment was adopted.

#### MOTIONS

On motion of Senator Drew, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "plans;" strike the remainder of the title and insert "adding a new section to chapter 76.09 RCW; and declaring an emergency."

On motion of Senator Drew, the rules were suspended, Substitute House Bill No. 2444, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2444, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2444, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44.

Voting nay: Senators Hargrove and Morton - 2.

Absent: Senator Bauer - 1.

Excused: Senators Johnson and McDonald - 2.

SUBSTITUTE HOUSE BILL NO. 2444, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE JOINT MEMORIAL NO. 4017, by Representatives Thompson, Fuhrman, Stevens, G. Fisher, Elliot, Sheldon, Cairnes, B. Thomas, Beeksma, Schoesler and Horn

Requesting Congress to control or eradicate nonnative noxious weeds.

The joint memorial was read the second time.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, House Joint Memorial No. 4017 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.  
Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4017.

#### ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4017 and the joint memorial passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senator West - 1.

Excused: Senators Johnson and McDonald - 2.

HOUSE JOINT MEMORIAL NO. 4017, having received the constitutional majority, was declared passed.

#### SECOND READING

HOUSE BILL NO. 2729, by Representatives Sterk and K. Schmidt (by request of Transportation Improvement Board)

Making housekeeping changes in transportation improvement board statutes.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, House Bill No. 2729 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2729.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2729 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senator Quigley - 1.

Excused: Senators Johnson and McDonald - 2.

HOUSE BILL NO. 2729, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2687, by Representatives Robertson, R. Fisher and K. Schmidt (by request of Department of Transportation)

Revising regulation of vehicle size and load.

The bill was read the second time.

#### MOTION

Senator Sutherland moved that the following amendment be adopted:

On page 3, beginning on line 3, strike section 2 and insert the following:

"**Sec. 2.** RCW 3.62.020 and 1995 c 301 s 31 and 1995 c 291 s 5 are each reenacted and amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fees, fines, forfeitures and penalties assessed and collected in whole or in part by district courts, except costs, fines, forfeitures and penalties assessed and collected, in whole or in part, because of the violation of city ordinances, shall be remitted by the clerk of the district court to the county treasurer at least monthly, together with a financial statement as required by the state auditor, noting the information necessary for crediting of such funds as required by law.

(2) The county treasurer shall remit thirty-two percent of the noninterest money received under subsection (1) of this section ~~((except certain costs))~~ to the state treasurer for deposit, except as follows:

(a) Under RCW 43.08.250, certain costs shall be deposited with the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state or county in the prosecution of the case, including the fees of defense counsel ~~((Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250)); and~~

(b) All penalties provided for in RCW 46.44.105(2) shall be deposited with the state treasurer and credited to the motor vehicle fund as provided in RCW 46.44.105(8).

(3) The balance of the noninterest money received by the county treasurer under subsection (1) of this section shall be deposited in the county current expense fund.

(4) All money collected for county parking infractions shall be remitted by the clerk of the district court at least monthly, with the information required under subsection (1) of this section, to the county treasurer for deposit in the county current expense fund.

(5) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(6) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the county current expense fund, and twenty-five percent to the county current expense fund to fund local courts.

**Sec. 3.** RCW 10.82.070 and 1995 c 292 s 3 are each amended to read as follows:

(1) All sums of money derived from costs, fines, penalties, and forfeitures imposed or collected, in whole or in part, by a superior court for violation of orders of injunction, mandamus and other like writs, for contempt of court, or for breach of the penal laws shall be paid in cash by the person collecting the same, within twenty days after the collection, to the county treasurer of the county in which the same have accrued.

(2) The county treasurer shall remit monthly thirty-two percent of the money received under this section ((~~except for certain costs~~) to the state treasurer for deposit ((~~as provided under RCW 43.08.250~~)) and shall deposit the remainder as provided by law except as follows:

(a) Certain costs as provided under RCW 43.08.250 shall be deposited to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state or county in the prosecution of the case, including the fees of defense counsel((-);

(b) All penalties provided for in RCW 46.44.105(2) shall be deposited with the state treasurer and credited to the motor vehicle fund as provided under RCW 46.44.105(8); and

(c) Costs or assessments awarded to dedicated accounts, state or local, are not subject to this state allocation or to RCW 7.68.035.

(3) All fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. All fees, fines, forfeitures, and penalties collected or assessed by a superior court in cases on appeal from a lower court shall be remitted to the municipal or district court from which the cases were appealed.

**Sec. 4.** RCW 46.16.070 and 1994 c 262 s 8 are each amended to read as follows:

(1) In lieu of all other vehicle licensing fees, unless specifically exempt, and in addition to the excise tax prescribed in chapter 82.44 RCW and the mileage fees prescribed for buses and stages in RCW 46.16.125, there shall be paid and collected annually for each truck, motor truck, truck tractor, road tractor, tractor, bus, auto stage, or for hire vehicle with seating capacity of more than six, based upon the declared combined gross weight or declared gross weight thereof pursuant to the provisions of chapter 46.44 RCW, the following licensing fees by such gross weight:

DECLARED GROSS WEIGHT SCHEDULE A SCHEDULE B	
4,000 lbs.	\$ (( <del>37.00</del> )) \$ (( <del>37.00</del> ))
	<u>74 74</u>
6,000 lbs.	\$ (( <del>44.00</del> )) \$ (( <del>44.00</del> ))
	<u>88 88</u>
8,000 lbs.	\$ (( <del>55.00</del> )) \$ (( <del>55.00</del> ))
	<u>110 110</u>
10,000 lbs.	\$ (( <del>62.00</del> )) \$ (( <del>62.00</del> ))
	<u>124 124</u>
12,000 lbs.	\$ (( <del>72.00</del> )) \$ (( <del>72.00</del> ))
	<u>144 144</u>
14,000 lbs.	\$ (( <del>82.00</del> )) \$ (( <del>82.00</del> ))
	<u>164 164</u>
16,000 lbs.	\$ (( <del>92.00</del> )) \$ (( <del>92.00</del> ))
	<u>184 184</u>
18,000 lbs.	\$ (( <del>137.00</del> )) \$ (( <del>137.00</del> ))
	<u>274 274</u>
20,000 lbs.	\$ (( <del>152.00</del> )) \$ (( <del>152.00</del> ))
	<u>304 304</u>
22,000 lbs.	\$ (( <del>164.00</del> )) \$ (( <del>164.00</del> ))
	<u>328 328</u>
24,000 lbs.	\$ (( <del>177.00</del> )) \$ (( <del>177.00</del> ))
	<u>354 354</u>
26,000 lbs.	\$ (( <del>187.00</del> )) \$ (( <del>187.00</del> ))
	<u>374 374</u>
28,000 lbs.	\$ (( <del>220.00</del> )) \$ (( <del>220.00</del> ))
	<u>440 440</u>
30,000 lbs.	\$ (( <del>253.00</del> )) \$ (( <del>253.00</del> ))
	<u>506 506</u>
32,000 lbs.	\$ (( <del>304.00</del> )) \$ (( <del>304.00</del> ))
	<u>608 608</u>
34,000 lbs.	\$ (( <del>323.00</del> )) \$ (( <del>323.00</del> ))
	<u>646 646</u>
36,000 lbs.	\$ (( <del>350.00</del> )) \$ (( <del>350.00</del> ))
	<u>700 700</u>
38,000 lbs.	\$ (( <del>384.00</del> )) \$ (( <del>384.00</del> ))
	<u>768 768</u>
40,000 lbs.	\$ (( <del>439.00</del> )) \$ (( <del>439.00</del> ))
	<u>878 878</u>
42,000 lbs.	\$ (( <del>456.00</del> )) \$ (( <del>456.00</del> ))
	<u>912 1,092</u>
44,000 lbs.	\$ (( <del>466.00</del> )) \$ (( <del>556.00</del> ))
	<u>932 1,112</u>
46,000 lbs.	\$ (( <del>501.00</del> )) \$ (( <del>591.00</del> ))
	<u>1,002 1,182</u>
48,000 lbs.	\$ (( <del>522.00</del> )) \$ (( <del>612.00</del> ))
	<u>1,044 1,224</u>

50,000 lbs.	\$ <del>((566.00))</del>	\$ <del>((656.00))</del>
	<u>1.132</u>	<u>1.312</u>
52,000 lbs.	\$ <del>((595.00))</del>	\$ <del>((685.00))</del>
	<u>1.190</u>	<u>1.370</u>
54,000 lbs.	\$ <del>((642.00))</del>	\$ <del>((732.00))</del>
	<u>1.284</u>	<u>1.464</u>
56,000 lbs.	\$ <del>((677.00))</del>	\$ <del>((767.00))</del>
	<u>1.354</u>	<u>1.534</u>
58,000 lbs.	\$ <del>((704.00))</del>	\$ <del>((794.00))</del>
	<u>1.408</u>	<u>1.588</u>
60,000 lbs.	\$ <del>((750.00))</del>	\$ <del>((840.00))</del>
	<u>1.500</u>	<u>1.680</u>
62,000 lbs.	\$ <del>((804.00))</del>	\$ <del>((894.00))</del>
	<u>1.608</u>	<u>1.788</u>
64,000 lbs.	\$ <del>((822.00))</del>	\$ <del>((912.00))</del>
	<u>1.644</u>	<u>1.824</u>
66,000 lbs.	\$ <del>((915.00))</del>	\$ <del>((1,005.00))</del>
	<u>1.830</u>	<u>2.010</u>
68,000 lbs.	\$ <del>((954.00))</del>	\$ <del>((1,044.00))</del>
	<u>1.908</u>	<u>2.088</u>
70,000 lbs.	\$ <del>((1,027.00))</del>	\$ <del>((1,117.00))</del>
	<u>2.054</u>	<u>2.234</u>
72,000 lbs.	\$ <del>((1,098.00))</del>	\$ <del>((1,188.00))</del>
	<u>2.196</u>	<u>2.376</u>
74,000 lbs.	\$ <del>((1,193.00))</del>	\$ <del>((1,283.00))</del>
	<u>2.386</u>	<u>2.566</u>
76,000 lbs.	\$ <del>((1,289.00))</del>	\$ <del>((1,379.00))</del>
	<u>2.578</u>	<u>2.758</u>
78,000 lbs.	\$ <del>((1,407.00))</del>	\$ <del>((1,497.00))</del>
	<u>2.814</u>	<u>2.994</u>
80,000 lbs.	\$ <del>((1,518.00))</del>	\$ <del>((1,608.00))</del>
	<u>3.036</u>	<u>3.216</u>
82,000 lbs.	\$ <del>((1,623.00))</del>	\$ <del>((1,713.00))</del>
	<u>3.264</u>	<u>3.426</u>
84,000 lbs.	\$ <del>((1,728.00))</del>	\$ <del>((1,818.00))</del>
	<u>3.456</u>	<u>3.636</u>
86,000 lbs.	\$ <del>((1,833.00))</del>	\$ <del>((1,923.00))</del>
	<u>3.666</u>	<u>3.846</u>
88,000 lbs.	\$ <del>((1,938.00))</del>	\$ <del>((2,028.00))</del>
	<u>3.876</u>	<u>4.056</u>
90,000 lbs.	\$ <del>((2,043.00))</del>	\$ <del>((2,133.00))</del>
	<u>4.086</u>	<u>4.266</u>
92,000 lbs.	\$ <del>((2,148.00))</del>	\$ <del>((2,238.00))</del>
	<u>4.296</u>	<u>4.476</u>
94,000 lbs.	\$ <del>((2,253.00))</del>	\$ <del>((2,343.00))</del>
	<u>4.506</u>	<u>4.686</u>
96,000 lbs.	\$ <del>((2,358.00))</del>	\$ <del>((2,448.00))</del>
	<u>4.716</u>	<u>4.896</u>
98,000 lbs.	\$ <del>((2,463.00))</del>	\$ <del>((2,553.00))</del>
	<u>4.926</u>	<u>5.106</u>
100,000 lbs.	\$ <del>((2,568.00))</del>	\$ <del>((2,658.00))</del>
	<u>5.138</u>	<u>5.316</u>
102,000 lbs.	\$ <del>((2,673.00))</del>	\$ <del>((2,763.00))</del>
	<u>5.346</u>	<u>5.526</u>
104,000 lbs.	\$ <del>((2,778.00))</del>	\$ <del>((2,868.00))</del>
	<u>5.556</u>	<u>5.736</u>
105,500 lbs.	\$ <del>((2,883.00))</del>	\$ <del>((2,973.00))</del>
	<u>5.766</u>	<u>5.946</u>

Schedule A applies to vehicles either used exclusively for hauling logs or that do not tow trailers. Schedule B applies to vehicles that tow trailers and are not covered under Schedule A.

Every truck, motor truck, truck tractor, and tractor exceeding 6,000 pounds empty scale weight registered under chapter 46.16, 46.87, or 46.88 RCW shall be licensed for not less than one hundred fifty percent of its empty weight unless the amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.041 or 46.44.042, in which event the vehicle shall be licensed for the maximum weight authorized for such a vehicle or unless the vehicle is used only for the purpose of transporting any well drilling machine, air compressor, rock crusher, conveyor, hoist, donkey engine, cook house, tool house, bunk house, or similar machine or structure attached to or made a part of such vehicle.

The following provisions apply when increasing gross or combined gross weight for a vehicle licensed under this section:

(a) The new license fee will be one-twelfth of the fee listed above for the new gross weight, multiplied by the number of months remaining in the period for which licensing fees have been paid, including the month in which the new gross weight is effective.

(b) Upon surrender of the current certificate of registration or cab card, the new licensing fees due shall be reduced by the amount of the licensing fees previously paid for the same period for which new fees are being charged.

(2) The proceeds from the fees collected under subsection (1) of this section shall be distributed in accordance with RCW 46.68.035.

**Sec. 5.** RCW 46.44.0941 and 1995 c 171 s 2 are each amended to read as follows:

The following fees, in addition to the regular license and tonnage fees, shall be paid for all movements under special permit made upon state highways. All funds collected, except the amount retained by authorized agents of the department as provided in RCW 46.44.096, shall be forwarded to the state treasury and shall be deposited in the motor vehicle fund:

All overlegal loads, except overweight, single trip \$ 10.00

Continuous operation of overlegal loads having either overwidth or overheight features only, for a period not to exceed thirty days \$ 20.00

Continuous operations of overlegal loads having overlength features only, for a period not to exceed thirty days \$ 10.00

Continuous operation of a combination of vehicles having one trailing unit that exceeds fifty-three feet and is not more than fifty-six feet in length, for a period of one year \$ 100.00

Continuous operation of a combination of vehicles having two trailing units which together exceed sixty-one feet and are not more than sixty-eight feet in length, for a period of one year \$ 100.00

Continuous operation of a three-axle fixed load vehicle having less than 65,000 pounds gross weight, for a period not to exceed thirty days \$ ((70.00))

140.00

Continuous operation of a four-axle fixed load vehicle meeting the requirements of RCW 46.44.091(1) and weighing less than 86,000 pounds gross weight, not to exceed thirty days \$ 90.00

Continuous movement of a mobile home or manufactured home having nonreducible features not to exceed eighty-five feet in total length and fourteen feet in width, for a period of one year \$ 150.00

Continuous operation of a two or three-axle collection truck, actually engaged in the collection of solid waste or recyclables, or both, under chapter 81.77 or 35.21 RCW or by contract under RCW 36.58.090, for one year with an additional six thousand pounds more than the weight authorized in RCW 46.16.070 on the rear axle of a two-axle truck or eight thousand pounds for the tandem axles of a three-axle truck. RCW 46.44.041 and 46.44.091 notwithstanding, the tire limits specified in RCW 46.44.042 apply, but none of the excess weight is valid or may be permitted on any part of the federal interstate highway system \$ ((42.00))

84.00

per thousand pounds

The department may issue any of the above-listed permits that involve height, length, or width for an expanded period of consecutive months, not to exceed one year.

Continuous operation of farm implements under a permit issued as authorized by RCW 46.44.140 by:

- (1) Farmers in the course of farming activities, for any three-month period \$ 10.00
- (2) Farmers in the course of farming activities, for a period not to exceed one year \$ 25.00
- (3) Persons engaged in the business of the sale, repair, or maintenance of such farm implements, for any three-month period \$ 25.00
- (4) Persons engaged in the business of the sale, repair, or maintenance of such farm implements, for a period not to exceed one year \$ 100.00

#### Overweight Fee Schedule

Excess weight over legal capacity, Cost per mile.

as provided in RCW 46.44.041.

0 - 9,999 pounds	\$ <del>((-.07))</del> <u>.14</u>
10,000 -14,999 pounds	\$ <del>((-.14))</del> <u>.28</u>
15,000 -19,999 pounds	\$ <del>((-.21))</del> <u>.42</u>
20,000 -24,999 pounds	\$ <del>((-.28))</del> <u>.56</u>
25,000 -29,999 pounds	\$ <del>((-.35))</del> <u>.70</u>
30,000 -34,999 pounds	\$ <del>((-.49))</del> <u>.98</u>
35,000 -39,999 pounds	\$ <del>((-.63))</del> <u>1.26</u>
40,000 -44,999 pounds	\$ <del>((-.79))</del> <u>1.58</u>
45,000 -49,999 pounds	\$ <del>((-.93))</del> <u>1.86</u>
50,000 -54,999 pounds	\$ <del>((1.14))</del> <u>2.28</u>
55,000 -59,999 pounds	\$ <del>((1.35))</del> <u>2.70</u>
60,000 -64,999 pounds	\$ <del>((1.56))</del> <u>3.12</u>
65,000 -69,999 pounds	\$ <del>((1.77))</del> <u>3.54</u>
70,000 -74,999 pounds	\$ <del>((2.12))</del> <u>4.24</u>
75,000 -79,999 pounds	\$ <del>((2.47))</del> <u>4.94</u>
80,000 -84,999 pounds	\$ <del>((2.82))</del> <u>5.64</u>
85,000 -89,999 pounds	\$ <del>((3.17))</del> <u>6.34</u>
90,000 -94,999 pounds	\$ <del>((3.52))</del> <u>7.04</u>
95,000 -99,999 pounds	\$ <del>((3.87))</del> <u>7.74</u>
100,000 pounds	\$ <del>((4.25))</del> <u>8.50</u>

The fee for weights in excess of 100,000 pounds is \$~~((4.25))~~ 8.50 plus fifty cents for each 5,000 pound increment or portion thereof exceeding 100,000 pounds.

PROVIDED: (a) The minimum fee for any overweight permit shall be \$~~((14.00))~~ 28.00, (b) the fee for issuance of a duplicate permit shall be \$~~((14.00))~~ 28.00, (c) when computing overweight fees prescribed in this section or in RCW 46.44.095 that result in an amount less than even dollars the fee shall be carried to the next full dollar if fifty cents or over and shall be reduced to the next full dollar if forty-nine cents or under.

The fees levied in this section and RCW 46.44.095 do not apply to vehicles owned and operated by the state of Washington, a county within the state, a city or town or metropolitan municipal corporation within the state, or the federal government.

**Sec. 6.** RCW 46.44.095 and 1993 c 102 s 5 are each amended to read as follows:

When a combination of vehicles has been licensed to a total gross weight of 80,000 pounds or when a three or more axle single unit vehicle has been licensed to a total gross weight of 40,000 pounds, a temporary additional tonnage permit to haul loads in excess of these limits may be issued. This permit is valid for periods of not less than five days at ~~((two))~~ five dollars and ~~((eighty))~~ sixty cents per day for each two thousand pounds or fraction thereof. The fee may not be prorated. The permits shall authorize the movement of loads not exceeding the weight limits set forth in RCW 46.44.041 and 46.44.042.

**Sec. 7.** RCW 46.44.105 and 1993 c 403 s 4 are each amended to read as follows:

(1) Violation of any of the provisions of ~~((RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, and 46.44.095, or failure to obtain a permit as provided by RCW 46.44.090 and 46.44.095, or misrepresentation of the size or weight of any load or failure to follow the requirements and conditions of a permit issued hereunder))~~ this chapter is a traffic infraction, and upon the first finding thereof shall be assessed a basic penalty of not less than fifty dollars; and upon a second finding thereof shall be assessed a basic penalty of not less than seventy-five dollars; and upon a third or subsequent finding shall be assessed a basic penalty of not less than one hundred dollars.

(2) In addition to the penalties imposed in subsection (1) of this section, any person violating RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 shall be assessed ~~((three cents for each pound of excess weight))~~ a penalty as prescribed in this subsection:

(a) One pound through 1,000 pounds overweight: \$90;

(b) 1,001 pounds through 2,000 pounds overweight: \$180;

(c) 2,001 pounds through 4,000 pounds overweight: \$360;

(d) 4,001 pounds through 15,000 pounds overweight: \$360 plus \$.30 per pound for each additional pound over 4,000 pounds overweight;

(e) 15,001 pounds and over overweight: \$3,000 plus \$.30 per pound for each additional pound over 15,000 pounds overweight. Upon a first violation in any calendar year, the court may suspend the penalty for five hundred pounds of excess weight for each axle on any vehicle or combination of vehicles, not to exceed a two thousand pound suspension. In no case may the basic penalty assessed in subsection (1) of this section or the additional penalty assessed in subsection (2), except as provided for the first violation, be suspended.

(3) Whenever any vehicle or combination of vehicles is involved in two violations of RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 during any twelve-month period, the court may suspend the certificate of license registration of the vehicle or combination of vehicles for not less than thirty days. Upon a third or succeeding violation in any twelve-month period, the court shall suspend the certificate of license registration for not less than thirty days. Whenever the certificate of license registration is suspended, the court shall secure such certificate and immediately forward the same to the director with information concerning the suspension.

(4) Any person found to have violated any posted limitations of a highway or section of highway shall be assessed a monetary penalty of not less than one hundred and fifty dollars, and the court shall in addition thereto upon second violation within a twelve-month period involving the same power unit, suspend the certificate of license registration for not less than thirty days.

(5) It is unlawful for the driver of a vehicle to fail or refuse to stop and submit the vehicle and load to a weighing, or to fail or refuse, when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section. It is unlawful for a driver of a commercial motor vehicle as defined in RCW 46.32.005, other than the driver of a bus as defined in RCW 46.32.005(2), to fail or refuse to stop at a weighing station when proper traffic control signs indicate scales are open.

Any police officer is authorized to require the driver of any vehicle or combination of vehicles to stop and submit to a weighing either by means of a portable or stationary scale and may require that the vehicle be driven to the nearest public scale. Whenever a police officer, upon weighing a vehicle and load, determines that the weight is unlawful, the officer may require the driver to stop the vehicle in a suitable location and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to the limit permitted by law. If the vehicle is loaded with grain or other perishable commodities, the driver shall be permitted to proceed without removing any of the load, unless the gross weight of the vehicle and load exceeds by more than ten percent the limit permitted by this chapter. The owner or operator of the vehicle shall care for all materials unloaded at the risk of the owner or operator.

Any vehicle whose driver or owner represents that the vehicle is disabled or otherwise unable to proceed to a weighing location shall have its load sealed or otherwise marked by any police officer. The owner or driver shall be directed that upon completion of repairs, the vehicle shall submit to weighing with the load and markings and/or seal intact and undisturbed. Failure to report for weighing, appearing for weighing with the seal broken or the markings disturbed, or removal of any cargo prior to weighing is unlawful. Any person so convicted shall be fined ~~((five hundred))~~ one thousand dollars, and in addition the certificate of license registration shall be suspended for not less than thirty days. Half of the monetary penalties provided in this subsection shall be remitted as provided in RCW 3.62.020 or 10.82.070. Half of the penalties shall be remitted to the state treasurer and deposited in the motor vehicle fund.

(6) Any other provision of law to the contrary notwithstanding, district courts having venue have concurrent jurisdiction with the superior courts for the imposition of any penalties authorized under this section.

(7) For the purpose of determining additional penalties as provided by subsection (2) of this section, "excess weight" means the poundage in excess of the maximum allowable gross weight or axle/axle grouping weight prescribed by RCW 46.44.041 ~~((and)),~~ 46.44.042 ~~((plus the weights allowed by RCW)),~~ 46.44.047, 46.44.091, and 46.44.095.

(8) The penalties provided in subsection(s) (1) ~~((and (2)))~~ of this section shall be remitted as provided in chapter 3.62 RCW or RCW 10.82.070. The penalties provided in subsection (2) of this section shall be remitted to the state treasurer and deposited in the motor vehicle fund. For the purpose of computing the basic penalties and additional penalties to be imposed under the provisions of subsections (1) and (2) of this section the convictions shall be on the same vehicle or combination of vehicles within a twelve-month period under the same ownership.

(9) Any state patrol officer or any weight control officer who finds any person operating a vehicle or a combination of vehicles in violation of the conditions of a permit issued under RCW 46.44.047, 46.44.090, and 46.44.095 may confiscate the permit and forward it to the state department of transportation which may return it to the permittee or revoke, cancel, or suspend it without refund. The department of transportation shall keep a record of all action taken upon permits so confiscated, and if a permit is returned to the permittee the action taken by the department of transportation shall be endorsed thereon. Any permittee whose permit is suspended or revoked may upon request receive a hearing before the department of transportation or person designated by that department. After the hearing the department of transportation may reinstate any permit or revise its previous action.

Every permit issued as provided for in this chapter shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any law enforcement officer or authorized agent of any authority granting such a permit.

Upon the third finding within a calendar year of a violation of the requirements and conditions of a permit issued under RCW 46.44.095 as now or hereafter amended, the permit shall be canceled, and the canceled permit shall be immediately transmitted by the court or the arresting officer to the department of transportation. The vehicle covered by the canceled permit is not eligible for a new permit for a period of thirty days.

(10) For the purposes of determining gross weights the actual scale weight taken by the arresting officer is prima facie evidence of the total gross weight.

(11) It is a traffic infraction to direct the loading of a vehicle with knowledge that it violates the requirements in RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 and that it is to be operated on the public highways of this state.

(12) The chief of the state patrol, with the advice of the department, may adopt reasonable rules to aid in the enforcement of this section.

**NEW SECTION. Sec. 8.** The department of transportation, in cooperation with the department of licensing and the department of revenue shall conduct a vehicle cost allocation study examining the feasibility of recovering pavement damage costs through the establishment of a weight-distance tax based on the weight of the vehicle and the distance traveled each year in this state. Periodic reports shall be submitted to the legislative transportation committee and the house and senate standing committees on transportation. A final report and recommendations are due July 1, 1997."

#### POINT OF ORDER

Senator Owen: "A point of order. This amendment broadens the scope of this bill so much that you could drive a MACK truck through it. Therefore, Mr. President, I am forced to challenge this amendment--that it is beyond the scope and object of the bill."

Further debate ensued.

There being no objection, the President deferred further consideration of House Bill No. 2687.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2294, by House Committee on Higher Education (originally sponsored by Representatives Delvin and Carlson) (by request of Higher Education Coordinating Board)

Changing provisions relating to the state educational trust fund.

The bill was read the second time.

#### MOTION

On motion of Senator Bauer, the rules were suspended, Substitute House Bill No. 2294 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2294.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2294 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2294, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8429, by Senators Thibaudeau, Quigley, Moyer, Deccio, Winsley, Wood, Franklin, Wojahn, Prentice, Fairley and Kohl

Establishing a joint select committee on oral health care.

The concurrent resolution was read the second time.

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, Senate Concurrent Resolution No. 8429 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8429.

SENATE CONCURRENT RESOLUTION NO. 8429 was adopted by voice vote.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2075, by House Committee on Law and Justice (originally sponsored by Representatives Costa, Lambert, Veloria, Ballasiotes, Scott, Chappell, Patterson, Kessler, H. Sommers, Appelwick, Romero, Morris and Tokuda)

Making the commission of an offense against a pregnant woman an aggravating circumstance.

The bill was read the second time.

#### MOTIONS

On motion of Senator Smith, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.390 and 1995 c 316 s 2 are each amended to read as follows:

If the sentencing court finds that an exceptional sentence outside the standard range should be imposed in accordance with RCW 9.94A.120(2), the sentence is subject to review only as provided for in RCW 9.94A.210(4).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(1) Mitigating Circumstances

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his or her conduct or to conform his or her conduct to the requirements of the law, was significantly impaired (voluntary use of drugs or alcohol is excluded).

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant knew or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(2) Aggravating Circumstances

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.

(c) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.

(d) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

~~((d))~~ (e) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) The current offense involved the manufacture of controlled substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

~~((e))~~ (f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.127.

~~((f))~~ (g) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

~~((g))~~ (h) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

~~((h))~~ (i) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter as expressed in RCW 9.94A.010.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Smith, the following title amendment was adopted:

On page 1, line 2 of the title, after "women;" strike the remainder of the title and insert "amending RCW 9.94A.390; and declaring an emergency."

#### MOTION

On motion of Senator Smith, the rules were suspended, Substitute House Bill No. 2075, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2075, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2075, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 48.

Absent: Senator Zarelli - 1.  
SUBSTITUTE HOUSE BILL NO. 2075, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2389, by Representatives Ballasiotes, Quall, Morris, Dellwo, D. Sommers, Costa and Thompson (by request of Sentencing Guidelines Commission)

Providing a classification for unclassified felonies.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, House Bill No. 2389 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2389.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2389 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

HOUSE BILL NO. 2389, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2192, by House Committee on Appropriations (originally sponsored by Representatives Carlson, Sehlin, H. Sommers, Cooke, Ogden, Dickerson, Dyer and Conway) (by request of Joint Committee on Pension Policy)

Correcting the teachers' retirement system plan III.

The bill was read the second time.

#### MOTIONS

On motion of Senator Bauer, the following Committee on Ways and Means amendment was adopted:  
Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.32.010 and 1995 c 345 s 9 and 1995 c 239 s 102 are each reenacted and amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1)(a) "Accumulated contributions" for plan I members, means the sum of all regular annuity contributions and, except for the purpose of withdrawal at the time of retirement, any amount paid under RCW 41.50.165(2) with regular interest thereon.

(b) "Accumulated contributions" for plan II members, means the sum of all contributions standing to the credit of a member in the member's individual account, including any amount paid under RCW 41.50.165(2), together with the regular interest thereon.

(2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality tables and regulations as shall be adopted by the director and regular interest.

(3) "Annuity" means the moneys payable per year during life by reason of accumulated contributions of a member.

(4) "Member reserve" means the fund in which all of the accumulated contributions of members are held.

(5)(a) "Beneficiary" for plan I members, means any person in receipt of a retirement allowance or other benefit provided by this chapter.

(b) "Beneficiary" for plan II and plan III members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(6) "Contract" means any agreement for service and compensation between a member and an employer.

(7) "Creditable service" means membership service plus prior service for which credit is allowable. This subsection shall apply only to plan I members.

(8) "Dependent" means receiving one-half or more of support from a member.

(9) "Disability allowance" means monthly payments during disability. This subsection shall apply only to plan I members.

(10)(a) "Earnable compensation" for plan I members, means:

(i) All salaries and wages paid by an employer to an employee member of the retirement system for personal services rendered during a fiscal year. In all cases where compensation includes maintenance the employer shall fix the value of that part of the compensation not paid in money.

(ii) "Earnable compensation" for plan I members also includes the following actual or imputed payments, which are not paid for personal services:

(A) Retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wages which the individual would have earned during a payroll period shall be considered earnable compensation and the individual shall receive the equivalent service credit.

(B) If a leave of absence, without pay, is taken by a member for the purpose of serving as a member of the state legislature, and such member has served in the legislature five or more years, the salary which would have been received for the position from which the leave of absence was taken shall be considered as compensation earnable if the employee's contribution thereon is paid by the employee. In addition, where a member has been a member of the state legislature for five or more years, earnable compensation for the member's two highest compensated consecutive years of service shall include a sum not to exceed thirty-six hundred dollars for each of such two consecutive years, regardless of whether or not legislative service was rendered during those two years.

(iii) For members employed less than full time under written contract with a school district, or community college district, in an instructional position, for which the member receives service credit of less than one year in all of the years used to determine the earnable compensation used for computing benefits due under RCW 41.32.497, 41.32.498, and 41.32.520, the member may elect to have earnable compensation defined as provided in RCW 41.32.345. For the purposes of this subsection, the term "instructional position" means a position in which more than seventy-five percent of the member's time is spent as a classroom instructor (including office hours), a librarian, or a counselor. Earnable compensation shall be so defined only for the purpose of the calculation of retirement benefits and only as necessary to insure that members who receive fractional service credit under RCW 41.32.270 receive benefits proportional to those received by members who have received full-time service credit.

(iv) "Earnable compensation" does not include:

(A) Remuneration for unused sick leave authorized under RCW 41.04.340, 28A.400.210, or 28A.310.490;

(B) Remuneration for unused annual leave in excess of thirty days as authorized by RCW 43.01.044 and 43.01.041.

(b) "Earnable compensation" for plan II and plan III members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay.

"Earnable compensation" for plan II and plan III members also includes the following actual or imputed payments which, except in the case of (b)(ii)(B) of this subsection, are not paid for personal services:

(i) Retroactive payments to an individual by an employer on reinstatement of the employee in a position or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wages which the individual would have earned during a payroll period shall be considered earnable compensation, to the extent provided above, and the individual shall receive the equivalent service credit.

(ii) In any year in which a member serves in the legislature the member shall have the option of having such member's earnable compensation be the greater of:

(A) The earnable compensation the member would have received had such member not served in the legislature; or

(B) Such member's actual earnable compensation received for teaching and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under (b)(ii)(A) of this subsection is greater than compensation earnable under (b)(ii)(B) of this subsection shall be paid by the member for both member and employer contributions.

(11) "Employer" means the state of Washington, the school district, or any agency of the state of Washington by which the member is paid.

(12) "Fiscal year" means a year which begins July 1st and ends June 30th of the following year.

(13) "Former state fund" means the state retirement fund in operation for teachers under chapter 187, Laws of 1923, as amended.

(14) "Local fund" means any of the local retirement funds for teachers operated in any school district in accordance with the provisions of chapter 163, Laws of 1917 as amended.

(15) "Member" means any teacher included in the membership of the retirement system. Also, any other employee of the public schools who, on July 1, 1947, had not elected to be exempt from membership and who, prior to that date, had by an authorized payroll deduction, contributed to the member reserve.

(16) "Membership service" means service rendered subsequent to the first day of eligibility of a person to membership in the retirement system: PROVIDED, That where a member is employed by two or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service is rendered. The provisions of this subsection shall apply only to plan I members.

(17) "Pension" means the moneys payable per year during life from the pension reserve.

(18) "Pension reserve" is a fund in which shall be accumulated an actuarial reserve adequate to meet present and future pension liabilities of the system and from which all pension obligations are to be paid.

(19) "Prior service" means service rendered prior to the first date of eligibility to membership in the retirement system for which credit is allowable. The provisions of this subsection shall apply only to plan I members.

(20) "Prior service contributions" means contributions made by a member to secure credit for prior service. The provisions of this subsection shall apply only to plan I members.

(21) "Public school" means any institution or activity operated by the state of Washington or any instrumentality or political subdivision thereof employing teachers, except the University of Washington and Washington State University.

(22) "Regular contributions" means the amounts required to be deducted from the compensation of a member and credited to the member's individual account in the member reserve. This subsection shall apply only to plan I members.

(23) "Regular interest" means such rate as the director may determine.

(24)(a) "Retirement allowance" for plan I members, means monthly payments based on the sum of annuity and pension, or any optional benefits payable in lieu thereof.

(b) "Retirement allowance" for plan II and plan III members, means monthly payments to a retiree or beneficiary as provided in this chapter.

(25) "Retirement system" means the Washington state teachers' retirement system.

(26)(a) "Service" for plan I members means the time during which a member has been employed by an employer for compensation.

(i) If a member is employed by two or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service is rendered.

(ii) As authorized by RCW 28A.400.300, up to forty-five days of sick leave may be creditable as service solely for the purpose of determining eligibility to retire under RCW 41.32.470.

(iii) As authorized in RCW 41.32.065, service earned in an out-of-state retirement system that covers teachers in public schools may be applied solely for the purpose of determining eligibility to retire under RCW 41.32.470.

(b) "Service" for plan II and plan III members, means periods of employment by a member for one or more employers for which earnable compensation is earned subject to the following conditions:

(i) A member employed in an eligible position or as a substitute shall receive one service credit month for each month of September through August of the following year if he or she earns earnable compensation for eight hundred ten or more hours during that period and is employed during nine of those months, except that a member may not receive credit for any period prior to the member's employment in an eligible position except as provided in RCW 41.32.812 and 41.50.132;

(ii) If a member is employed either in an eligible position or as a substitute teacher for nine months of the twelve month period between September through August of the following year but earns earnable compensation for less than eight hundred ten hours but for at least six hundred thirty hours, he or she will receive one-half of a service credit month for each month of the twelve month period;

(iii) All other members in an eligible position or as a substitute teacher shall receive service credit as follows:

(A) A service credit month is earned in those calendar months where earnable compensation is earned for ninety or more hours;

(B) A half-service credit month is earned in those calendar months where earnable compensation is earned for at least seventy hours but less than ninety hours; and

(C) A quarter-service credit month is earned in those calendar months where earnable compensation is earned for less than seventy hours.

(iv) Any person who is a member of the teachers' retirement system and who is elected or appointed to a state elective position may continue to be a member of the retirement system and continue to receive a service credit month for each of the months in a state elective position by making the required member contributions.

(v) When an individual is employed by two or more employers the individual shall only receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

(vi) As authorized by RCW 28A.400.300, up to forty-five days of sick leave may be creditable as service solely for the purpose of determining eligibility to retire under RCW 41.32.470. For purposes of plan II and plan III "forty-five days" as used in RCW 28A.400.300 is equal to two service credit months. Use of less than forty-five days of sick leave is creditable as allowed under this subsection as follows:

(A) Less than eleven days equals one-quarter service credit month;

(B) Eleven or more days but less than twenty-two days equals one-half service credit month;

(C) Twenty-two days equals one service credit month;

(D) More than twenty-two days but less than thirty-three days equals one and one-quarter service credit month;

(E) Thirty-three or more days but less than forty-five days equals one and one-half service credit month.

(vii) As authorized in RCW 41.32.065, service earned in an out-of-state retirement system that covers teachers in public schools may be applied solely for the purpose of determining eligibility to retire under RCW 41.32.470.

(viii) The department shall adopt rules implementing this subsection.

(27) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(28) "Service credit month" means a full service credit month or an accumulation of partial service credit months that are equal to one.

(29) "Teacher" means any person qualified to teach who is engaged by a public school in an instructional, administrative, or supervisory capacity. The term includes state, educational service district, and school district superintendents and their assistants and all employees certificated by the superintendent of public instruction; and in addition thereto any full time school doctor who is employed by a public school and renders service of an instructional or educational nature.

(30) "Average final compensation" for plan II and plan III members, means the member's average earnable compensation of the highest consecutive sixty service credit months prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation except under RCW 41.32.810(2).

(31) "Retiree" means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer while a member. A person is in receipt of a retirement allowance as defined in subsection (24) of this section or other benefit as provided by this chapter when the department mails, causes to be mailed, or otherwise transmits the retirement allowance warrant.

(32) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(33) "Director" means the director of the department.

(34) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(35) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(36) "Substitute teacher" means:

(a) A teacher who is hired by an employer to work as a temporary teacher, except for teachers who are annual contract employees of an employer and are guaranteed a minimum number of hours; or

(b) Teachers who either (i) work in ineligible positions for more than one employer or (ii) work in an ineligible position or positions together with an eligible position.

(37)(a) "Eligible position" for plan II members from June 7, 1990, through September 1, 1991, means a position which normally requires two or more uninterrupted months of creditable service during September through August of the following year.

(b) "Eligible position" for plan II and plan III on and after September 1, 1991, means a position that, as defined by the employer, normally requires five or more months of at least seventy hours of earnable compensation during September through August of the following year.

(c) For purposes of this chapter an employer shall not define "position" in such a manner that an employee's monthly work for that employer is divided into more than one position.

(d) The elected position of the superintendent of public instruction is an eligible position.

(38) "Plan I" means the teachers' retirement system, plan I providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(39) "Plan II" means the teachers' retirement system, plan II providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977, and prior to July 1, 1996.

(40) "Plan III" means the teachers' retirement system, plan III providing the benefits and funding provisions covering persons who first become members of the system on and after July 1, 1996, or who transfer under RCW 41.32.817.

(41) ("~~Education association" means an association organized to carry out collective bargaining activities, the majority of whose members are employees covered by chapter 41.59 RCW or academic employees covered by chapter 28B.52 RCW.~~")

(42)) "Index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items compiled by the bureau of labor statistics, United States department of labor.

~~((43))~~ (42) "Index A" means the index for the year prior to the determination of a postretirement adjustment.

~~((44))~~ (43) "Index B" means the index for the year prior to index A.

~~((45))~~ (44) "Index year" means the earliest calendar year in which the index is more than sixty percent of index A.

~~((46))~~ (45) "Adjustment ratio" means the value of index A divided by index B.

~~((47))~~ (46) "Annual increase" means, initially, fifty-nine cents per month per year of service which amount shall be increased each July 1st by three percent, rounded to the nearest cent.

(47) "Member account" or "member's account" for purposes of plan III means the sum of the contributions and earnings on behalf of the member in the defined contribution portion of plan III.

**Sec. 2.** RCW 41.32.817 and 1995 c 239 s 303 are each amended to read as follows:

(1) Every plan II member employed by an employer in an eligible position may make an irrevocable option to transfer to plan III. ~~((For those who elect to transfer:~~

~~(a))~~ (2) Any plan II member who is a substitute teacher may make an irrevocable option to transfer to plan III at the time the member purchases substitute service credit pursuant to RCW 41.32.013, pursuant to time lines and procedures established by the department.

(3) Any plan II member, other than a substitute teacher, who wishes to transfer to plan III after December 31, 1997, may transfer during the month of January in any following year, provided that the member earns service credit for that month.

(4) All service credit in plan II shall be transferred to the defined benefit portion of plan III.

~~((b))~~ (5) The accumulated contributions in plan II less fifty percent of any contributions made pursuant to RCW 41.50.165(2) shall be transferred to the member's account in the defined contribution portion established in chapter 41.34 RCW, pursuant to procedures developed by the department and subject to RCW 41.34.090. Contributions made pursuant to RCW 41.50.165(2) that are not transferred to the member's account shall be transferred to the fund created in RCW 41.50.075(2), except that interest earned on all such contributions shall be transferred to the member's account.

~~((c) A member vested on July 1, 1996, under plan II shall be automatically vested in plan III upon transfer.~~

~~(d) Members employed by an employer in an eligible position on January 1, 1998, who request to transfer to plan III by January 1, 1998, shall have their account in the defined contribution portion of plan III, other than those accumulated contributions attributable to restorations made under RCW 41.50.165(2), increased by twenty percent of their plan II accumulated contributions as of January 1, 1996. If the member who requests to transfer dies before January 1, 1998, the additional payment provided by this subsection shall be paid to the member's estate, or such person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department.~~

~~((e))~~ (6) The legislature reserves the right to discontinue the right to transfer under this section.

~~((2) This subsection shall also apply to dual members as provided in RCW 41.54.035.~~

(3) Any member who elects to transfer to plan III and has eligible unrestored withdrawn contributions in plan II, may subsequently restore such contributions under the provisions of RCW 41.32.825. The restored plan II service credit will be automatically transferred to plan III. Contributions restored will be transferred to the member's account in plan III.

~~(4))~~ (7) Anyone previously retired from plan II is prohibited from transferring to plan III.

**Sec. 3.** RCW 41.32.818 and 1995 c 239 s 304 are each amended to read as follows:

Any ~~(person)~~ member of the public employees' retirement system plan II who is employed in an eligible position as an educational staff associate and who elected pursuant to RCW 41.32.032(2)(a) to remain a member of the public employees' retirement system under chapter 41.40 RCW may make an irrevocable option before January 1, 1998, to transfer to plan III pursuant to RCW 41.32.817, PROVIDED THAT:

(1) Only service credit for previous periods of employment in a position covered by RCW 41.32.010 is transferred to plan III;

(2) Equivalent accumulated employee and employer contributions attributable to service covered by subsection (1) of this section are transferred to plan III;

(3) Employer contributions transferred under this section shall be paid into the teachers' retirement system combined plan II and III fund.

~~((Any person, not employed as an educational staff associate on July 1, 1996, may choose, within one year of the person's return to employment as a teacher, to transfer to plan III under this section.))~~

**Sec. 4.** RCW 41.32.840 and 1995 c 239 s 106 are each amended to read as follows:

(1) A member of the retirement system shall receive a retirement allowance equal to one percent of such member's average final compensation for each service credit year.

(2) The retirement allowance payable under RCW 41.32.875 to a member who separates after having completed at least twenty service credit years shall be increased by twenty-five one-hundredths of one percent, compounded for each month from the date of separation to the date that the retirement allowance commences.

**Sec. 5.** RCW 41.32.855 and 1995 c 239 s 109 are each amended to read as follows:

Any member or beneficiary eligible to receive a retirement allowance under the provisions of RCW 41.32.875, 41.32.880, or 41.32.895 shall be eligible to commence receiving a retirement allowance after having filed written application with the department.

(1) Retirement allowances paid to members shall accrue from the first day of the calendar month immediately following such member's separation from employment.

(2) Retirement allowances ~~((paid))~~ payable to ~~((vested))~~ eligible members no longer in service, but qualifying for such an allowance pursuant to RCW ~~((41.32.870))~~ 41.32.875 shall accrue from the first day of the calendar month immediately following such qualification.

(3) Disability allowances paid to disabled members shall accrue from the first day of the calendar month immediately following such member's separation from employment for disability.

(4) Retirement allowances paid as death benefits shall accrue from the first day of the calendar month immediately following the member's death.

**Sec. 6.** RCW 41.32.875 and 1995 c 239 s 113 are each amended to read as follows:

(1) NORMAL RETIREMENT. Any member who ~~((has vested and attained))~~ is at least age sixty-five and who has:

(a) Completed ten service credit years; or

(b) Completed five service credit years, including twelve service credit months after attaining age fifty-four; or

(c) Completed five service credit years by July 1, 1996, under plan II and who transferred to plan III under RCW 41.32.817;

shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.840.

(2) EARLY RETIREMENT. Any member who has attained at least age fifty-five and has completed at least ten years of service shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.840, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

**Sec. 7.** RCW 41.32.895 and 1995 c 239 s 117 are each amended to read as follows:

If a member ~~((who is vested))~~ dies prior to retirement, the surviving spouse or eligible child or children shall receive a retirement allowance computed as provided in RCW 41.32.851 actuarially reduced to reflect a joint and one hundred percent survivor option and if the member was not eligible for normal retirement at the date of death a further reduction as described in RCW 41.32.875(2).

If the surviving spouse who is receiving the retirement allowance dies leaving a child or children under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority.

If there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance, share and share alike. The allowance shall be calculated with the assumption that the age of the spouse and member were equal at the time of the member's death.

**NEW SECTION. Sec. 8.** A new section is added to chapter 41.32 RCW under the subchapter heading "provisions applicable to plan III" to read as follows:

(1) Anyone who requests to transfer under RCW 41.32.817 before January 1, 1998, and establishes service credit for January 1998, shall have their member account increased by twenty percent of:

(a) Plan II accumulated contributions as of January 1, 1996, less fifty percent of any payments made pursuant to RCW 41.50.165(2); or

(b) All amounts withdrawn after January 1, 1996, which are completely restored before January 1, 1998.

(2) Substitute teachers shall receive the additional payment provided in subsection (1) of this section if they:

(a) Establish service credit for January 1998; and

(b) Establish any service credit from July 1996 through December 1997; and

(c) Elect to transfer on or before March 1, 1999.

(3) If a member who requests to transfer dies before January 1, 1998, the additional payment provided by this section shall be paid to the member's estate, or the person or persons, trust, or organization the member nominated by written designation duly executed and filed with the department.

(4) The legislature reserves the right to modify or discontinue the right to an incentive payment under this section for any plan II members who have not previously transferred to plan III.

**NEW SECTION. Sec. 9.** A new section is added to chapter 41.32 RCW under the subchapter heading "provisions applicable to plan III" to read as follows:

(1) Any member who elects to transfer to plan III and has eligible unreturned withdrawn contributions in plan II, may restore such contributions under the provisions of RCW 41.32.825(1) with interest as determined by the department. The restored plan II service credit will be automatically transferred to plan III. Restoration payments will be transferred to the

member account in plan III. If the member fails to meet the time limitations of RCW 41.32.825(1), they may restore such contributions under the provisions of RCW 41.50.165(2). The restored plan II service credit will be automatically transferred to plan III. One-half of the restoration payments under RCW 41.50.165(2) plus interest shall be allocated to the member's account.

(2) Any member who elects to transfer to plan III may purchase plan II service credit under RCW 41.32.810(3). Purchased plan II service credit will be automatically transferred to plan III. Contributions on behalf of the employer paid by the employee shall be allocated to the defined benefit portion of plan III and shall not be refundable when paid to the fund described in RCW 41.50.075(2). Contributions on behalf of the employee shall be allocated to the member account. If the member fails to meet the time limitations of RCW 41.32.810(3), they may subsequently restore such contributions under the provisions of RCW 41.50.165(2). Purchased plan II service credit will be automatically transferred to plan III. One-half of the payments under RCW 41.50.165(2), plus interest, shall be allocated to the member's account.

**Sec. 10.** RCW 41.32.831 and 1995 c 239 s 104 are each amended to read as follows:

(1) RCW 41.32.831 through 41.32.895 shall apply only to plan III members.

(2) Plan III shall consist of two separate elements: (a) A defined benefit portion covered under this subchapter; and (b) a defined contribution portion covered under chapter 41.34 RCW. ~~((All contributions on behalf of the employer paid by an employee shall be made to the defined benefit portion of plan III and shall be nonrefundable when paid to the fund described in RCW 41.50.075(3).))~~

(3) Unless otherwise specified, all references to "plan III" in this subchapter refer to the defined benefit portion of plan III.

**NEW SECTION. Sec. 11.** A new section is added to chapter 41.32 RCW under the subchapter heading "provisions applicable to plan III" to read as follows:

(1) Contributions on behalf of the employer paid by the employee to purchase plan III service credit shall be allocated to the defined benefit portion of plan III and shall not be refundable when paid to the fund described in RCW 41.50.075(2). Contributions on behalf of the employee shall be allocated to the member account. If the member fails to meet the statutory time limitations to purchase plan III service credit, it may be purchased under the provisions of RCW 41.50.165(2). One-half of the purchase payments under RCW 41.50.165(2), plus interest, shall be allocated to the member's account.

(2) No purchased plan III membership service will be credited until all payments required of the member are made, with interest. Upon receipt of all payments owed by the member, the department shall bill the employer for any contributions, plus interest, required to purchase membership service.

**NEW SECTION. Sec. 12.** A new section is added to chapter 41.34 RCW to read as follows:

A member who separates from service and then reestablishes membership may restore contributions to the member account.

**Sec. 13.** RCW 41.34.020 and 1995 c 239 s 202 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated:

(1) "Actuary" means the state actuary or the office of the state actuary.

(2) "Board" means the employee retirement benefits board authorized in chapter 41.50 RCW.

(3) "Department" means the department of retirement systems.

(4) "Compensation" for purposes of this chapter is the same as "earnable compensation" for plan III in chapter 41.32 RCW, except that the compensation may be reported when paid, rather than when earned.

(5) "Employer" means the same as "employer" for plan III in chapter 41.32 RCW.

(6) "Member" means any employee included in the membership of a retirement system as provided for ~~((plan III))~~ in chapter 41.32 RCW of plan III.

~~((6))~~ (7) "Member account" or "member's account" means the sum of the contributions and earnings on behalf of the member.

~~((7))~~ (8) "Retiree" means any member in receipt of an allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

**Sec. 14.** RCW 41.34.040 and 1995 c 239 s 204 are each amended to read as follows:

(1) A member shall contribute from his or her compensation according to one of the following rate structures:

<u>Option A</u>	<u>Contribution Rate</u>
All Ages	5.0% fixed
<u>Option B</u>	
Up to Age 35	5.0%
Age 35 to 44	6.0%
Age 45 and above	7.5%
<u>Option C</u>	
Up to Age 35	6.0%
Age 35 to 44	7.5%
Age 45 and above	8.5%

(2) The board shall have the right to offer contribution rate options in addition to those listed in subsection (1) of this section, provided that no significant additional administrative costs are created. All options offered by the board shall conform to the requirements stated in subsections (3) and (4) of this section.

(3) Within ninety days of the date that an employee becomes a member of plan III or changes employers, he or she has an irrevocable option to choose one of the above contribution rate structures. If the member does not select an option within this ninety-day period, he or she shall be assigned option A. Such assignment shall be irrevocable.

(4) Contributions shall begin the first day of the ~~((month immediately following the earlier of the selection of an option or the end of the ninety-day period))~~ pay cycle in which the rate option is made, or the first day of the pay cycle in which the end of the ninety-day period occurs.

**Sec. 15.** RCW 41.34.060 and 1995 c 239 s 206 are each amended to read as follows:

(1) ~~Except as provided in subsection (2) of this section, the member's account shall be invested by the state investment board ((unless the member elects to self direct investments as authorized by the board)). All contributions under this subsection shall be invested in the same portfolio as that of the teachers' retirement system combined plan II and III fund under RCW 41.50.075(2).~~

(2) ~~Members ((who make this election shall pay the expenses for self-directed investment)) may elect to self direct their investments as authorized by the board, other than as provided in subsection (1) of this section. Expenses caused by self-directed investment shall be paid by the member in accordance with rules established by the board under RCW 41.50.088.~~

**Sec. 16.** RCW 41.50.075 and 1995 c 239 s 312 are each amended to read as follows:

(1) Two funds are hereby created and established in the state treasury to be known as the Washington law enforcement officers' and fire fighters' system plan I retirement fund, and the Washington law enforcement officers' and fire fighters' system plan II retirement fund which shall consist of all moneys paid into them in accordance with the provisions of this chapter and chapter 41.26 RCW, whether such moneys take the form of cash, securities, or other assets. The plan I fund shall consist of all moneys paid to finance the benefits provided to members of the law enforcement officers' and fire fighters' retirement system plan I, and the plan II fund shall consist of all moneys paid to finance the benefits provided to members of the law enforcement officers' and fire fighters' retirement system plan II.

(2) All of the assets of the Washington state teachers' retirement system shall be credited according to the purposes for which they are held, to two funds to be maintained in the state treasury, namely, the teachers' retirement system plan I fund and the teachers' retirement system combined plan II and III fund. The plan I fund shall consist of all moneys paid to finance the benefits provided to members of the Washington state teachers' retirement system plan I, and the combined plan II and III fund shall consist of all moneys paid to finance the benefits provided to members of the Washington state teachers' retirement system plan II and III.

(3) There is hereby established in the state treasury two separate funds, namely the public employees' retirement system plan I fund and the public employees' retirement system plan II fund. The plan I fund shall consist of all moneys paid to finance the benefits provided to members of the public employees' retirement system plan I, and the plan II fund shall consist of all moneys paid to finance the benefits provided to members of the public employees' retirement system plan II.

~~((4) There is hereby established in the state treasury the plan III defined contribution fund which shall consist of all contributions and earnings paid on behalf of members, except as otherwise provided.))~~

**Sec. 17.** RCW 41.50.110 and 1995 c 239 s 313 are each amended to read as follows:

(1) ~~((Notwithstanding any provision of law to the contrary, the retirement system expense fund is hereby redesignated as the department of retirement systems expense fund from which shall be paid the))~~ Except as provided by RCW 41.50.255 and subsection (6) of this section, all expenses of the administration of the department and the expenses of administration of the retirement systems created in chapters 2.10, 2.12, 41.26, 41.32, 41.40, 41.34, and 43.43 RCW shall be paid from the department of retirement systems expense fund.

(2) In order to reimburse the department of retirement systems expense fund on an equitable basis the department shall ascertain and report to each employer, as defined in RCW 41.26.030, 41.32.010, or 41.40.010, the sum necessary to defray its proportional share of the entire expense of the administration of the retirement system that the employer participates in during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(3) The department shall compute and bill each employer, as defined in RCW 41.26.030, 41.32.010, or 41.40.010, at the end of each month for the amount due for that month to the department of retirement systems expense fund and the same shall be paid as are its other obligations. Such computation as to each employer shall be made on a percentage rate of salary established by the department. However, the department may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(4) The director may adjust the expense fund contribution rate for each system at any time when necessary to reflect unanticipated costs or savings in administering the department.

(5) An employer who fails to submit timely and accurate reports to the department may be assessed an additional fee related to the increased costs incurred by the department in processing the deficient reports. Fees paid under this subsection shall be deposited in the retirement system expense fund.

(a) Every six months the department shall determine the amount of an employer's fee by reviewing the timeliness and accuracy of the reports submitted by the employer in the preceding six months. If those reports were not both timely and accurate the department may prospectively assess an additional fee under this subsection.

(b) An additional fee assessed by the department under this subsection shall not exceed fifty percent of the standard fee.

(c) The department shall adopt rules implementing this section.

(6) ~~Expenses ((incurred pursuant to RCW 41.34.060 shall be deducted from the defined contribution fund in accordance with rules established by the board under RCW 41.50.088))~~ other than those under RCW 41.34.060(2) shall be paid pursuant to subsection (1) of this section.

**Sec. 18.** RCW 41.50.670 and 1991 c 365 s 13 are each amended to read as follows:

(1) Nothing in this chapter regarding mandatory assignment of benefits to enforce a spousal maintenance obligation shall abridge the right of an obligee to direct payments of retirement benefits to satisfy a property division obligation ordered pursuant to a court decree of dissolution or legal separation or any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation as provided in RCW 2.10.180, 2.12.090, 41.04.310, 41.04.320, 41.04.330, ~~((41-26-180))~~ 41.26.053, 41.32.052, 41.34.070(3), 41.40.052, 43.43.310, or 26.09.138, as those statutes existed before July 1, 1987, and as those statutes exist on and after July 28, 1991. The department shall pay benefits under this chapter in a lump sum or as a portion of periodic retirement payments as expressly provided by the dissolution order. A dissolution order may not order the department to pay a periodic retirement payment or lump sum unless that

payment is specifically authorized under the provisions of chapter 2.10, 2.12, 41.26, 41.32, 41.34, 41.40, or 43.43 RCW, as applicable.

(2) The department shall pay directly to an obligee the amount of periodic retirement payments or lump sum payment, as appropriate, specified in the dissolution order if the dissolution order filed with the department pursuant to subsection (1) of this section includes a provision that states in the following form:

If . . . . . (the obligor) receives periodic retirement payments as defined in RCW 41.50.500, the department of retirement systems shall pay to . . . . . (the obligee) . . . . . dollars from such payments or . . . percent of such payments. If the obligor's debt is expressed as a percentage of his or her periodic retirement payment and the obligee does not have a survivorship interest in the obligor's benefit, the amount received by the obligee shall be the percentage of the periodic retirement payment that the obligor would have received had he or she selected a standard allowance.

If . . . . . (the obligor) requests or has requested a withdrawal of accumulated contributions as defined in RCW 41.50.500, or becomes eligible for a lump sum death benefit, the department of retirement systems shall pay to . . . . . (the obligee) . . . . . dollars plus interest at the rate paid by the department of retirement systems on member contributions. Such interest to accrue from the date of this order's entry with the court of record.

(3) This section does not require a member to select a standard allowance upon retirement nor does it require the department to recalculate the amount of a retiree's periodic retirement payment based on a change in survivor option.

(4) A court order under this section may not order the department to pay more than seventy-five percent of an obligor's periodic retirement payment to an obligee.

(5) Persons whose court decrees were entered between July 1, 1987, and July 28, 1991, shall also be entitled to receive direct payments of retirement benefits to satisfy court-ordered property divisions if the dissolution orders comply or are modified to comply with this section and RCW 41.50.680 through 41.50.720 and, as applicable, RCW 2.10.180, 2.12.090, ~~((41.26.180))~~ 41.26.053, 41.32.052, 41.34.070, 41.40.052, 43.43.310, and 26.09.138.

(6) The obligee must file a copy of the dissolution order with the department within ninety days of that order's entry with the court of record.

(7) A division of benefits pursuant to a dissolution order under this section shall be based upon the obligor's gross benefit prior to any deductions. If the department is required to withhold a portion of the member's benefit pursuant to 26 U.S.C. Sec. 3402 and the sum of that amount plus the amount owed to the obligee exceeds the total benefit, the department shall satisfy the withholding requirements under 26 U.S.C. Sec. 3402 and then pay the remainder to the obligee. The provisions of this subsection do not apply to amounts withheld pursuant to 26 U.S.C. Sec. 3402(i).

**Sec. 19.** RCW 41.54.030 and 1995 c 239 s 319 are each amended to read as follows:

(1) A dual member may combine service in all systems for the purpose of:

(a) Determining the member's eligibility to receive a service retirement allowance; and

(b) Qualifying for a benefit under RCW ~~((41.32-885(3)))~~ 41.32.840(2).

(2) A dual member who is eligible to retire under any system may elect to retire from all the member's systems and to receive service retirement allowances calculated as provided in this section. Each system shall calculate the allowance using its own criteria except that the member shall be allowed to substitute the member's base salary from any system as the compensation used in calculating the allowance.

(3) The service retirement allowances from a system which, but for this section, would not be allowed to be paid at this date based on the dual member's age shall be either actuarially adjusted from the earliest age upon which the combined service would have made such dual member eligible in that system, or the dual member may choose to defer the benefit until fully eligible.

**Sec. 20.** RCW 2.14.080 and 1991 sp.s. c 13 s 103 are each amended to read as follows:

(1) The administrator for the courts shall:

(a) Deposit or invest the contributions under RCW 2.14.090 in a credit union, savings and loan association, bank, or mutual savings bank;

(b) Purchase life insurance, shares of an investment company, or fixed and/or variable annuity contracts from any insurance company or investment company licensed to contract business in this state; or

(c) Invest in any of the class of investments described in RCW 43.84.150.

(2) The state investment board or the ~~((committee for deferred compensation))~~ department of retirement systems, at the request of the administrator for the courts, may invest moneys in the principal account. Moneys invested by the investment board shall be invested in accordance with RCW 43.84.150. Moneys invested by the ~~((committee for deferred compensation))~~ department of retirement systems shall be invested in accordance with ~~((RCW 41.04.250))~~ applicable law. Except as provided in RCW 43.33A.160 or as necessary to pay a pro rata share of expenses incurred by the ~~((committee for deferred compensation))~~ department of retirement systems, one hundred percent of all earnings from these investments, exclusive of investment income pursuant to RCW 43.84.080, shall accrue directly to the principal account.

**Sec. 21.** RCW 41.05.011 and 1995 1st sp.s. c 6 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Administrator" means the administrator of the authority.

(2) "State purchased health care" or "health care" means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.

(3) "Authority" means the Washington state health care authority.

(4) "Insuring entity" means an insurer as defined in chapter 48.01 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW.

(5) "Flexible benefit plan" means a benefit plan that allows employees to choose the level of health care coverage provided and the amount of employee contributions from among a range of choices offered by the authority.

(6) "Employee" includes all full-time and career seasonal employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; and includes any or all part-time and temporary employees under the terms and conditions

established under this chapter by the authority; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature or of the legislative authority of any county, city, or town who are elected to office after February 20, 1970. "Employee" also includes: (a) Employees of a county, municipality, or other political subdivision of the state if the legislative authority of the county, municipality, or other political subdivision of the state seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205; (b) employees of employee organizations representing state civil service employees, at the option of each such employee organization, and, effective October 1, 1995, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, at the option of each such employee organization; and (c) employees of a school district if the authority agrees to provide any of the school districts' insurance programs by contract with the authority as provided in RCW 28A.400.350.

(7) "Board" means the public employees' benefits board established under RCW 41.05.055.

(8) "Retired or disabled school employee" means:

(a) Persons who separated from employment with a school district or educational service district and are receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993;

(b) Persons who separate from employment with a school district or educational service district on or after October 1, 1993, and immediately upon separation receive a retirement allowance under chapter 41.32 or 41.40 RCW;

(c) Persons who separate from employment with a school district or educational service district due to a total and permanent disability, and are eligible to receive a deferred retirement allowance under chapter 41.32 or 41.40 RCW.

(9) "Benefits contribution plan" means a premium only contribution plan, a medical flexible spending arrangement, or a cafeteria plan whereby state and public employees may agree to a contribution to benefit costs which will allow the employee to participate in benefits offered pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(10) "Salary" means a state employee's monthly salary or wages.

(11) "Participant" means an individual who fulfills the eligibility and enrollment requirements under the benefits contribution plan.

(12) "Plan year" means the time period established by the authority.

(13) "Separated employees" means persons who separate from employment with an employer as defined in RCW 41.32.010(11) on or after July 1, 1996, and who are at least age fifty-five and have at least ten years of service under the teachers' retirement system plan III as defined in RCW 41.32.010(40).

**Sec. 22.** RCW 41.05.080 and 1994 c 153 s 7 are each amended to read as follows:

(1) Under the qualifications, terms, conditions, and benefits set by the board:

(a) Retired or disabled state employees, retired or disabled school employees, or employees of county, municipal, or other political subdivisions covered by this chapter who are retired may continue their participation in insurance plans and contracts after retirement(~~(, under the qualifications, terms, conditions, and benefits set by the board: PROVIDED, That the)~~);

(b) Separated employees may continue their participation in insurance plans and contracts if participation is selected immediately upon separation from employment.

(2) Rates charged retired or disabled employees, separated employees, spouses, or dependent children who are not eligible for parts A and B of medicare shall be based on the experience of the community rated risk pool established under RCW 41.05.022(~~(: PROVIDED FURTHER, That)~~).

(3) Rates charged to retired or disabled employees, separated employees, spouses, or children who are eligible for parts A and B of medicare shall be calculated from a separate experience risk pool comprised only of individuals eligible for parts A and B of medicare; however, the premiums charged to medicare-eligible retirees and disabled employees shall be reduced by the amount of the subsidy provided under RCW 41.05.085(~~(: PROVIDED FURTHER, That)~~).

(4) Retired or disabled and separated employees shall be responsible for payment of premium rates developed by the authority which shall include the cost to the authority of providing insurance coverage including any amounts necessary for reserves and administration in accordance with this chapter(~~(: PROVIDED FURTHER, That such)~~). These self pay rates will be established based on a separate rate for the employee, the spouse, and the children.

(5) The term "retired state employees" for the purpose of this section shall include but not be limited to members of the legislature whether voluntarily or involuntarily leaving state office.

**Sec. 23.** 1995 c 239 s 327 (unmodified) is amended to read as follows:

This act shall take effect July 1, 1996, except that sections 301 and 302 of this act shall take effect immediately.

**NEW SECTION. Sec. 24.** The following acts or parts of acts are each repealed:

(1) RCW 41.32.890 and 1995 c 239 s 116;

(2) RCW 41.32.885 and 1995 c 239 s 115; and

(3) RCW 41.54.035 and 1995 c 239 s 320.

**NEW SECTION. Sec. 25.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1996, with the exception of section 23 of this act, which shall take effect immediately."

On motion of Senator Bauer, the following title amendment was adopted:

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "amending RCW 41.32.817, 41.32.818, 41.32.840, 41.32.855, 41.32.875, 41.32.895, 41.32.831, 41.34.020, 41.34.040, 41.34.060, 41.50.075, 41.50.110, 41.50.670, 41.54.030, 2.14.080, 41.05.011, and 41.05.080; amending 1995 c 239 s 327 (unmodified); reenacting and amending RCW 41.32.010; adding new sections to chapter 41.32 RCW; adding a new section to chapter 41.34 RCW; repealing RCW 41.32.890, 41.32.885, and 41.54.035; providing an effective date; and declaring an emergency."

## MOTION

On motion of Senator Bauer, the rules were suspended, Substitute House Bill No. 2192, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2192, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2192, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 2; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 46.

Voting nay: Senator Cantu - 1.

Absent: Senators Sutherland and Zarelli - 2.

SUBSTITUTE HOUSE BILL NO. 2192, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2860, by House Committee on Government Operations (originally sponsored by Representatives D. Schmidt, Reams and Blanton)

Limiting development regulations for utilities.

The bill was read the second time.

#### MOTION

Senator Haugen moved that the following Committee on Government Operations amendment not be adopted: Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.060 and 1991 sp.s. c 32 s 21 are each amended to read as follows:

(1) Each county that is required or chooses to plan under RCW 36.70A.040, and each city within such county, shall adopt development regulations on or before September 1, 1991, to assure the conservation of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170. Regulations adopted under this subsection may not prohibit uses legally existing on any parcel prior to their adoption and shall remain in effect until the county or city adopts development regulations pursuant to RCW 36.70A.120. Such regulations shall assure that the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals. Counties and cities shall require that all plats, short plats, development permits, and building permits issued for development activities on, or within three hundred feet of, lands designated as agricultural lands, forest lands, or mineral resource lands, contain a notice that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration.

(2) Each county and city shall adopt development regulations that protect critical areas that are required to be designated under RCW 36.70A.170. For counties and cities that are required or choose to plan under RCW 36.70A.040, such development regulations shall be adopted on or before September 1, 1991. For the remainder of the counties and cities, such development regulations shall be adopted on or before March 1, 1992.

(3) Such counties and cities shall review these designations and development regulations when adopting their comprehensive plans under RCW 36.70A.040 and implementing development regulations under RCW 36.70A.120 and may alter such designations and development regulations to insure consistency.

(4) Forest land and agricultural land located within urban growth areas shall not be designated by a county or city as forest land or agricultural land of long-term commercial significance under RCW 36.70A.170 unless the city or county has enacted a program authorizing transfer or purchase of development rights.

(5) A jurisdiction planning under this chapter has the discretion to exempt certain utility activities from the regulations required under this section. Examples of such utility activities include, but are not limited to, routine maintenance, repair, or replacement of existing utilities and relocation or extension of utility service in the improved portions of the public or private rights of way, and may include qualifying restrictions that address methods of minimizing harm to the critical area being impacted. The proposed exemptions must be considered at a public hearing during the course of adoption or readoption of the regulations.

For the purposes of this subsection, "utilities" does not include any facility for the transmission or distribution of oil or refined oil products."

The President declared the question before the Senate to be the motion by Senator Haugen to not adopt the Committee on Government Operations striking amendment to Substitute House Bill No. 2860.

The motion by Senator Haugen carried and the committee striking amendment was not adopted.

#### MOTIONS

On motion of Senator Haugen, the following amendment by Senators Haugen, McCaslin and Winsley was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.060 and 1991 sp.s. c 32 s 21 are each amended to read as follows:

(1) Each county that is required or chooses to plan under RCW 36.70A.040, and each city within such county, shall adopt development regulations on or before September 1, 1991, to assure the conservation of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170. Regulations adopted under this subsection may not prohibit uses legally existing on any parcel prior to their adoption and shall remain in effect until the county or city adopts development regulations pursuant to RCW 36.70A.120. Such regulations shall assure that the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals. Counties and cities shall require that all plats, short plats, development permits, and building permits issued for development activities on, or within three hundred feet of, lands designated as agricultural lands, forest lands, or mineral resource lands, contain a notice that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration.

(2) Each county and city shall adopt development regulations that protect critical areas that are required to be designated under RCW 36.70A.170. For counties and cities that are required or choose to plan under RCW 36.70A.040, such development regulations shall be adopted on or before September 1, 1991. For the remainder of the counties and cities, such development regulations shall be adopted on or before March 1, 1992.

(3) Such counties and cities shall review these designations and development regulations when adopting their comprehensive plans under RCW 36.70A.040 and implementing development regulations under RCW 36.70A.120 and may alter such designations and development regulations to insure consistency.

(4) Forest land and agricultural land located within urban growth areas shall not be designated by a county or city as forest land or agricultural land of long-term commercial significance under RCW 36.70A.170 unless the city or county has enacted a program authorizing transfer or purchase of development rights.

(5) A jurisdiction planning under this chapter has the discretion to exempt certain utility activities from the regulations required under this section. Examples of such utility activities include, but are not limited to, routine maintenance, repair, or replacement of existing utilities; relocation or extension of utility service in the improved portions of the public or private rights of way; and may include qualifying restrictions that address methods of minimizing harm to the critical area being impacted. The proposed exemptions must be considered at a public hearing during the course of adoption or re-adoption of the regulations.

For the purposes of this subsection, "utilities" does not include any facility for the transmission or distribution of oil or refined oil products.

**NEW SECTION. Sec. 2.** The enactment of section 1 of this act does not have the effect of terminating, or in any way modifying, any regulation for the exemption of any utility activity if that regulation is already in existence on the effective date of this act."

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "utilities;" strike the remainder of the title and insert "amending RCW 36.70A.060; and creating a new section."

#### MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 2860, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2860, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2860, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Absent: Senator Quigley - 1.

SUBSTITUTE HOUSE BILL NO. 2860, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2333, by Representatives Delvin, Appelwick and Costa (by request of Administrator for the Courts)

Revising provisions relating to judicial retirement.

The bill was read the second time.

#### MOTION

On motion of Senator Drew, the rules were suspended, House Bill No. 2333 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2333.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2333 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

HOUSE BILL NO. 2333, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 5:29 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 6:50 p.m. by President Pritchard.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Sheldon, Gubernatorial Appointment No. 9176, Donna E. Dilger, as a member of the Housing Finance Commission, was confirmed.

#### APPOINTMENT OF DONNA E. DILGER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 36; Nays, 0; Absent, 13; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Heavey, Hochstatter, Kohl, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 36.

Absent: Senators Finkbeiner, Hale, Haugen, Johnson, Long, McCaslin, Moyer, Prince, Quigley, Roach, Schow, Sellar and Wood - 13.

#### MOTIONS

On motion of Senator Thibaudeau, Senators Haugen and Loveland were excused.

On motion of Senator Anderson, Senator McCaslin was excused.

#### MOTION

On motion of Senator Snyder, Gubernatorial Appointment No. 9260, Ann Mottet, as a member of the Board of Trustees for Lower Columbia Community College District No. 13, was confirmed.

#### APPOINTMENT OF ANN MOTTET

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Excused: Senators Haugen, Loveland and McCaslin - 3.

#### MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9167, Ann Daley, as a member of the Board of Regents for the University of Washington, was confirmed.

#### APPOINTMENT OF ANN DALEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

#### MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9168, Michele Yapp, as a member of the Board of Regents for the University of Washington, was confirmed.

#### APPOINTMENT OF MICHELE YAPP

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43.

Voting nay: Senators Anderson, A., Cantu, Hochstatter, McCaslin, McDonald and Sellar - 6.

There being no objection, the Senate resumed consideration of House Bill No. 2687 and the pending amendment by Senator Sutherland on page 3, beginning on line 3, deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Owen, the President finds that House Bill No. 2687 is a measure which allows the Department of Transportation to use third-party contractors to issue certain special permits and establishes penalties for certain overweight violations.

"The amendment by Senator Sutherland on page 3, beginning on line 3, would increase fees for annual licensing of heavy vehicles based on gross weight.

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

The amendment by Senator Sutherland on page 3, beginning on line 3, to House Bill No. 2687 was ruled out of order.

#### MOTION

On motion of Senator Owen, the rules were suspended, House Bill No. 2687 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2687.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2687 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Voting nay: Senator Anderson, A. - 1.

HOUSE BILL NO. 2687, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1648, by House Committee on Commerce and Labor (originally sponsored by Representatives Lisk, Romero, Goldsmith and Thompson) (by request of Employment Security Department)

Revising provision relating to charges against industrial insurance awards.

The bill was read the second time.

#### MOTION

Senator Heavey moved that the following Committee on Labor, Commerce and Trade amendment be adopted:  
On page 3, line 13, after "payable." insert "However, the amount to be repaid to the employment security department shall bear its proportionate share of reasonable attorneys' fees and costs, if any, incurred by the injured worker."

#### POINT OF ORDER

Senator Anderson: "Thank you, Mr. President, I rise to a point of order. I would like to challenge the scope and object of the committee amendment. The committee amendment by Labor, Commerce and Trade is, I believe, to be beyond the scope and object of the underlying bill. Engrossed Substitute House Bill No. 1648 authorizes the Department of Labor and Industries to deduct from an individual's worker compensation benefits for any over-payments he or she received from the unemployment insurance program for duplicative benefits.

"The bill establishes a procedure involving the worker, the Department of Labor and Industries and the Employment Security Department. It is limited to establishing the amount of money due to the worker from the state of Washington when awarding an industrial insurance benefit. I believe the amendment expands the scope and the object of the underlying bill by adding into the bill the attorneys for the workers who may be entitled to a percentage of the dollar amounts the worker will receive from only one of the agencies--Labor and Industries. It is unrelated to the Department of Labor and Industries' duty to reimburse the Employment Security Department for over-payments and, therefore, I would challenge the scope and object of this committee amendment."

Further debate ensued.

There being no objection, the President deferred further consideration of Engrossed Substitute House Bill No. 1648.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1647, by Representatives Goldsmith, Romero and Lisk (by request of Employment Security Department)

Expanding the authority of the employment security department to share data.

The bill was read the second time.

#### MOTIONS

On motion of Senator Heavey, the following Committee on Labor, Commerce and Trade amendment was adopted:  
Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 50.13.060 and 1993 c 281 s 59 are each amended to read as follows:

(1) Governmental agencies, including law enforcement agencies, prosecuting agencies, and the executive branch, whether state, local, or federal shall have access to information or records deemed private and confidential under this chapter if the information or records are needed by the agency for official purposes and:

(a) The agency submits an application in writing to the employment security department for the records or information containing a statement of the official purposes for which the information or records are needed and specific identification of the records or information sought from the department; and

(b) The director, commissioner, chief executive, or other official of the agency has verified the need for the specific information in writing either on the application or on a separate document; and

(c) The agency requesting access has served a copy of the application for records or information on the individual or employing unit whose records or information are sought and has provided the department with proof of service. Service shall be made in a manner which conforms to the civil rules for superior court. The requesting agency shall include with the copy of the application a statement to the effect that the individual or employing unit may contact the public records officer of the employment security department to state any objections to the release of the records or information. The employment security department shall not act upon the application of the requesting agency until at least five days after service on the concerned individual or employing unit. The employment security department shall consider any objections raised by the concerned individual or employing unit in deciding whether the requesting agency needs the information or records for official purposes.

(2) The requirements of subsections (1) and ~~((7))~~ (8) of this section shall not apply to the state legislative branch. The state legislature shall have access to information or records deemed private and confidential under this chapter, if the legislature or a legislative committee finds that the information or records are necessary and for official purposes. If the employment security department does not make information or records available as provided in this subsection, the legislature may exercise its authority granted by chapter 44.16 RCW.

(3) In cases of emergency the governmental agency requesting access shall not be required to formally comply with the provisions of subsection (1) of this section at the time of the request if the procedures required by subsection (1) of this section are complied with by the requesting agency following the receipt of any records or information deemed private and confidential under this chapter. An emergency is defined as a situation in which irreparable harm or damage could occur if records or information are not released immediately.

(4) The requirements of subsection (1)(c) of this section shall not apply to governmental agencies where the procedures would frustrate the investigation of possible violations of criminal laws.

(5) Governmental agencies shall have access to certain records or information, limited to such items as names, addresses, social security numbers, and general information about benefit entitlement or employer information possessed by the department, for comparison purposes with records or information possessed by the requesting agency to detect improper or fraudulent claims, or to determine potential tax liability or employer compliance with registration and licensing requirements. In those cases the governmental agency shall not be required to comply with subsection (1)(c) of this section, but the requirements of the remainder of subsection (1) must be satisfied.

(6) Governmental agencies may have access to certain records and information, limited to employer information possessed by the department for purposes authorized in chapter 50.38 RCW. Access to these records and information is limited to only those individuals conducting authorized statistical analysis, research, and evaluation studies. Only in cases consistent with the purposes of chapter 50.38 RCW are government agencies not required to comply with subsection (1)(c) of this section, but the requirements of the remainder of subsection (1) of this section must be satisfied. Information provided by the department and held to be private and confidential under state or federal laws shall not be misused or released to unauthorized parties subject to the sanctions in RCW 50.13.080.

(7) Disclosure to governmental agencies of information or records obtained by the employment security department from the federal government shall be governed by any applicable federal law or any agreement between the federal government and the employment security department where so required by federal law. When federal law does not apply to the records or information state law shall control.

~~((7))~~ (8) The disclosure of any records or information by a governmental agency which has obtained the records or information under this section is prohibited unless the disclosure is directly connected to the official purpose for which the records or information were obtained.

~~((8))~~ (9) In conducting periodic salary or fringe benefit studies pursuant to law, the department of personnel shall have access to records of the employment security department as may be required for such studies. For such purposes, the requirements of subsection (1)(c) of this section need not apply.

**Sec. 2.** RCW 50.13.080 and 1977 ex.s. c 153 s 8 are each amended to read as follows:

(1) The employment security department shall have the right to disclose information or records deemed private and confidential under this chapter to any private person or organization when such disclosure is necessary to permit private contracting parties to assist in the operation and management of the department in instances where certain departmental functions may be delegated to private parties to increase the department's efficiency or quality of service to the public. The private persons or organizations shall use the information or records solely for the purpose for which the information was disclosed and shall be bound by the same rules of privacy and confidentiality as employment security department employees.

(2) Nothing in this section shall be construed as limiting or restricting the effect of RCW 42.17.260~~((5))~~(9).

(3) The misuse or unauthorized release of records or information deemed private and confidential under this chapter by any private person or organization to which access is permitted by this section shall subject the person or organization to a civil penalty of five ~~(hundred)~~ thousand dollars and other applicable sanctions under state and federal law. Suit to enforce this section shall be brought by the attorney general and the amount of any penalties collected shall be paid into the employment security department administrative contingency fund. The attorney general may recover reasonable attorneys' fees for any action brought to enforce this section.

**NEW SECTION. Sec. 3.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

**NEW SECTION. Sec. 4.** This act shall take effect July 1, 1996."

On motion of Senator Heavey, the following title amendment was adopted:

On page 1, line 2 of the title, after "data;" strike the remainder of the title and insert "amending RCW 50.13.060 and 50.13.080; creating a new section; and providing an effective date."

#### MOTION

On motion of Senator Heavey, the rules were suspended, Engrossed House Bill No. 1647, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1647, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1647, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

ENGROSSED HOUSE BILL NO. 1647, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2513, by House Committee on Commerce and Labor (originally sponsored by Representatives Lisk, Hargrove and McMorris)

Concerning industrial insurance benefits.

The bill was read the second time.

#### MOTION

On motion of Senator Heavey, the rules were suspended, Substitute House Bill No. 2513 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2513.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2513 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2513, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2310, by House Committee on Education (originally sponsored by Representatives Brumsickle, Radcliff and Mitchell)

Changing the date for notification of nonrenewal of a contract for a certificated employee.

The bill was read the second time.

#### MOTIONS

On motion of Senator McAuliffe, the following Committee on Education amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.405.210 and 1990 c 33 s 390 are each amended to read as follows:

No teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with a school district, hereinafter referred to as "employee", shall be employed except by written order of a majority of the directors of the district at a regular or special meeting thereof, nor unless he or she is the holder of an effective teacher's certificate or other certificate required by law or the state board of education for the position for which the employee is employed.

The board shall make with each employee employed by it a written contract, which shall be in conformity with the laws of this state, and except as otherwise provided by law, limited to a term of not more than one year. Every such contract shall be made in duplicate, one copy to be retained by the school district superintendent or secretary and one copy to be delivered to the employee. No contract shall be offered by any board for the employment of any employee who has previously signed an employment contract for that same term in another school district of the state of Washington unless such employee shall have been released from his or her obligations under such previous contract by the board of directors of the school district to which he or she was obligated. Any contract signed in violation of this provision shall be void.

In the event it is determined that there is probable cause or causes that the employment contract of an employee should not be renewed by the district for the next ensuing term such employee shall be notified in writing on or before May 15th preceding the commencement of such term of that determination, or if the omnibus appropriations act has not passed the legislature by May 15th, then notification shall be no later than June 1st, which notification shall specify the cause or causes for nonrenewal of contract. Such determination of probable cause for certificated employees, other than the superintendent, shall be made by the superintendent. Such notice shall be served upon the employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified, at his or her request made in writing and filed with the president, chair or secretary of the board of directors of the district within ten days after receiving such notice, shall be granted opportunity for hearing pursuant to RCW 28A.405.310 to determine whether there is sufficient cause or causes for nonrenewal of contract: **PROVIDED**, That any employee receiving notice of nonrenewal of contract due to an enrollment decline or loss of revenue may, in his or her request for a hearing, stipulate that initiation of the arrangements for a hearing officer as provided for by RCW 28A.405.310(4) shall occur within ten days following July 15 rather than the day that the employee submits the request for a hearing. If any such notification or opportunity for hearing is not timely given, the employee entitled thereto shall be conclusively presumed to have been reemployed by the district for the next ensuing term upon contractual terms identical with those which would have prevailed if his or her employment had actually been renewed by the board of directors for such ensuing term.

This section shall not be applicable to "provisional employees" as so designated in RCW 28A.405.220; transfer to a subordinate certificated position as that procedure is set forth in RCW 28A.405.230 shall not be construed as a nonrenewal of contract for the purposes of this section.

**Sec. 2.** RCW 28A.405.220 and 1992 c 141 s 103 are each amended to read as follows:

Notwithstanding the provisions of RCW 28A.405.210, every person employed by a school district in a teaching or other nonsupervisory certificated position shall be subject to nonrenewal of employment contract as provided in this section during the first two years of employment by such district, unless the employee has previously completed at least two years of certificated employment in another school district in the state of Washington, in which case the employee shall be subject to nonrenewal of employment contract pursuant to this section during the first year of employment with the new district. Employees as defined in this section shall hereinafter be referred to as "provisional employees".

In the event the superintendent of the school district determines that the employment contract of any provisional employee should not be renewed by the district for the next ensuing term such provisional employee shall be notified thereof in writing on or before May 15th preceding the commencement of such school term, or if the omnibus appropriations act has not passed the legislature by May 15th, then notification shall be no later than June 1st, which notification shall state the reason or reasons for such determination. Such notice shall be served upon the provisional employee personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein. The determination of the superintendent shall be subject to the evaluation requirements of RCW 28A.405.100.

Every such provisional employee so notified, at his or her request made in writing and filed with the superintendent of the district within ten days after receiving such notice, shall be given the opportunity to meet informally with the superintendent for the purpose of requesting the superintendent to reconsider his or her decision. Such meeting shall be held no later than ten days following the receipt of such request, and the provisional employee shall be given written notice of the date, time and place of meeting at least three days prior thereto. At such meeting the provisional employee shall be given the opportunity to refute any facts upon which the superintendent's determination was based and to make any argument in support of his or her request for reconsideration.

Within ten days following the meeting with the provisional employee, the superintendent shall either reinstate the provisional employee or shall submit to the school district board of directors for consideration at its next regular meeting a written report recommending that the employment contract of the provisional employee be nonrenewed and stating the reason or reasons therefor. A copy of such report shall be delivered to the provisional employee at least three days prior to the scheduled meeting of the board of directors. In taking action upon the recommendation of the superintendent, the board of directors shall consider any written communication which the provisional employee may file with the secretary of the board at any time prior to that meeting.

The board of directors shall notify the provisional employee in writing of its final decision within ten days following the meeting at which the superintendent's recommendation was considered. The decision of the board of directors to nonrenew the contract of a provisional employee shall be final and not subject to appeal.

This section applies to any person employed by a school district in a teaching or other nonsupervisory certificated position after June 25, 1976. This section provides the exclusive means for nonrenewing the employment contract of a provisional employee and no other provision of law shall be applicable thereto, including, without limitation, RCW 28A.405.210 and chapter 28A.645 RCW.

**Sec. 3.** RCW 28A.405.230 and 1990 c 33 s 392 are each amended to read as follows:

Any certificated employee of a school district employed as an assistant superintendent, director, principal, assistant principal, coordinator, or in any other supervisory or administrative position, hereinafter in this section referred to as "administrator", shall be subject to transfer, at the expiration of the term of his or her employment contract, to any subordinate certificated position within the school district. "Subordinate certificated position" as used in this section, shall mean any administrative or nonadministrative certificated position for which the annual compensation is less than the position currently held by the administrator.

Every superintendent determining that the best interests of the school district would be served by transferring any administrator to a subordinate certificated position shall notify that administrator in writing on or before May 15th preceding the commencement of such school term of that determination, or if the omnibus appropriations act has not passed the legislature by May 15th, then notification shall be no later than June 1st, which notification shall state the reason or reasons for the transfer, and shall identify the subordinate certificated position to which the administrator will be transferred. Such notice shall be served upon the administrator personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein.

Every such administrator so notified, at his or her request made in writing and filed with the president or chair, or secretary of the board of directors of the district within ten days after receiving such notice, shall be given the opportunity to meet informally with the board of directors in an executive session thereof for the purpose of requesting the board to reconsider the decision of the superintendent. Such board, upon receipt of such request, shall schedule the meeting for no later than the next regularly scheduled meeting of the board, and shall notify the administrator in writing of the date, time and place of the meeting at least three days prior thereto. At such meeting the administrator shall be given the opportunity to refute any facts upon which the determination was based and to make any argument in support of his or her request for reconsideration. The administrator and the board may invite their respective legal counsel to be present and to participate at the meeting. The board shall notify the administrator in writing of its final decision within ten days following its meeting with the administrator. No appeal to the courts shall lie from the final decision of the board of directors to transfer an administrator to a subordinate certificated position: **PROVIDED**, That in the case of principals such transfer shall be made at the expiration of the contract year and only during the first three consecutive school years of employment as a principal by a school district; except that if any such principal has been previously employed as a principal by another school district in the state of Washington for three or more consecutive school years the provisions of this section shall apply only to the first full school year of such employment.

This section applies to any person employed as an administrator by a school district on June 25, 1976 and to all persons so employed at any time thereafter. This section provides the exclusive means for transferring an administrator to a subordinate certificated position at the expiration of the term of his or her employment contract.

**Sec. 4.** RCW 28A.310.250 and 1990 c 33 s 280 are each amended to read as follows:

No certificated employee of an educational service district shall be employed as such except by written contract, which shall be in conformity with the laws of this state. Every such contract shall be made in duplicate, one copy of which shall be retained by the educational service district superintendent and the other shall be delivered to the employee.

Every educational service district superintendent or board determining that there is probable cause or causes that the employment contract of a certificated employee thereof is not to be renewed for the next ensuing term shall be notified in writing on or before May 15th preceding the commencement of such term of that determination or if the omnibus appropriations act has not passed the legislature by May 15th, then notification shall be no later than June 1st, which notification shall specify the cause or causes for nonrenewal of contract. Such notice shall be served upon that employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. The procedure and standards for the review of the decision of the hearing officer, superintendent or board and appeal therefrom shall be as prescribed for nonrenewal cases of teachers in RCW 28A.405.210, 28A.405.300 through 28A.405.380, and 28A.645.010. Appeals may be filed in the superior court of any county in the educational service district.

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

On motion of Senator McAuliffe, the following title amendment was adopted:

On page 1, line 2 of the title, after "employees;" strike the remainder of the title and insert "amending RCW 28A.405.210, 28A.405.220, 28A.405.230, and 28A.310.250; and declaring an emergency."

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 2310, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2310, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2310, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Absent: Senator Pelz - 1.

SUBSTITUTE HOUSE BILL NO. 2310, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2494, by Representatives Poulsen, Brumsickle and Carlson (by request of Board of Education)

Amending the duty of the state board of education to approve private schools to include kindergarten.

The bill was read the second time.

#### MOTION

On motion of Senator Goings, the rules were suspended, House Bill No. 2494 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2494.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2494 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

HOUSE BILL NO. 2494, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2917, by Representatives Robertson, Romero and Cairnes

Eliminating a limitation on sites on which amusement games may be conducted.

The bill was read the second time.

## MOTION

On motion of Senator Pelz, the rules were suspended, House Bill No. 2917 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

## PARLIAMENTARY INQUIRY

Senator Snyder: "A point of parliamentary inquiry. Does this take a sixty percent vote, because it expands gambling--or not?"

## RULING BY THE PRESIDENT

President Pritchard: "We don't rule it that way--no. Just a minute, we have to talk. The President of the Senate was in error. As we reviewed it--the lawyers reviewed it--it is an extension of gambling and so it will take a sixty percent vote."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2917.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2917 and the bill failed to receive the sixty percent majority by the following vote: Yeas, 27; Nays, 21; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Drew, Fairley, Finkbeiner, Fraser, Goings, Hale, Hargrove, Johnson, Kohl, Long, Loveland, McAuliffe, Newhouse, Owen, Pelz, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, West, Wojahn and Wood - 27.

Voting nay: Senators Cantu, Franklin, Haugen, Heavey, Hochstatter, McCaslin, McDonald, Morton, Moyer, Oke, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Swecker, Thibaudeau, Winsley and Zarelli - 21.

Absent: Senator Deccio - 1.

HOUSE BILL NO. 2917, having failed to receive the constitutional majority of sixty percent, was declared lost.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1078, by House Committee on Appropriations (originally sponsored by Representatives Ogden, Carlson, Casada, Cole, Quall, Benton, Pennington, Thibaudeau, Cooke, Boldt and Huff)

Changing provisions relating to instruction in Braille.

The bill was read the second time.

## MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Second Substitute House Bill No. 1078 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1078.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1078 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton,

Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1078, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Prentice served notice that she would move to reconsider the vote by which House Bill No. 2917 failed to pass the Senate earlier today.

#### SECOND READING

HOUSE BILL NO. 2551, by Representatives Cairnes, Patterson, Ogden, Romero, Tokuda, Mitchell, Quall and K. Schmidt

Regulating limousines.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, House Bill No. 2551 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Owen, further consideration of House Bill No. 2551 was deferred.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 2396, by Representatives Fuhrman, Basich and Mastin (by request of Department of Fish and Wildlife)

Clarifying wildlife violations relating to game birds, game animals, and game fish.

The bill was read the second time.

#### MOTIONS

On motion of Senator Drew, the following Committee on Natural Resources amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** It is the intent of the legislature to clarify hunting and fishing laws in light of the decision in *State v. Bailey*, 77 Wn. App. 732 (1995). The fish and wildlife commission has the authority to establish hunting and fishing seasons. These seasons are defined by limiting the times, manners of taking, and places or waters for lawful hunting, fishing, or possession of game animals, game birds, or game fish, as well as by limiting the physical characteristics of the game animals, game birds, or game fish which may be lawfully taken at those times, in those manners, and at those places or waters.

**Sec. 2.** RCW 77.08.010 and 1993 sp.s. c 2 s 66 are each amended to read as follows:

As used in this title or rules adopted pursuant to this title, unless the context clearly requires otherwise:

- (1) "Director" means the director of fish and wildlife.
- (2) "Department" means the department of fish and wildlife.
- (3) "Commission" means the state fish and wildlife commission.
- (4) "Person" means and includes an individual, a corporation, or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.
- (5) "Wildlife agent" means a person appointed and commissioned by the director, with authority to enforce laws and rules adopted pursuant to this title, and other statutes as prescribed by the legislature.
- (6) "Ex officio wildlife agent" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio wildlife agent" includes fisheries patrol officers, special agents of the national marine fisheries service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.
- (7) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.
- (8) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.
- (9) "To fish" and its derivatives means an effort to kill, injure, harass, or catch a game fish.

(10) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, or possession of game animals, game birds, or game fish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

(11) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, or possession of game animals, game birds, or game fish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, or possess by rule of the commission as an open season.

(12) "Closed area" means a place where the hunting of some species of wild animals or wild birds is prohibited.

(13) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing for game fish is prohibited.

(14) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

(15) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(16) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, the family Muridae of the order Rodentia (old world rats and mice), or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

(17) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term "wild animal" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

(18) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

(19) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

(20) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

(21) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

(22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

(23) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

(24) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

(25) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

(26) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

(27) "Person of disability" means a permanently disabled person who is not ambulatory without the assistance of a wheelchair, crutches, or similar devices.

**Sec. 3.** RCW 77.16.020 and 1987 c 506 s 59 are each amended to read as follows:

(1) It is unlawful to hunt, fish, or possess~~(- or control)~~ a ~~((species of game bird,))~~ game animal, game bird, or game fish during ~~((the))~~ closed season for that ~~((species))~~ game animal, game bird, or game fish except as provided in RCW 77.12.105 or 77.12.265.

(2) It is unlawful to kill, take, catch, possess, or control ~~((these species))~~ a game animal, game bird, or game fish in excess of the number fixed as the bag limit for ~~((each species))~~ that game animal, game bird, or game fish.

(3) It is unlawful to hunt within a game reserve or to fish for game fish within closed waters.

(4) It is unlawful to hunt wild birds or wild animals within a closed area except as authorized by rule of the commission.

(5) It is unlawful to hunt or fish for wildlife, practice taxidermy for profit, deal in raw furs for profit, act as a fishing guide, or operate a game farm, stock game fish, or collect wildlife for research or display, without having in possession the license, permit, tag, stamp, or ~~((punchcard))~~ catch record card required by chapter 77.32 RCW or rule of the department. The activities described in this subsection shall be conducted in accordance with rules adopted pursuant to this title.

(6) For the purposes of this section, the department shall not consider leg length or bill length of dusky Canada geese (*Branta canadensis occidentalis*)."

On motion of Senator Drew, the following title amendment was adopted:

On page 1, line 1 of the title, after "violations;" strike the remainder of the title and insert "amending RCW 77.08.010 and 77.16.020; and creating a new section."

#### MOTION

On motion of Senator Drew, the rules were suspended, Engrossed House Bill No. 2396, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Anderson, Senator Schow was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2396, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2396, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Schow - 1.

ENGROSSED HOUSE BILL NO. 2396, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

There being no objection, the Senate resumed consideration of House Bill No. 2551, deferred on third reading earlier today.

#### POINT OF INQUIRY

Senator Owen: "Senator Heavey, as co-chairman of the Interim Task Force on Luxury Cars and Limousines, I have a few questions on the intent of this legislation. Section 5 states that a limousine carrier or company must have an office and a vehicle cannot solely be used as an office. It is my understanding that the intent is to prevent a limousine carrier from using the limo, luxury car or van as his/her only office. Does this mean that the limousine operator must have a commercial office and be staffed?"

Senator Heavey: "No, a limousine carrier is not required to have an office at a commercial location or any additional staff. The carrier's home can serve as an office equipped with an answering machine, call forwarding or other cellular technology."

Senator Owen: "Thank you. Section 5 also states that arrangements for service are prearranged through the carrier's office and dispatched to the limo or luxury car. It is my understanding that the intent is to prevent customers from flagging down a luxury sedan off the street, at the airport, or in a hotel lobby. Does the term 'dispatched' mean that the carrier must have a radio dispatcher?"

Senator Heavey: "Thank you, Senator Owen. No, 'dispatcher' is not intended to mean the hiring of a professional employee to act as a radio dispatcher. The term 'dispatched' simply means to send, to transmit."

Senator Owen: "I have to admit that I was concerned about flagging down a luxury sedan in a hotel lobby. What is the intent of the provision in Section 5 that states that customers cannot make arrangements with the driver for immediate rental of a limousine or luxury car, even if the driver is the owner?"

Senator Heavey: "Senator Owen, this is intended to prevent curbside hails and ensure that limousines may not acquire customers in the same manner as taxicabs. However, the prearrangement requirements do not prevent a concierge from contacting the owner to place an order, even if the owner happens to be in his/her car at the time the arrangement is made."

Further debate ensued.

#### MOTION

On motion of Senator Thibaudeau, Senator Quigley was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2551.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2551 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator Hargrove - 1.

Excused: Senator Quigley - 1.

HOUSE BILL NO. 2551, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

#### SECOND READING

HOUSE BILL NO. 2814, by Representatives McMorris, D. Sommers, Schoesler, Thompson, Romero, Brown and Hargrove

Regulating the disposal of property by self-storage facilities.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, House Bill No. 2814 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2814.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2814 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Quigley - 1.

HOUSE BILL NO. 2814, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Anderson, Senators Moyer and Wood were excused.

#### SECOND READING

HOUSE BILL NO. 2459, by Representatives Clements, Skinner, Schoesler, Silver and Johnson

Adjusting tire factors for vehicle maximum gross weights.

The bill was read the second time.

#### MOTION

On motion of Senator Prince, the rules were suspended, House Bill No. 2459 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2459.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2459 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Moyer, Quigley and Wood - 3.

HOUSE BILL NO. 2459, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2640, by House Committee on Education (originally sponsored by Representatives Clements, Brumsickle, Radcliff, Poulsen, Hatfield, Linville, Dickerson, Basich and Cole)

Changing truancy provisions.

The bill was read the second time.

#### MOTION

Senator McAuliffe moved that the following Committee on Education amendment be adopted:  
Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.225.010 and 1990 c 33 s 219 are each amended to read as follows:

(1) All parents in this state of any child eight years of age and under eighteen years of age shall cause such child to attend the public school of the district in which the child resides and such child shall have the responsibility to and therefore shall attend for the full time when such school may be in session unless:

(a) The child is attending an approved private school for the same time or is enrolled in an extension program as provided in RCW 28A.195.010(4);

(b) The child is receiving home-based instruction as provided in subsection (4) of this section; ~~((e))~~

(c) The child is attending an education center as provided in chapter 28A.205 RCW;

(d) The school district superintendent of the district in which the child resides shall have excused such child from attendance because the child is physically or mentally unable to attend school, is attending a residential school operated by the department of social and health services, or has been temporarily excused upon the request of his or her parents for purposes agreed upon by the school authorities and the parent: PROVIDED, That such excused absences shall not be permitted if deemed to cause a serious adverse effect upon the student's educational progress: PROVIDED FURTHER, That students excused for such temporary absences may be claimed as full time equivalent students to the extent they would otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260 and shall not affect school district compliance with the provisions of RCW 28A.150.220; or

~~((d))~~ (e) The child is ~~(fifteen)~~ sixteen years of age or older and:

(i) ~~(The school district superintendent determines that such child has already attained a reasonable proficiency in the branches required by law to be taught in the first nine grades of the public schools of this state;~~

~~(ii))~~ (ii) The child is regularly and lawfully ~~(engaged in a useful or remunerative occupation)~~ employed and either the parent agrees that the child should not be required to attend school or the child is emancipated in accordance with chapter 13.64 RCW;

~~((iii))~~ (ii) The child has already met graduation requirements in accordance with state board of education rules and regulations; or

~~((iv))~~ (iii) The child has received a certificate of educational competence under rules and regulations established by the state board of education under RCW 28A.305.190.

(2) A parent for the purpose of this chapter means a parent, guardian, or person having legal custody of a child.

(3) An approved private school for the purposes of this chapter and chapter 28A.200 RCW shall be one approved under regulations established by the state board of education pursuant to RCW 28A.305.130.

(4) For the purposes of this chapter and chapter 28A.200 RCW, instruction shall be home-based if it consists of planned and supervised instructional and related educational activities, including a curriculum and instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of an appreciation of art and music, provided for a number of hours equivalent to the total annual program hours per grade level established for approved private schools under RCW 28A.195.010 and 28A.195.040 and if such activities are:

(a) Provided by a parent who is instructing his or her child only and are supervised by a certificated person. A certificated person for purposes of this chapter and chapter 28A.200 RCW shall be a person certified under chapter 28A.410 RCW. For purposes of this section, "supervised by a certificated person" means: The planning by the certificated person and the parent of objectives consistent with this subsection; a minimum each month of an average of one contact hour per week with the child being supervised by the certificated person; and evaluation of such child's progress by the certificated person. The number of children supervised by the certificated person shall not exceed thirty for purposes of this subsection; or

(b) Provided by a parent who is instructing his or her child only and who has either earned forty-five college level quarter credit hours or its equivalent in semester hours or has completed a course in home-based instruction at a postsecondary institution or a vocational-technical institute; or

(c) Provided by a parent who is deemed sufficiently qualified to provide home-based instruction by the superintendent of the local school district in which the child resides.

(5) The legislature recognizes that home-based instruction is less structured and more experiential than the instruction normally provided in a classroom setting. Therefore, the provisions of subsection (4) of this section relating to the nature and quantity of instructional and related educational activities shall be liberally construed.

**Sec. 2.** RCW 28A.225.020 and 1995 c 312 s 67 are each amended to read as follows:

(1) If a child required to attend school under ~~(the laws of the state of Washington)~~ RCW 28A.225.010 fails to attend school without valid justification, the ~~(child's)~~ public school in which the child is enrolled shall:

~~((1))~~ (a) Inform the child's custodial parent, parents, or guardian by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year. School officials shall inform the parent of the potential consequences of additional unexcused absences;

~~((2))~~ (b) Schedule a conference or conferences with the custodial parent, parents, or guardian and child at a time ~~(and place)~~ reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after two unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the second unexcused absence, then the school district may schedule this conference on that day; and

~~((3))~~ (c) Take steps to eliminate or reduce the child's absences. These steps shall include, where appropriate, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, providing appropriate vocational courses or work experience, ~~((or refer))~~ referring the child to a community truancy board, requiring the child to attend an alternative school or program, or assisting the parent or child to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school. If the child's parent does not attend the scheduled conference, the conference may be conducted with the student and school official. However, the parent shall be notified of the steps to be taken to eliminate or reduce the child's absence.

(2) For purposes of this chapter, an "unexcused absence" means that a child:

(a) Has failed to attend the majority of hours or periods in an average school day or has failed to comply with a more restrictive school district policy; and

(b) Has failed to meet the school district's policy for excused absences.

**Sec. 3.** RCW 28A.225.030 and 1995 c 312 s 68 are each amended to read as follows:

(1) If a child is required to attend school under RCW 28A.225.010 and if the actions taken by a school district under RCW 28A.225.020 are not successful in substantially reducing an enrolled student's absences from public school, ~~((upon the fifth))~~ not later than the seventh unexcused absence by a child within any month during the current school year or ~~((upon))~~ not later than the tenth unexcused absence during the current school year the school district shall file a petition and supporting affidavit for a civil action with the juvenile court alleging a violation of RCW 28A.225.010: ~~((+))~~ (a) By the parent; ~~((2))~~ (b) by the child; or ~~((3))~~ (c) by the parent and the child. Except as provided in this subsection, no additional documents need be filed with the petition.

(2) The district shall not later than the fifth unexcused absence in a month:

(a) Enter into an agreement with a student and parent that establishes school attendance requirements;

(b) Refer a student to a community truancy board as defined in RCW 28A.225.025. The community truancy board shall enter into an agreement with the student and parent that establishes school attendance requirements and take other appropriate actions to reduce the child's absences; or

(c) File a petition under subsection (1) of this section.

(3) The petition may be filed by a school district employee who is not an attorney.

(4) If the school district fails to file a petition under this section, the parent of a child with five or more unexcused absences in any month during the current school year or upon the tenth unexcused absence during the current school year may file a petition with the juvenile court alleging a violation of RCW 28A.225.010.

**Sec. 4.** RCW 28A.225.035 and 1995 c 312 s 69 are each amended to read as follows:

(1) A petition for a civil action under RCW 28A.225.030 shall consist of a written notification to the court alleging that:

(a) The child has ~~((five or more))~~ unexcused absences ~~((within any month))~~ during the current school year ~~((or ten or more unexcused absences in the current school year));~~

(b) Actions taken by the school district have not been successful in substantially reducing the child's absences from school; and

(c) Court intervention and supervision are necessary to assist the school district or parent to reduce the child's absences from school.

(2) The petition shall set forth the name, age, school, and residence of the child and the names and residence of the child's parents.

(3) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this chapter.

(4) When a petition is filed under RCW 28A.225.030, the juvenile court ~~((may-  
(a)))~~ shall schedule a ~~((fact-finding))~~ hearing at which the court shall consider the petition~~((;))~~. However, a hearing shall not be required if other actions by the court would substantially reduce the child's unexcused absences.

~~((b))~~ When a hearing is held, the court shall:

~~((a))~~ Separately notify the child, the parent of the child, and the school district of the ~~((fact-finding))~~ hearing;

~~((e))~~ ~~((b))~~ Notify the parent and the child of their rights to present evidence at the ~~((fact-finding))~~ hearing; and

~~((4))~~ ~~((c))~~ Notify the parent and the child of the options and rights available under chapter 13.32A RCW.

(5) The court may require the attendance of both the child and the parents at any hearing on a petition filed under RCW 28A.225.030.

(6) The court may permit the first hearing to be held without requiring that either party be represented by legal counsel, and to be held without a guardian ad litem for the child under RCW 4.08.050. At the request of the school district, the court may permit a school district representative who is not an attorney to represent the school district at any future hearings.

(7) The court shall grant the petition and enter an order assuming jurisdiction to intervene for the remainder of the school year, if the allegations in the petition are established by a preponderance of the evidence.

~~((7))~~ (8) If the court assumes jurisdiction, the school district shall regularly report to the court any additional unexcused absences by the child.

(9) Community truancy boards and the courts shall coordinate, to the extent possible, proceedings and actions pertaining to children who are subject to truancy petitions and at-risk youth petitions in RCW 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

**Sec. 5.** RCW 28A.225.151 and 1995 c 312 s 72 are each amended to read as follows:

(1) As required under subsection (2) of this section, each school shall document the actions taken under RCW ~~((28A.225.020 and))~~ 28A.225.030 and report this information ~~((at the end of each grading period))~~ to the school district superintendent who shall compile the data for all the schools in the district and prepare an annual school district report for each school year and submit the report to the superintendent of public instruction. The reports shall be made upon forms furnished by the superintendent of public instruction and shall be transmitted as determined by the superintendent of public instruction.

(2) The reports under subsection (1) of this section shall include:

(a) The number of enrolled students and the number of ~~((excused and))~~ unexcused absences;

(b) Documentation of the steps taken by the school district under each subsection of RCW 28A.225.020 at the request of the superintendent of public instruction. Each year, by May 1st, the superintendent of public instruction shall select ten school districts to submit the report at the end of the following school year. The ten districts shall represent different areas of the state and be of varied sizes. In addition, the superintendent of public instruction shall require any district that fails to keep appropriate records to submit a full report to the superintendent of public instruction under this subsection. All school districts shall document steps taken under RCW 28A.225.020 in each student's record, and make those records available upon request consistent with the laws governing student records;

(c) The number of enrolled students with ten or more unexcused absences in a school year or five or more unexcused absences in a month during a school year;

~~(d) ((Documentation of success by the school district in substantially reducing enrolled student absences for students with five or more absences in any month or ten or more unexcused absences in any school year)) A description of any programs or schools developed to serve students who have had five or more unexcused absences in a month or ten in a year including information about the number of students in the program or school and the number of unexcused absences of students during and after participation in the program. The school district shall also describe any placements in an approved private nonsectarian school or program or certified program under a court order under RCW 28A.225.090; and~~

~~(e) The number of petitions filed by a school district ((or a parent)) with the juvenile court((; and~~

~~(f) The disposition of cases filed with the juvenile court, including the frequency of contempt orders issued to enforce a court's order under RCW 28A.225.090)).~~

(3) A report required under this section shall not disclose the name or other identification of a child or parent.

(4) The superintendent of public instruction shall collect these reports from all school districts and prepare an annual report for each school year to be submitted to the legislature no later than December 15th of each year.

**Sec. 6.** RCW 28A.225.090 and 1995 c 312 s 74 are each amended to read as follows:

~~((Any person violating any of the provisions of either RCW 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. However, a child found to be in violation of RCW 28A.225.010 shall be required to attend school and shall not be fined. If the child fails to comply with the court order to attend school, the)) (1) A court may((: (1) Order the child be punished by detention; or (2) impose alternatives to detention such as community service hours or participation in)) order a child subject to a petition under RCW 28A.225.035 to:~~

~~(a) Attend the child's current school;~~

~~(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program((s or referral)), or another public educational program;~~

~~(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district; or~~

~~(d) Be referred to a community truancy board, if available.~~

~~(2) If the child fails to comply with the court order, the court may order the child to be punished by detention or may impose alternatives to detention such as community service. Failure by a child to comply with an order issued under this ((section)) subsection shall not be punishable by detention for a period greater than that permitted pursuant to a contempt proceeding against a child under chapter 13.32A RCW.~~

~~(3) Any parent violating any of the provisions of either RCW 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community service ((at the child's school)) instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.~~

~~((School districts shall make complaint for violation of the provisions of RCW 28A.225.010 through 28A.225.140 to a judge of the juvenile court.))~~

**Sec. 7.** RCW 4.08.050 and 1992 c 111 s 9 are each amended to read as follows:

Except as provided under RCW 26.50.020 and 28A.225.035, when an infant is a party he or she shall appear by guardian, or if he or she has no guardian, or in the opinion of the court the guardian is an improper person, the court shall appoint one to act. Said guardian shall be appointed as follows:

(1) When the infant is plaintiff, upon the application of the infant, if he or she be of the age of fourteen years, or if under that age, upon the application of a relative or friend of the infant.

(2) When the infant is defendant, upon the application of the infant, if he or she be of the age of fourteen years, and applies within thirty days after the service of the summons; if he or she be under the age of fourteen, or neglects to apply, then upon the application of any other party to the action, or of a relative or friend of the infant.

**NEW SECTION. Sec. 8.** A new section is added to chapter 2.56 RCW to read as follows:

The administrator for the courts shall prepare a report for each school year to be submitted to the legislature no later than December 15th of each year that summarizes the disposition of petitions filed with the juvenile court under RCW 28A.225.030, including the number of contempt orders issued to enforce a court's order under RCW 28A.225.030.

**Sec. 9.** RCW 28A.225.025 and 1995 c 312 s 66 are each amended to read as follows:

For purposes of this chapter, "community truancy board" means a board composed of members of the local community in which the child attends school. The local school district boards of directors may create a community truancy board or may use other boards that exist or are created, such as diversion boards. However, a diversion or other existing board must agree before it is used as a truancy board. Members of the board shall be selected from representatives of the community. Duties of a community truancy board shall include, but not be limited to, recommending methods for improving school attendance such as assisting the parent or the child to obtain supplementary services that might eliminate or ameliorate the causes for the absences or suggesting to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or another public or private educational program.

**NEW SECTION. Sec. 10.** (1) The superintendent of public instruction, subject to available funding, shall establish an incentive program to encourage the creation of alternative learning schools and programs for students who have been

truant, suspended, expelled, or who are subject to other disciplinary actions. Grants may be awarded to individual school districts, school district consortiums, and educational service districts. Funds for the grants may be used for planning and initial program development. Grants shall be awarded no later than November 1, 1996.

(2) This section expires June 30, 1997.

NEW SECTION. Sec. 11. A new section is added to chapter 28A.225 RCW to read as follows:

The superintendent of public instruction, subject to available funding, shall allocate funds to provide educational services for children who have been referred to a community truancy board or to the courts under RCW 28A.225.030. The funds shall be used on behalf of such children for enrollment in skill centers, education centers, alternative programs, and in other public or private educational programs. Decisions regarding the expenditure of the funds shall be made by the community truancy board or the courts, whichever is applicable. The amount of the assistance for each child shall be determined in accordance with the omnibus appropriations act. These funds shall be in excess of any other funds provided through RCW 28A.150.260 as basic education and other state, federal, or local sources."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Education striking amendment to Engrossed Substitute House Bill No. 2640.

The motion by Senator McAuliffe carried and the committee striking amendment was adopted.

## MOTIONS

On motion of Senator McAuliffe, the following title amendment was adopted:

On page 1, line 1 of the title, after "attendance;" strike the remainder of the title and insert "amending RCW 28A.225.010, 28A.225.020, 28A.225.030, 28A.225.035, 28A.225.151, 28A.225.090, 4.08.050, and 28A.225.025; adding a new section to chapter 2.56 RCW; adding a new section to chapter 28A.225 RCW; creating a new section; prescribing penalties; and providing an expiration date."

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute House Bill No. 2640, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2640, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2640, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Moyer, Quigley and Wood - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2640, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2638, by Representatives Reams, H. Sommers and Dellwo (by request of Office of Financial Management and Department of Information Services)

Repealing the sunset of the department of information services.

The bill was read the second time.

## MOTION

Senator Cantu moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The following acts or parts of acts are each repealed:

(1) RCW 43.131.353 and 1996 c . . . s 2 (section 2 of this act), 1992 c 20 s 12, & 1987 c 504 s 22; and

(2) RCW 43.131.354 and 1996 c . . . s 3 (section 3 of this act), 1992 c 20 s 13, & 1987 c 504 s 24.

Sec. 2. RCW 43.131.353 and 1992 c 20 s 12 are each amended to read as follows:

The information services board and the department of information services and their powers and duties shall be terminated on June 30, ((1996)) 1998, as provided in RCW 43.131.354. The program and fiscal review considered by the 1996 legislature fulfills the requirement to conduct such a review under RCW 43.131.050.

Sec. 3. RCW 43.131.354 and 1992 c 20 s 13 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ((1997)) 1999:

(1) RCW 41.06.094 and 1987 c 504 s 7;

(2) RCW 43.88.560 and 1992 c 20 s 7;

(3) RCW 43.105.005 and 1990 c 208 s 1 & 1987 c 504 s 1;

- (4) RCW 43.105.017 and 1992 c 20 s 6, 1990 c 208 s 2, & 1987 c 504 s 2;  
(5) RCW 43.105.020 and 1990 c 208 s 3, 1987 c 504 s 3, 1973 1st ex.s. c 219 s 3, & 1967 ex.s. c 115 s 2;  
(6) RCW 43.105.032 and 1992 c 20 s 8, 1987 c 504 s 4, 1984 c 287 s 86, 1975-'76 2nd ex.s. c 34 s 128, & 1973 1st ex.s. c 219 s 5;  
(7) RCW 43.105.041 and 1990 c 208 s 6, 1987 c 504 s 5, 1983 c 3 s 115, & 1973 1st ex.s. c 219 s 6;  
(8) RCW 43.105.047 and 1992 c 20 s 9 & 1987 c 504 s 6;  
(9) RCW 43.105.052 and 1992 c 20 s 10, 1990 c 208 s 7, & 1987 c 504 s 8;  
(10) RCW 43.105.055 and 1987 c 504 s 9;  
(11) RCW 43.105.057 and 1992 c 20 s 11 & 1990 c 208 s 13;  
(12) RCW 43.105.060 and 1987 c 504 s 10, 1973 1st ex.s. c 219 s 9, & 1967 ex.s. c 115 s 6;  
(13) RCW 43.105.070 and 1969 ex.s. c 212 s 4;  
(14) RCW 43.105.080 and 1987 c 504 s 11, 1983 c 3 s 116, & 1974 ex.s. c 129 s 1;  
(15) RCW 43.105.900 and 1973 1st ex.s. c 219 s 10;  
(16) RCW 43.105.901 and 1987 c 504 s 25;  
(17) RCW 43.105.902 and 1987 c 504 s 26;  
(18) RCW 43.105.160 and 1992 c 20 s 1;  
(19) RCW 43.105.170 and 1992 c 20 s 2;  
(20) RCW 43.105.180 and 1992 c 20 s 3;  
(21) RCW 43.105.190 and 1992 c 20 s 4; and  
(22) RCW 43.105.200 and 1992 c 20 s 5.

**NEW SECTION. Sec. 4.** Section 1 of this act takes effect July 1, 1999."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Cantu to House Bill No. 2638.

The motion by Senator Cantu failed and the amendment was not adopted.

#### MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 2638 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2638.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2638 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Moyer, Quigley and Wood - 3.

HOUSE BILL NO. 2638, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2659, by Representatives Skinner, R. Fisher and Cairnes (by request of Department of Licensing)

Computing special fuel tax on a mileage basis.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, House Bill No. 2659 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2659.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2659 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Moyer, Quigley and Wood - 3.  
HOUSE BILL NO. 2659, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2660, by Representatives Cairnes and R. Fisher (by request of Department of Licensing)

Revising procedures for refund of certain fees and taxes.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, House Bill No. 2660 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2660.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2660 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley and Wojahn - 43.

Voting nay: Senators Anderson, A., McCaslin and Zarelli - 3.

Excused: Senators Moyer, Quigley and Wood - 3.

HOUSE BILL NO. 2660, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

#### REPORT OF STANDING COMMITTEE

February 28, 1996

SB 6778 Prime Sponsor, Senator Drew: Requiring a unanimous vote of the board of natural resources for certain issues dealing with endangered species. Reported by Committee on Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Drew, Chair; Hargrove, Haugen, Morton, Snyder and Swecker.

Passed to Committee on Rules for second reading.

#### MOTION

At 8:34 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Thursday, February 29, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-SECOND DAY, FEBRUARY 28, 1996

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**FIFTY-THIRD DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Thursday, February 29, 1996  
The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cantu, Finkbeiner, Long, Loveland, Rasmussen, Rinehart and West. On motion of Senator Thibaudeau, Senators Loveland, Rasmussen and Rinehart were excused. On motion of Senator Anderson, Senators Cantu, Finkbeiner, Long and West were excused.

The Sergeant at Arms Color Guard, consisting of Pages Amber Cook and Megan McKibbins, presented the Colors. Elder James Erlandson of the Reorganized Church of Jesus Christ of Latter-Day Saints of Olympia, offered the prayer.

**MOTION**

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

**MESSAGE FROM THE HOUSE**

February 28, 1996

MR. PRESIDENT:

The Speaker has signed:  
HOUSE BILL NO. 1601,  
HOUSE BILL NO. 2187,  
HOUSE BILL NO. 2322,  
HOUSE BILL NO. 2392,  
HOUSE BILL NO. 2531,  
HOUSE BILL NO. 2691,  
SUBSTITUTE HOUSE BILL NO. 2733,  
HOUSE BILL NO. 2810, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

**SIGNED BY THE PRESIDENT**

The President signed:  
HOUSE BILL NO. 1601,  
HOUSE BILL NO. 2187,  
HOUSE BILL NO. 2322,  
HOUSE BILL NO. 2392,  
HOUSE BILL NO. 2531,  
HOUSE BILL NO. 2691,  
SUBSTITUTE HOUSE BILL NO. 2733,  
HOUSE BILL NO. 2810.

**MOTION**

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

**SENATE RESOLUTION 1996-8698**

By Senator Swecker

WHEREAS, The Washington State Legislature recognizes excellence in all fields of human endeavor; and  
WHEREAS, The members of the Centralia High School Tigers Boys' Basketball Team were named the 1995-96 High School AA-Division Academic State Champions by the Washington Interscholastic Association; and  
WHEREAS, The individuals selected for special recognition as academic state champions have distinguished themselves as exceptional students and as talented athletes, maintaining a grade point average of 3.66; and  
WHEREAS, The Centralia High School Tigers Boys' Basketball Team consisting of Kevin Baird, Ben Danielson, Kyle Donahue, Kyle Fletcher, Dean Hull, Tyler Jeans, Bjorn Johnson, Eric Liseth, David Luond, Scott Peterson, and Ryan Stockdale, earned this honor while also achieving a respected 7-5 league record; and  
WHEREAS, The Centralia High School Tigers, under the leadership of Principal Ethel Clarke, Athletic Director Steve Sorenson, Coach Ron Brown and Assistant Coaches Larry Mollerstuen, Tim Gilmore and Mark Westley, have brought distinction and pride to Centralia High School, its students, its supporters, and the entire community;  
NOW, THEREFORE, BE IT RESOLVED, That the Senate honor and congratulate the 1995-96 Centralia High School Boys' Basketball Team for their hard work, dedication, and maturity in achieving this recognition; and  
BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the principal of Centralia High School, the coaching staff and each member of the 1995-96 Centralia High School Basketball Team.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Centralia High School Boys' Basketball Team and their coaches, who were seated in the gallery.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

##### MOTION

On motion of Senator Sutherland, Gubernatorial Appointment No. 9057, Bob Royer, as a member of the Washington Public Power Supply System Executive Board of Directors, was confirmed.

#### APPOINTMENT OF BOB ROYER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7. Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 42.

Excused: Senators Cantu, Finkbeiner, Long, Loveland, Rasmussen, Rinehart and West - 7.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the 1996 Apple Blossom Royalty, the Queen, Jill Vanderhoff, and Princesses Allison Lynn and Sommer Lacy, who were seated on the rostrum. The President also introduced Senator George Sellar who accompanied the royalty to the rostrum.

With permission of the Senate, business was suspended to permit Queen Jill to address the Senate and to listen to the song performed by the Apple Blossom Queen and the Princesses.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

##### MOTION

On motion of Senator Sutherland, Gubernatorial Appointment No. 9084, Rudolph Bertschi, as a member of the Washington Public Power Supply System Executive Board of Directors, was confirmed.

#### APPOINTMENT OF RUDOLPH BERTSCHI

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 45.

Absent: Senator Snyder - 1.

Excused: Senators Loveland, Rinehart and West - 3.

##### MOTION

On motion of Senator Pelz, Gubernatorial Appointment No. 9196, Rachel Garson, as a member of the Lottery Commission, was confirmed.

#### APPOINTMENT OF RACHEL GARSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 45.

Absent: Senator Snyder - 1.

Excused: Senators Loveland, Rinehart and West - 3.

##### MOTION

On motion of Senator Thibaudeau, Senator Snyder was excused.

##### MOTION

On motion of Senator Sellar, Gubernatorial Appointment No. 9216, Wilfred Woods, as a member of the Board of Trustees for Central Washington University, was confirmed.

Senators Sellar and Wojahn spoke to the confirmation of Wilfred Woods as a member of the Board of Trustees for Central Washington University.

#### APPOINTMENT OF WILFRED WOODS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 44.

Absent: Senator Hargrove - 1.

Excused: Senators Loveland, Rinehart, Snyder and West - 4.

#### MOTION

On motion of Senator Hochstatter, Gubernatorial Appointment No. 9218, Frederic L. Glover, as a member of the Board of Trustees for Central Washington University, was confirmed.

#### APPOINTMENT OF FREDERIC L. GLOVER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 45.

Excused: Senators Loveland, Rinehart, Snyder and West - 4.

#### MOTION

On motion of Senator Deccio, Gubernatorial Appointment No. 9228, Douglas D. Peters, as a member of the Board of Trustees for Yakima Valley Community College District No. 16, was confirmed.

#### APPOINTMENT OF DOUGLAS D. PETERS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Excused: Senators Loveland, Rinehart and Snyder - 3.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1648 and the pending Committee on Labor, Commerce and Trade amendment on page 3, line 13, deferred February 28, 1996.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Anderson, the President finds that Engrossed Substitute House Bill No. 1648 is a measure which defines certain overpayments of workers' compensation and unemployment insurance benefits and creates a mechanism for those amounts to be deducted from workers' compensation benefits.

"The Committee on Labor, Commerce and Trade amendment on page 3, line 13, would reduce the amount of the overpayment obligation by a proportion related to the attorney fees, if any, involved in obtaining the industrial insurance award.

"The President, therefore, finds that the proposed committee amendment does not change the scope and object of the bill and the point of order is not well taken."

The Committee on Labor, Commerce and Trade amendment on page 3, line 13, to Engrossed Substitute House Bill No. 1648 was ruled in order.

The President declared the question before the Senate to be the adoption of the Committee on Labor, Commerce and Trade amendment on page 3, line 13, to Engrossed Substitute House Bill No. 1648.

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

The President declared the question before the Senate to be the roll call on the adoption of the Committee on Labor, Commerce and Trade amendment on page 3, line 13, to Engrossed Substitute House Bill No. 1648.

#### ROLL CALL

The Secretary called the roll and the committee amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau and Wojahn - 23.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Pelz served notice that he would move to reconsider the vote by which the Committee on Labor, Commerce and Trade amendment on page 3, line 13, to Engrossed Substitute House Bill No. 1648 was not adopted by the Senate.

#### MOTION

On motion of Senator Spanel, further consideration of Engrossed Substitute House Bill No. 1648 was deferred. There being no objection, the President returned the Senate to the fourth order of business.

#### MESSAGES FROM THE HOUSE

February 23, 1996  
MR. PRESIDENT:  
The House has passed ENGROSSED SENATE BILL NO. 6702, and the same is herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

February 28, 1996  
MR. PRESIDENT:  
The House has passed:  
SENATE BILL NO. 6615,  
ENGROSSED SENATE BILL NO. 6635,  
ENGROSSED SENATE BILL NO. 6651,  
SUBSTITUTE SENATE BILL NO. 6694,  
SUBSTITUTE SENATE BILL NO. 6748, and the same are herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

February 28, 1996  
MR. PRESIDENT:  
The House has passed:  
SENATE BILL NO. 6157,  
SUBSTITUTE SENATE BILL NO. 6188,  
SUBSTITUTE SENATE BILL NO. 6198,  
SENATE BILL NO. 6224,  
SENATE BILL NO. 6225,  
SENATE BILL NO. 6233,  
SUBSTITUTE SENATE BILL NO. 6236,  
SUBSTITUTE SENATE BILL NO. 6262,  
SENATE BILL NO. 6302,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6427,  
SENATE BILL NO. 6441,  
SUBSTITUTE SENATE BILL NO. 6466,  
SENATE BILL NO. 6482,  
SUBSTITUTE SENATE BILL NO. 6529,  
SUBSTITUTE SENATE BILL NO. 6572,  
SUBSTITUTE SENATE BILL NO. 6725, and the same are herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

February 28, 1996  
MR. PRESIDENT:  
The House has passed:  
SENATE BILL NO. 6220,  
SENATE BILL NO. 6226,  
SUBSTITUTE SENATE BILL NO. 6279,  
SENATE BILL NO. 6294,  
SENATE BILL NO. 6305, and the same are herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

February 28, 1996  
MR. PRESIDENT:  
The Speaker has signed:  
SUBSTITUTE SENATE BILL NO. 5050,  
SUBSTITUTE SENATE BILL NO. 5140,  
SUBSTITUTE SENATE BILL NO. 5522,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5605,  
SECOND SUBSTITUTE SENATE BILL NO. 5757,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6093,  
SUBSTITUTE SENATE BILL NO. 6101,  
SUBSTITUTE SENATE BILL NO. 6113,  
SENATE BILL NO. 6115,  
SUBSTITUTE SENATE BILL NO. 6150,

SENATE BILL NO. 6167,  
SENATE BILL NO. 6181,  
SENATE BILL NO. 6216,  
SUBSTITUTE SENATE BILL NO. 6237,  
SUBSTITUTE SENATE BILL NO. 6263,  
SUBSTITUTE SENATE BILL NO. 6271,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6398,  
SENATE BILL NO. 6414,  
SENATE BILL NO. 6467,  
SUBSTITUTE SENATE BILL NO. 6487,  
SENATE BILL NO. 6489,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6554,  
SUBSTITUTE SENATE BILL NO. 6579,  
ENGROSSED SENATE BILL NO. 6631,  
SENATE JOINT MEMORIAL NO. 8023, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

President signed:  
SENATE BILL NO. 6157,  
SUBSTITUTE SENATE BILL NO. 6188,  
SUBSTITUTE SENATE BILL NO. 6198,  
SENATE BILL NO. 6220,  
SENATE BILL NO. 6224,  
SENATE BILL NO. 6225,  
SENATE BILL NO. 6226,  
SENATE BILL NO. 6233,  
SUBSTITUTE SENATE BILL NO. 6236,  
SUBSTITUTE SENATE BILL NO. 6262,  
SUBSTITUTE SENATE BILL NO. 6279,  
SENATE BILL NO. 6294,  
SENATE BILL NO. 6302,  
SENATE BILL NO. 6305,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6427,  
SENATE BILL NO. 6441,  
SUBSTITUTE SENATE BILL NO. 6466,  
SENATE BILL NO. 6482,  
SUBSTITUTE SENATE BILL NO. 6529,  
SUBSTITUTE SENATE BILL NO. 6572,  
SENATE BILL NO. 6615,  
ENGROSSED SENATE BILL NO. 6635,  
ENGROSSED SENATE BILL NO. 6651,  
SUBSTITUTE SENATE BILL NO. 6694,  
ENGROSSED SENATE BILL NO. 6702,  
SUBSTITUTE SENATE BILL NO. 6725,  
SUBSTITUTE SENATE BILL NO. 6748.

MOTION

At 9:53 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 12:03 p.m. by President Pritchard.

MOTION

At 12:03 p.m., on motion of Senator Spanel, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:09 p.m. by President Pritchard.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9175, Kevin M. Hughes, as a member of the Housing Finance Commission, was confirmed.

MOTIONS

On motion of Senator Anderson, Senators Cantu, Deccio, McCaslin, Swecker, West and Wood were excused.  
On motion of Senator Thibaudeau, Senators Loveland, Rinehart, Smith and Snyder were excused.

APPOINTMENT OF KEVIN M. HUGHES

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 2; Excused, 10.  
Voting yea: Senators Anderson, A., Bauer, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Spanel, Strannigan, Sutherland, Thibaudeau, Winsley, Wojahn and Zarelli - 37.  
Absent: Senators Hale and Owen - 2.  
Excused: Senators Cantu, Deccio, Loveland, McCaslin, Rinehart, Smith, Snyder, Swecker, West and Wood - 10.

#### MOTION

On motion of Senator Prentice, gubernatorial appointment No. 9177, Ron Forest, as a member of the Housing Finance Commission, was confirmed.

#### MOTION

On motion of Senator Anderson, Senator Hale was excused.

#### APPOINTMENT OF RON FOREST

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 2; Excused, 10.  
Voting yea: Senators Anderson, A., Bauer, Drew, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Wojahn and Zarelli - 37.  
Absent: Senators Goings and Winsley - 2.  
Excused: Senators Cantu, Deccio, Hale, Loveland, McCaslin, Rinehart, Smith, Snyder, West and Wood - 10.

#### MOTION

On motion of Senator Sheldon, Senator Haugen was excused.

#### SECOND READING

SENATE BILL NO. 6767, by Senators Rinehart and West

Establishing procedures for compensation modifications for state employees under chapter 41.06 RCW.

#### MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 6767 was substituted for Senate Bill No. 6767 and the substitute bill was placed on second reading and read the second time.  
On motion of Senator Drew, the rules were suspended, Substitute Senate Bill No. 6767 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6767.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6767 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43.

Excused: Senators Cantu, Haugen, Loveland, McCaslin, Rinehart and Snyder - 6.

SUBSTITUTE SENATE BILL NO. 6767, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6769, by Senators Rinehart, West and Winsley

Limiting eligibility for general assistance.

#### MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 6769 was substituted for Senate Bill No. 6769 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6769 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6769.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6769 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43.

Excused: Senators Cantu, Haugen, Loveland, McCaslin, Rinehart and Snyder - 6.

SUBSTITUTE SENATE BILL NO. 6769, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6774, by Senators Drew, Hargrove, Oke, Snyder, Rinehart, Loveland, McDonald, Spanel and Fraser

Establishing clear guidelines for the trust land transfer program.

## MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 6774 was substituted for Senate Bill No. 6774 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the following amendments by Senators Wojahn, Rasmussen, Drew, Oke and Franklin were considered simultaneously and were adopted:

On page 1, beginning on line 5, after "for the trust land transfer program" insert ", including transfers of land held in trust for charitable, educational, penal, and reformatory purposes"

On page 4, line 20, after "8." insert "(1)"

On page 4, after line 25, insert the following:

"(2) The approximately five hundred seventy-five acres of the greater Western state hospital campus not a part of the central institutional campus shall be managed as a part of the charitable, educational, penal, and reformatory institution account. No transfer of any or all of such property shall be accomplished except in compliance with the procedures of this chapter, and specific submittal to the legislature as required by this section."

## MOTIONS

On motion of Senator Drew, the following amendments by Senators Drew and Hargrove were considered simultaneously and were adopted:

On page 1, line 7, after "into the" strike "public" and insert "common"

On page 1, line 8, after "construction" insert "revolving"

On page 1, line 16, after "into the" strike all material through "replacement" and insert "common school construction revolving"

On motion of Senator Drew, the following amendment by Senators Drew and Hargrove was adopted:

On page 2, beginning on line 19, after "(a)" strike all material through "considerations" on line 20, and insert "That the cumulative financial costs of harvesting exceed the projected full stumpage of the timber"

## MOTION

On motion of Senator Drew, the rules were suspended, Engrossed Substitute Senate Bill No. 6774 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6774.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6774 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 5; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McDonald, Moyer, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 40.

Voting nay: Senators Anderson, A., Morton, Newhouse, Prince and Schow - 5.

Excused: Senators Haugen, Loveland, McCaslin and Rinehart - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6774, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6776, by Senators Owen and Prince

Authorizing emergency grants to flood-damaged short-line or light-density railroads.

The bill was read the second time.

## MOTIONS

On motion of Senator Owen, the following Committee on Transportation amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that damage to light-density rail lines caused by recent flooding threatens public safety and the economic survival of several rail lines in the state. Therefore, the legislature intends to make an emergency exception to its policy of providing only loans to privately held rail lines. It is the further intent of the legislature that once the damages caused by the recent flooding have been sufficiently mitigated to restore these rail lines to safe operation, this emergency exception expires.

**Sec. 2.** RCW 47.76.250 and 1995 c 380 s 6 are each amended to read as follows:

(1) The essential rail assistance account is created in the state treasury. Moneys in the account may be appropriated only for the purposes specified in this section.

(2) Moneys appropriated from the account to the department of transportation may be used by the department or distributed by the department to cities, county rail districts, counties, economic development councils, and port districts for the purpose of:

(a) Acquiring, rebuilding, rehabilitating, or improving rail lines;

(b) Purchasing or rehabilitating railroad equipment necessary to maintain essential rail service;

(c) Constructing railroad improvements to mitigate port access or mainline congestion;

(d) Construction of loading facilities to increase business on light density lines or to mitigate the impacts of abandonment;

(e) Preservation, including operation, of light density lines, as identified by the Washington state department of transportation, in compliance with this chapter; or

(f) Preserving rail corridors for future rail purposes by purchase of rights of way. The department shall first pursue transportation enhancement program funds, available under the federal surface transportation program, to the greatest extent practicable to preserve rail corridors. Purchase of rights of way may include track, bridges, and associated elements, and must meet the following criteria:

(i) The right of way has been identified and evaluated in the state rail plan prepared under this chapter;

(ii) The right of way may be or has been abandoned; and

(iii) The right of way has potential for future rail service.

(3) The department or the participating local jurisdiction is responsible for maintaining any right of way acquired under this chapter, including provisions for drainage management, fire and weed control, and liability associated with ownership.

(4) Nothing in this section impairs the reversionary rights of abutting landowners, if any, without just compensation.

(5) The department, cities, county rail districts, counties, and port districts may grant franchises to private railroads for the right to operate on lines acquired under this chapter.

(6) The department, cities, county rail districts, counties, and port districts may grant trackage rights over rail lines acquired under this chapter.

(7) If rail lines or rail rights of way are used by county rail districts, port districts, state agencies, or other public agencies for the purposes of rail operations and are later abandoned, the rail lines or rail rights of way cannot be used for any other purposes without the consent of the underlying fee title holder or reversionary rights holder, or until compensation has been made to the underlying fee title holder or reversionary rights holder.

(8) The department of transportation shall develop criteria for prioritizing freight rail projects that meet the minimum eligibility requirements for state assistance under RCW 47.76.240. The department shall develop criteria in consultation with the Washington state freight rail policy advisory committee. Project criteria should consider the level of local financial commitment to the project as well as cost/benefit ratio. Counties, local communities, railroads, shippers, and others who benefit from the project should participate financially to the greatest ~~((extend-extend))~~ extent practicable.

(9) Moneys received by the department from franchise fees, trackage rights fees, and loan payments shall be redeposited in the essential rail assistance account. Repayment of loans made under this section shall occur within a period not longer than fifteen years, as set by the department. The repayment schedule and rate of interest, if any, shall be determined before the distribution of the moneys.

(10) The state shall maintain a contingent interest in any equipment, property, rail line, or facility that has outstanding grants or loans. The owner may not use the line as collateral, remove track, bridges, or associated elements for salvage, or use it in any other manner subordinating the state's interest without permission from the department.

(11) Moneys distributed under this chapter should be provided as loans wherever practicable. Except as provided by section 3 of this act, for improvements on or to privately owned railroads, railroad property, or other private property, moneys distributed shall be provided solely as loans.

**NEW SECTION. Sec. 3.** The department of transportation may, for the period ending December 31, 1996, provide financial grants to short-line or light-density railroads to repair damages and to restore lines disrupted by storms and subsequent floods that occurred in February 1996.

**NEW SECTION. Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On motion of Senator Owen, the following title amendment was adopted:

On line 2 of the title, after "railroads;" strike the remainder of the title and insert "amending RCW 47.76.250; creating new sections; and declaring an emergency."

#### MOTION

On motion of Senator Owen, the rules were suspended, Engrossed Senate Bill No. 6776 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Anderson, Senator Johnson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6776.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6776 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45.

Excused: Senators Haugen, Johnson, Loveland and Rinehart - 4.

ENGROSSED SENATE BILL NO. 6776, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

ENGROSSED FOURTH SUBSTITUTE HOUSE BILL NO. 1481, by House Committee on Appropriations (originally sponsored by Representatives Cooke, Lambert, Mielke, Van Luven, Elliot, Schoesler, D. Schmidt, Sherstad, Huff, Buck, Clements, McMorris, Johnson, Blanton, Hickel, Boldt, Backlund, Mulliken, Robertson, Goldsmith, L. Thomas, McMahan, Talcott, Cairnes, Thompson, Beeksma, Benton, Foreman, Sehlin, Sheahan and Mitchell)

Requiring AFDC contracts and making additional changes in public assistance laws.

The bill was read the second time.

## MOTIONS

Senator Quigley moved that the following Committee on Ways and Means amendment be adopted:  
Strike everything after the enacting clause and insert the following:

### "MAKING WELFARE WORK

**NEW SECTION. Sec. 1.** INTENT. The legislature finds that it is important for the well-being of society, and for the families receiving aid to families with dependent children, that the provision of welfare from the public treasury reflect the values of mainstream American culture, specifically the importance of work, responsibility, and accountability for individual actions, and the value of the marriage commitment to each member of the family, including the children.

Therefore, it is the public policy of the state of Washington, through its aid to families with dependent children or applicant for assistance programs, to require every able-bodied citizen on aid to families with dependent children or applicant for assistance to engage in paid or unpaid employment or engage in short-term training directed towards employment, to require accountability of all parents, and to discourage teen pregnancy by unwed parents as an action that is destructive to society.

### PART I. TARGET GROUPS

**NEW SECTION. Sec. 101.** A new section is added to chapter 74.12 RCW to read as follows:

**TARGET GROUP CONTRACTS.** The department shall assess each applicant approved for assistance and, within twelve months of the effective date of this section, all recipients based upon age, employment history, and condition of disability, and shall target assistance based upon factors set forth in chapter . . . , Laws of 1996 (this act). The department shall include, as part of the information required of the individual assessed, the number of hours of paid employment performed in the twelve months before applying for assistance and the hourly rate of pay. The department shall use this information in order to select the appropriate target group for the individual assessed.

#### A. JOB-READY TARGET GROUP

**NEW SECTION. Sec. 102.** A new section is added to chapter 74.12 RCW to read as follows:

**JOB-READY TARGET GROUP.** All applicants approved for assistance who are age eighteen or older and whose recent work experience was at the hourly rate of six dollars and fifty cents or more shall be entitled to grant assistance if they engage in an intensive self-determined job search, and shall be given referrals to appropriate state and local job search resources. All applicants for aid to families with dependent children-employable, and within twelve months all recipients of aid to families with the dependent children-employable, shall be included in the job-ready target group. Recipients in this target group shall inform the department when they become employed, and shall be eligible for a period of child care and medical benefits. They shall not be eligible for participation in welfare-to-work pilot projects. It is the intent of the legislature to refrain from excess expenditures on this group of aid to families with dependent children recipients, as studies have demonstrated that job-ready individuals leave aid to families with dependent children programs quickly with minimal public help. Assessment and administrative costs shall be kept to a minimal level for this target group. Any recipients in this group who do not have paid employment within six months of beginning to receive benefits shall contract for participation in the job preparation target group as a condition of continued benefit receipt.

#### B. JOB PREPARATION TARGET GROUP

**NEW SECTION. Sec. 103.** A new section is added to chapter 74.12 RCW to read as follows:

**JOB PREPARATION TARGET GROUP.** All applicants approved for assistance and, within twelve months of the effective date of this section, all recipients, who are age eighteen or older and do not meet the qualifications for participation in the job-ready target group or who have been in the job-ready target group for six months without obtaining employment, shall contract with the department for participation in at least one of the alternate welfare-to-work programs provided for the job preparation target group. This group shall be required, as a condition of benefit receipt, to enroll in at least one of the following:

- (1) The tax incentive partnership program under chapters 74.-- and 82.-- RCW (sections 206 through 208 and 203 through 205 of this act, respectively);
- (2) Any available public or approved private welfare-to-work program, under contract with the department; or
- (3) The job opportunities and basic skills training program.

#### C. TEEN PARENT TARGET GROUP

**NEW SECTION. Sec. 104.** A new section is added to chapter 74.12 RCW to read as follows:

**TEEN PARENT TARGET GROUP.** All applicants under the age of eighteen years who are approved for assistance and, within twelve months of the effective date of this section, all recipients who are under the age of eighteen and are unmarried shall, as a condition of

receiving benefits, actively progress toward the completion of a high school diploma or a GED, and live in a supervised setting, as provided in RCW 74.12.255 or section 301 of this act. Applicants under the age of eighteen years are not subject to the sixty-month limitation in section 401 of this act.

**Sec. 105.** RCW 74.12.255 and 1994 c 299 s 33 are each amended to read as follows:

(1) The department shall determine, after consideration of all relevant factors and in consultation with the applicant approved for assistance, and within twelve months of the effective date of this section in consultation with the recipient, the most appropriate living situation for ((applicants)) those under eighteen years of age, unmarried, and either pregnant or having a dependent child in the applicant's or recipient's care. Appropriate living ((situations shall include a)) situation means the place of residence maintained by the approved applicant's, and within twelve months of the effective date of this section, the recipient's parent, legal guardian, or other adult relative as their own home, or ((other)) if the department determines that living situation to be abusive or neglectful under chapter 26.44 RCW, another appropriate supportive living arrangement supervised by an adult ((where feasible)), with first preference to an approved group home where available, and consistent with federal regulations ((under 45 C.F.R. chapter II, section 233.107)).

(2) An applicant approved for assistance, and within twelve months of the effective date of this section, a recipient, under eighteen years of age who is either pregnant or has a dependent child ((and is not living in a situation described in subsection (1) of this section)) shall be presumed to be unable to manage adequately the funds paid on behalf of the dependent child and ((unless the teenage custodial parent demonstrates otherwise,)) shall be subject to the protective payee requirements provided for under RCW 74.12.250 and 74.08.280.

(3) The department shall consider any statements or opinions by either parent of the teen ((recipient)) as to an appropriate living situation for the teen, whether in the parental home or other situation. If the parents of the teen ((head of household applicant for assistance)) request, they shall be entitled to a hearing in juvenile court regarding the fitness and suitability of their home as the top priority choice for the pregnant or parenting teen ((applicant for assistance)).

The parents of the teen shall have the opportunity to make a showing, based on the preponderance of the evidence, that ((the parental)) their home is the most appropriate living situation.

(4) To encourage adoption, in cases in which the ((head of household)) teen parent is under eighteen years of age((-)) and unmarried, ((unemployed, and requests information on adoption,)) the department shall((- as part of the determination of the appropriate living situation,)) provide information about adoption including referral to community-based organizations for counseling.

(5) As a condition of receiving aid to families with dependent children, an unmarried pregnant or parenting applicant approved for assistance and, within twelve months of the effective date of this section, an unmarried pregnant or parenting recipient under the age of eighteen shall be required to reside in an appropriate living situation as determined according to this section and to actively progress toward a high school diploma or a GED unless certified by a health care provider licensed under chapter 18.71 or 18.83 RCW to be unable to complete such education, whereupon the department shall facilitate his or her application for supplemental security income.

## **PART II. WELFARE-TO-WORK PROGRAMS**

### **A. GENERAL REQUIREMENTS AND MANDATORY JOBS**

**Sec. 201.** RCW 74.25.010 and 1994 c 299 s 6 are each amended to read as follows:

The legislature establishes as state policy the goal of economic self-sufficiency for employable recipients of ((public assistance)) aid to families with dependent children, through employment, training, and education. In furtherance of this policy, the legislature intends to comply with the requirements of the federal social security act, as amended, by creating a job opportunities and basic skills training program for applicants and recipients of aid to families with dependent children. ((The purpose of this program is to provide recipients of aid to families with dependent children the opportunity to obtain appropriate education, training, skills, and supportive services, including child care, consistent with their needs, that will help them enter or reenter gainful employment, thereby avoiding long-term welfare dependence and achieving economic self-sufficiency.)) The job opportunities and basic skills training program shall provide employment and training and education support services to assist recipients under chapter 74.04 RCW to obtain employment. The program shall be operated by the department of social and health services in conformance with federal law ((and consistent with the following legislative findings:))

(1) The legislature finds that the well-being of children depends ((not only on meeting their material needs, but also)) on the ability of parents to become economically self-sufficient. It is in this way that the material needs of children can best be met. The job opportunities and basic skills training program is specifically directed at increasing the labor force participation and household earnings of aid to families with dependent children recipients, through the removal of barriers preventing them from achieving self-sufficiency. ((These barriers include, but are not limited to, the lack of recent work experience, supportive services such as affordable and reliable child care, adequate transportation, appropriate counseling, and necessary job-related tools, equipment, books, clothing, and supplies, the absence of basic literacy skills, the lack of educational attainment sufficient to meet labor market demands for career employees, and the nonavailability of useful labor market assessments.))

(2) The legislature ((also)) recognizes that aid to families with dependent children recipients ((must be acknowledged as active)) are participants in self-sufficiency planning under the program. The legislature finds that the department of social and health services should clearly communicate ((concepts of the importance)) a requirement of work and how performance and effort directly affect future career and educational opportunities and economic well-being, as well as personal empowerment, self-motivation, and self-esteem to program participants. The legislature further recognizes that informed choice is consistent with individual responsibility, and that parents should be given a range of options for available child care while participating in the program.

(3) The legislature finds that current work experience is one of the most important factors influencing an individual's ability to work toward financial stability and an adequate standard of living in the long term, and that work experience should be the most important component of the program.

(4) The legislature finds that education, including, but not limited to, literacy, high school equivalency, vocational, secondary, and postsecondary, is one of the most important tools an individual needs to achieve full independence, and that this should be an important component of the program.

(5) The legislature further finds that the objectives of this program are to assure that aid to families with dependent children recipients gain experience in the labor force and thereby enhance their long-term ability to achieve financial stability and an adequate standard of living at wages that will meet family needs.

(6) The legislature finds that a critical component for successful reductions in the aid to families with dependent children caseloads is through employment. Employment opportunities must be increased through public-private partnerships. The department shall work with the private sector to meet market needs, increase employability through on-the-job training opportunities, and develop financial incentives for employers to hire recipients.

(7) All participants in the job opportunities and basic skills training program shall, within thirty days of approval of assistance for aid to families with dependent children, or in the case of recipients, within thirty days of assessment, sign a written employment development contract of mutual responsibility with the department, or be ineligible for financial assistance from the department until the contract which shall be developed with the full involvement of the participant, is signed.

(a) The contract shall set forth the responsibilities of and expectations for the program participants and responsibilities and obligation of the department, including services to be provided to the participating family. The contract shall identify specific employment, training, education, community volunteer experiences, including participation in the community volunteer program set forth in section 209 of

this act, or support activities that will direct a participant toward gainful employment and eventually self-sufficiency. The contract shall be in a format developed for state-wide use and shall clearly state each of the requirements and responsibilities set forth in section 401 of this act.

(b) The department shall review the employment development contract of mutual responsibility every six months and assess the participant's progress. Except for sanctions in situations specified in section 401 of this act, the department shall reduce aid to families with dependent children benefits by thirty-three percent every month for which the recipient is found to be out of compliance with the contract.

(8) Participants in the job preparation target group shall each be limited to the components of their initial contract unless good cause for exception is presented.

**Sec. 202.** RCW 74.25.020 and 1993 c 312 s 7 are each amended to read as follows:

(1) The department of social and health services is authorized to contract with public and private employment and training agencies and other public service entities to provide services prescribed or allowed under the federal social security act, as amended, to carry out the purposes of the jobs training program. The department of social and health services has sole authority and responsibility to carry out the job opportunities and basic skills training program. No contracting entity shall have the authority to review, change, or disapprove any administrative decision, or otherwise substitute its judgment for that of the department of social and health services as to the application of policies and rules adopted by the department of social and health services.

(2) ~~(To the extent feasible under federal law, the department of social and health services and all entities contracting with it shall give first priority of service to individuals volunteering for program participation.~~

(3) ~~The department of social and health services shall adopt rules under chapter 34.05 RCW establishing criteria constituting circumstances of good cause for an individual failing or refusing to participate in an assigned program component, or failing or refusing to accept or retain employment. These criteria shall include, but not be limited to, the following circumstances: (a) If the individual is a parent or other relative personally providing care for a child under age six years, and the employment would require the individual to work more than twenty hours per week; (b) if child care, or day care for an incapacitated individual living in the same home as a dependent child, is necessary for an individual to participate or continue participation in the program or accept employment, and such care is not available, and the department of social and health services fails to provide such care; (c) the employment would result in the family of the participant experiencing a net loss of cash income; or (d) circumstances that are beyond the control of the individual's household, either on a short-term or on an ongoing basis.~~

(4) The department of social and health services shall adopt rules under chapter 34.05 RCW as necessary to effectuate the intent and purpose of this chapter.

## B. TAX INCENTIVE PROGRAM

**NEW SECTION. Sec. 203.** (1) An employer shall be allowed a credit against tax due under chapter 82.04 or 82.16 RCW of an amount equal to one hundred twenty percent of the payment made by the employer, to a qualified training institution under a training plan for training a qualified employee, subject to the limitations set forth in this section. An employer may not receive a credit for the same amounts under both chapters 82.04 and 82.16 RCW.

(2) A person claiming the credit shall file an affidavit form prescribed by the department, which shall include the amount of the credit claimed and additional information as the department may require.

(3)(a) The tax credit in respect to any qualified employee may not in a calendar year exceed:

(i) The lesser of twelve percent of the qualified employee's gross annual wages or one thousand two hundred dollars in the case of a category 1 qualified employee;

(ii) The lesser of twenty-four percent of the qualified employee's gross annual wages or two thousand four hundred dollars, in the case of a category 2 qualified employee; or

(iii) The lesser of thirty-six percent of the qualified employee's gross annual wages or three thousand six hundred dollars in the case of a category 3 qualified employee.

(b) The department of revenue shall, by December 1, 1997, for calendar year 1998, and by December 1st of each year thereafter for the following year, adjust the payment maximums under this subsection (3) to reflect inflation, using the previous calendar year's limit as the base amount to be adjusted. In making adjustments for inflation, the department shall rely on the Consumer Price Index--Seattle, Washington area for urban wage earners and clerical workers, compiled by the Bureau of Labor Statistics, United States Department of Labor. The department shall publish the new payment maximums which shall become effective January 1st of the year following.

(4) The credit in respect to any qualified employee may not be taken:

(a) For more than one year of training in the case of a category 1 qualified employee; or

(b) For more than two years of training in the case of a category 2 or category 3 qualified employee.

(5) The credit shall be taken against taxes due for the same calendar year in which the payment is made to the qualified training institution and must be claimed by the due date of the last tax return for the calendar year in which the payment is made to the qualified training institution.

(6) If the business, firm, or entity having a right to the tax credit is sold, assigned, conveyed, or otherwise transferred, the successor employer shall be allowed the credit. Unless the training plan provides to the contrary, the successor employer shall be allowed tax credits to the same extent as the previous employer.

(7) Total credits allowed to all employers claiming credits may not exceed four million three hundred thousand for the biennium ending June 30, 1997, and fifteen million dollars in any biennium thereafter.

(8) This section shall expire December 31, 2004.

**NEW SECTION. Sec. 204.** The definitions in this section apply throughout this chapter and sections 206 through 208 of this act, unless the context indicates otherwise.

(1) "Gross annual wages" means salary, wages, tips, and other compensation paid to a qualified employee paid by an employer claiming the credit under this section during the calendar year for which the credit is claimed.

(2) "Qualified employee" and "category 1, 2, or 3 qualified employee" means an applicant for or recipient of aid to families with dependent children certified as such by the department of social and health services who is hired before June 30, 2001. "Qualified employee" does not include any person hired by an employer to replace strikers or locked-out workers.

(3) "Qualified training institution" means a community or technical college, four-year college or university, a private vocational school licensed by the work force training and education coordinating board or approved by the higher education coordinating board, apprenticeship programs recognized by the Washington state apprenticeship and training council, or a private industry council that has entered into a training plan that provides for the training of a qualified employee of a person claiming the credit under this section.

(4) "Employer" means person or business as defined by RCW 82.04.030.

(5) "Training plan" means a written agreement, signed by a qualified employee, a union or other employee bargaining representative if the position is covered by a collective bargaining agreement, a qualified training institution, the department of social and health services or a designee of the department, and an employer, which specifies the amount that the employer will pay the qualified training institution for training and related costs for the qualified employee, the learning objectives intended to be achieved by the training, and a statement of progressively increasing scale of wages to be paid to the employee during the training plan period, ending in a wage scale that exceeds federal poverty levels for a family of three.

NEW SECTION. Sec. 205. Chapter 82.32 RCW applies to the administration of this chapter.

NEW SECTION. Sec. 206. (1) The tax incentive program is hereby established. The department of social and health services is authorized to enter into training plans. The department of social and health services shall adopt rules for the tax incentive program. The rules shall include, but are not limited to:

(a) Designation of three categories of eligible aid to families with dependent children recipients from within the job preparation target group in chapter 74.12 RCW. The department of social and health services shall by rule establish criteria for assigning recipients into categories 1, 2, and 3. In establishing the criteria, the department shall consider the degree of work experience, training, wage and employment history, and education, category 1 representing recipients with the highest degree of job readiness.

(b) Selection criteria that the department can use to establish a pool of prospective aid to families with dependent children participants.

(c) A restriction on the total number of employees that an employer may have in the program, except that no more than twenty percent of the employers' employees may participate in the program, except businesses with fewer than five employees may have one employee participate.

(d) A requirement that the employer participate in the earned income tax credit program, assisting each employee to obtain the earned income tax credit monthly.

(e) Standards regarding length and learning objectives of training plans, requiring the training institution to design the plan length and learning objectives so that it meets accepted training standards for that industry or profession. Training plans may not exceed two years.

(2) The department of social and health services may contract with a public or private entity to carry out the department's duties under this chapter. The department of social and health services reserves the right to withdraw designation of authority to this entity without showing cause.

(3) The department of social and health services shall manage the program so that the total amount of credits by all employers claiming tax credits under sections 203 through 205 of this act does not exceed fifteen million dollars in any biennium. The department shall enter into contracts with employers on a first-come, first-serve basis. The department shall maintain an up-to-date tabulation of the potential total amount of all credits that may be claimed during each biennium under all training plans and shall not enter into any additional training plan agreement if to do so would result in such amount exceeding fifteen million dollars during a biennium.

(4) Employers who agree to accept a one hundred percent tax credit instead of the one hundred twenty percent available under section 203(1) of this act shall be given priority in selection and placement of qualified employees.

NEW SECTION. Sec. 207. The department of social and health services, the employment security department, the department of community, trade, and economic development, and the community and technical colleges shall cooperate and coordinate among the existing state and federal assistance and training programs to focus the efforts of enrollees and programs to most effectively achieve results from the various programs.

NEW SECTION. Sec. 208. (1) No training plans may be entered into after June 30, 2001. Contracts in effect on June 30, 2001, shall continue in effect according to the terms of the contract.

(2) If the program under chapter . . . , Laws of 1996 (this act) is terminated before June 30, 2001, persons eligible for tax credits at the time of program termination under sections 203 through 205 of this act shall receive such credits, subject to the limitations in section 203(7) of this act.

### C. COMMUNITY SERVICE

NEW SECTION. Sec. 209. A new section is added to chapter 74.12 RCW to read as follows:

COMMUNITY VOLUNTEER PROGRAM. The recipient in a community volunteer program shall locate a community volunteer experience with any willing public or private organization and provide documentation to the department of his or her participation on forms established in rule by the department and signed by the recipient under penalty of perjury. Compliance shall be subject to random checks by the department.

### PART III. TEEN PARENT PROGRAM

NEW SECTION. Sec. 301. A new section is added to chapter 74.12 RCW to read as follows:

TEEN GROUP HOMES. (1) The department shall contract with public or private providers to establish teen group homes as an alternative living situation for recipients under eighteen years of age for whom it is unsafe to live with their parent or parents. According to the provisions of RCW 26.44.040, the department shall refer to local prosecution any parental home where abuse or neglect is suspected.

(2) In teen group homes, the cash grant for each resident teen parent's assistance unit, as well as the food stamp allocation and any other portion of any aid to families with dependent children benefit accruing to the teen recipient shall be pooled, and under the control of the home administrator, for the benefit of the teen parents and their children, and shall not be given directly to the teen parent.

(3) Each teen parent living in the teen group home shall be given the following case-managed services: Parenting education, maternal and child nutritional education, tutoring to aid in the completion of high school or a GED, money management, anger management, and substance abuse treatment, including treatment for tobacco addiction, where appropriate.

(4) Teen parents living in teen group homes shall, as a condition of receiving benefits, progress toward completion of educational requirements, help with household tasks at the home, attend and participate in instruction provided for teen parents in residence, and abide by house rules.

(5) House rules shall be established by each teen group home, and may include a requirement that no unsupervised male visitors be allowed, that a curfew be established, and that an equitable system of shared child care responsibilities be provided to accommodate school and work attendance for teen parents.

(6) The department shall assure the teen parent and dependents in his or her assistance unit of the following: Adequate housing and nutrition, medical care, tutoring toward completion of educational requirements, and at least the minimal additional instruction and case-managed care as provided for in this section.

### PART IV. REQUIREMENTS AND RESPONSIBILITIES

NEW SECTION. Sec. 401. A new section is added to chapter 74.12 RCW to read as follows:

(1) At the end of a recipient's welfare-to-work program under a contract entered into under section 103 of this act, which shall not exceed two years, the recipient shall engage in a job search of up to six months. At the end of this job search period, grant assistance shall be reduced by twenty percent every six months. Except as provided in this subsection, a recipient's months on grant assistance may not exceed a lifetime limit of sixty months.

(a) Time limits shall be tolled in the event of:

(i) A medically certified temporary illness or disability of the recipient, including temporary mental or physical disability occurring as a result of domestic violence against the recipient;

(ii) The unavailability of appropriate care for a chronically ill or disabled family member living in the home of the recipient; or

(iii) If child care is not available for a period of time.

(b) A recipient may extend full benefits including child care and medical assistance and delay reduction of benefits for a period of an additional two years by participating at least one hundred hours per month in the community volunteer program under section 209 of this act.

(c) For purposes of calculating the months on grant assistance under this subsection (1), only months on grant assistance after the recipient has reached his or her eighteenth birthday shall be included in the calculation.

(2) Except where otherwise specified, persons receiving aid to families with dependent children shall be exempt from participation in a job-ready or job preparation target group or a welfare-to-work program:

(a) If there is a child under three years of age within ten months of application, living in the home;

(b) For a period of twelve weeks after the birth of any child born more than ten months from the date of application;

(c) If the recipient is a caretaker of a dependent child and is disabled, including a learning disability as defined in section 601(1)(f) of this act; or

(d) If the average state unemployment rate is eight percent or more, as determined by the employment security department. The time limit shall be extended for any six-month period preceded by a fifty-two week moving average unemployment rate of eight percent or more, provided the recipient performs community service during the six months.

(3) The department, working with the department of revenue, shall encourage employers of recipients to use a month-to-month pass-through of the federal earned income tax credit. The department shall facilitate application for such tax credit in all cases where recipients report earned income.

(4) To the extent that resources are available, the department shall provide transitional child care for up to twenty-four months, in accordance with federal requirements, to individuals who have completed their welfare-to-work program or obtained employment.

(5) The department has the responsibility of supplying child care to participants who have contracted for welfare-to-work or other programs under chapter . . . , Laws of 1996 (this act).

(6) The department shall provide child care assistance to public assistance recipients requesting such assistance, to enable them to participate in employment, or in approved welfare-to-work employment and training programs.

(7) The department shall provide transitional child care subsidies for a period of twelve months following the last month of grant assistance, for persons who leave public assistance due to earnings or receipt of child support, and, within available funds, upon request of the recipient, an additional twelve-month period.

(8) The department shall provide, upon request of a low-income worker, and within available funds, employment child care subsidies for low-income workers who do not receive public assistance payments.

(9) When the participant is no longer eligible for a cash grant due to increased earnings through employment and has exhausted the participant's twelve-month transitional benefit period for medical assistance benefits, the department shall enroll the participant in the basic health plan under chapter 70.47 RCW, pay any unsubsidized portion of the participant's premium, and enroll the participant's eligible children in medical assistance. Regardless of the participant's earned income, state payment of the unsubsidized portion of the participant's premium shall terminate after twelve months.

(10) The department shall seek any waivers needed from the federal government to implement this section.

(11) The department shall report to appropriate committees in both houses of the legislature if it discovers that participation in welfare-to-work programs is about to cause clients to be placed on waiting lists for programs or services required under this chapter.

**NEW SECTION. Sec. 402.** The time limits on public assistance in section 401 of this act and the general requirements to participate in job search and training in section 201 of this act do not apply in situations where there is no parent residing in the child's home and the child is residing with a relative of specified degree.

## **PART V. CHILD SUPPORT ENHANCEMENT**

### **A. LICENSE SUSPENSION FOR FAILURE TO PAY CHILD SUPPORT**

**NEW SECTION. Sec. 501.** The legislature recognizes that the current statutory procedures for the collection of child support do not apply to all persons owing child support. In order to further insure that child support obligations are met, this act establishes a program by which certain licenses may be suspended if a person is one hundred eighty days or more in arrears on child support payments. With this program, it is the intent of the legislature to provide a strong incentive for persons owing support to make timely payments, and to cooperate with the department of social and health services to establish an appropriate schedule for the payment of any arrears. In addition, the legislature finds that disputes over child visitation comprises an often-cited reason why child support is unpaid. It is the intent of the legislature to include custodial parents who deny visitation as persons subject to license suspension.

In the implementation and management of this program, it is the legislature's intent that the objective of the department of social and health services be to obtain payment in full of arrears, or where that is not possible, to enter into agreements with delinquent obligors to make timely support payments and make reasonable payments towards the arrears. The legislature intends that if the obligor refuses to cooperate in establishing a fair and reasonable payment schedule for arrears, or refuses to make timely support payments, the department shall proceed with certification to a licensing entity or the department of licensing that the person is not in compliance with a child support order.

**NEW SECTION. Sec. 502.** A new section is added to chapter 74.20A RCW to read as follows:

(1) As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

(a) "Licensing entity" includes any department, board, commission, or other organization of the state authorized by Title 18 RCW to issue, renew, suspend, or revoke a license authorizing an individual to engage in a business, occupation, profession, or industry, and the Washington state bar association.

(b) "Noncompliance with a child support order" means a responsible parent has:

(i) Accumulated arrears totaling more than six months of child support payments;

(ii) Failed to make payments pursuant to a written agreement with the department towards a support arrearage in an amount that exceeds six months of payments; or

(iii) Failed to make payments required by a superior court order or administrative order towards a support arrearage in an amount that exceeds six months of payments.

(c) "License" means a license, certificate, registration, permit, approval, or other similar document issued by a licensing entity evidencing admission to or granting authority to engage in a profession, occupation, business, or industry.

(d) "Licensee" means any individual holding a license, certificate, registration, permit, approval, or other similar document issued by a licensing entity evidencing admission to or granting authority to engage in a profession, occupation, business, or industry.

(e) "Noncomplying custodial parent" means a parent who has custody of the children in a family where the court has ordered visitation rights for the noncustodial parent, and the custodial parent has not complied with the visitation order.

(f) "Noncompliance with a visitation order" means the documented failure of a custodial parent to follow the terms of a court-ordered visitation plan.

(2) Upon notice and motion, a noncustodial parent who has a court-ordered child visitation plan may seek judicial suspension of the driver's business, occupational, or professional licenses cited in sections 509 through 537 of this act, where the licensee is a noncomplying custodial parent.

(3) The department may serve upon a responsible parent a notice informing the responsible parent of the department's intent to submit the parent's name to the department of licensing and any appropriate licensing entity as a licensee who is not in compliance with a child support order. The department shall attach a copy of the responsible parent's child support order to the notice. Service of the notice must be made by personal service. If, after reasonable diligence, personal service has not been possible, service shall be by certified mail, return receipt requested.

(4) The notice of noncompliance must include the address and telephone number of the department's division of child support office that issues the notice and must inform the responsible parent that:

(a) The parent may request an adjudicative proceeding to contest the issue of compliance. The only issues that may be considered at the adjudicative proceeding are whether the parent is required to pay child support under a child support order and whether the parent is in compliance with that order;

(b) A request for an adjudicative proceeding shall be in writing and must be received by the department within twenty days of the date of service of the notice;

(c) If the parent requests an adjudicative proceeding within twenty days of service, the department will stay action to certify the parent to the department of licensing and any licensing entity for noncompliance with a child support order pending entry of a written decision after the adjudicative proceeding;

(d) If the parent does not request an adjudicative proceeding within twenty days of service and remains in noncompliance with a child support order, the department will certify the parent's name to the department of licensing and any appropriate licensing entity for noncompliance with a child support order;

(e) The department will stay action to certify the parent to the department of licensing and any licensing entity for noncompliance if the parent agrees to make timely payments of current support and agrees to a reasonable payment schedule for payment of the arrears. It is the parent's responsibility to contact in person or by mail the department's division of child support office indicated on the notice within twenty days of service of the notice to arrange for a payment schedule. The department may stay certification for up to thirty days after contact from a parent to arrange for a payment schedule;

(f) If the department certifies the responsible parent to the department of licensing and a licensing entity for noncompliance with a child support order, the licensing entity will suspend the parent's license and the department of licensing will suspend any driver's license that the parent holds until the parent provides the department of licensing and the licensing entity with a written release from the department stating that the responsible parent is in compliance with the child support order;

(g) Suspension of a license will affect insurability if the responsible parent's insurance policy excludes coverage for acts occurring after the suspension of a license;

(h) If after receiving the notice of noncompliance with a child support order, the responsible parent files a motion to modify support with the court or requests the department to amend a support obligation established by an administrative decision, the department or the court may, for up to one hundred eighty days, stay action to certify the parent to the department of licensing and any licensing entity for noncompliance with a child support order. If a motion for modification of a court or administrative order for child support is pending prior to service of the notice, any action to certify the parent to a licensing entity for noncompliance with a child support order shall be automatically stayed until entry of a final order or decision in the modification proceedings. The responsible parent has the obligation to notify the department that a modification proceeding is pending and provide a copy of the motion or request for modification; and

(i) If the responsible parent subsequently becomes in compliance with the child support order, the department will promptly provide the parent with a written release stating that the parent is in compliance with the order, and the parent may request that the licensing entity or the department of licensing reinstate the suspended license.

(5) A responsible parent may request an adjudicative proceeding upon service of the notice described in subsection (3) of this section. The request for an adjudicative proceeding must be received by the department within twenty days of service. The request must be in writing and indicate the current mailing address and daytime phone number, if available, of the responsible parent. The proceedings under this subsection shall be conducted in accordance with the requirements of chapter 34.05 RCW. The issues that may be considered at the adjudicative proceeding are limited to whether the responsible parent is required to pay child support under a child support order and whether the responsible parent is in compliance with the order.

(6) The decision resulting from the adjudicative proceeding must be in writing and inform the responsible parent of all rights to review. The parent's copy of the decision may be sent by regular mail to the parent's most recent address of record.

(7) If a responsible parent contacts the department's division of child support office indicated on the notice of noncompliance within twenty days of service of the notice and requests arrangement of a payment schedule, the department shall stay the certification of noncompliance during negotiation of the schedule for payment of arrears. In no event shall the stay continue for more than thirty days from the date of contact by the parent. The department shall make good faith efforts to establish a schedule for payment of arrears that is fair and reasonable, and that considers the financial situation of the responsible parent and the needs of all children who rely on the responsible parent for support. At the end of the thirty days, if no payment schedule has been agreed to in writing, the department shall proceed with certification of noncompliance.

(8) If a responsible parent timely requests an adjudicative proceeding to contest the issue of compliance, the department may not certify the name of the parent to the department of licensing or a licensing entity for noncompliance with a child support order unless the adjudicative proceeding results in a finding that the responsible parent is not in compliance with the order.

(9) The department may certify in writing to the department of licensing and any appropriate licensing entity the name of a responsible parent who is not in compliance with a child support order if:

(a) The responsible parent does not timely request an adjudicative proceeding upon service of a notice issued under subsection (3) of this section and is not in compliance with a child support order twenty-one days after service of the notice;

(b) An adjudicative proceeding results in a decision that the responsible parent is not in compliance with a child support order;

(c) The department and the responsible parent have been unable to agree on a fair and reasonable schedule for payment of the arrears; or

(d) The court enters a judgment on a petition for judicial review that finds the responsible parent is not in compliance with a child support order.

The department shall send by certified mail, return receipt requested a copy of any certification of noncompliance filed with the department of licensing or a licensing entity to the responsible parent at the responsible parent's most recent address of record.

(10) The department of licensing and a licensing entity shall notify a responsible parent certified by the department under subsection (9) of this section, without undue delay, that the parent's driver's license or other license has been suspended because the parent's name has been certified by the department as a responsible parent who is not in compliance with a child support order.

(11) When a responsible parent who is served notice under subsection (3) of this section subsequently complies with the child support order, the department shall promptly provide the parent with a written release stating that the responsible parent is in compliance with the order.

(12) The department may adopt rules to implement and enforce the requirements of this section.

(13) Nothing in this section prohibits a responsible parent from filing a motion to modify support with the court or from requesting the department to amend a support obligation established by an administrative decision. If there is a reasonable likelihood that the motion or request will significantly change the amount of the arrears, the department or the court may, for up to one hundred eighty days, stay action to certify the responsible parent to the department of licensing and any licensing entity for noncompliance with a child support order. If a motion for modification of a court or administrative order for child support is pending prior to service of the notice, any action to certify the parent to a licensing entity for noncompliance with a child support order shall be automatically stayed until entry of a final order or decision in the modification proceedings. The responsible parent has the obligation to notify the department that a modification proceeding is pending and provide a copy of the motion or request for modification.

(14) The department of licensing and a licensing entity may issue, renew, reinstate, or otherwise extend a license in accordance with the licensing entity's or the department of licensing's rules after the licensing entity or the department of licensing receives a copy of the written release specified in subsection (11) of this section. The department of licensing and a licensing entity may waive any applicable requirement for reissuance, renewal, or other extension if it determines that the imposition of that requirement places an undue burden on the person and that waiver of the requirement is consistent with the public interest.

**NEW SECTION. Sec. 503.** A new section is added to chapter 74.20A RCW to read as follows:

(1) The department of social and health services and all of the various licensing entities subject to section 502 of this act shall enter into such agreements as are necessary to carry out the requirements of the license suspension program established in section 502 of this act, but only to the extent the departments and the licensing entities determine it is cost-effective.

(2) On or before January 1, 1997, and quarterly thereafter, the department of social and health services and all licensing entities subject to section 502 of this act shall perform a comparison of responsible parents who are not in compliance with a child support order, as defined in section 502 of this act, with all licensees subject to chapter . . . , Laws of 1996 (this act). The comparison may be conducted electronically, or by any other means that is jointly agreeable between the department and the particular licensing entity. The data shared shall be limited to those items necessary to implementation of chapter . . . , Laws of 1996 (this act). The purpose of the comparison shall be to identify current licensees who are not in compliance with a child support order, and to provide to the department of social and health services the following information regarding those licensees:

- (a) Name;
- (b) Date of birth;
- (c) Address of record;
- (d) Federal employer identification number or social security number;
- (e) Type of license;
- (f) Effective date of license or renewal;
- (g) Expiration date of license; and
- (h) Active or inactive status.

**NEW SECTION. Sec. 504.** A new section is added to chapter 74.20A RCW to read as follows:

In furtherance of the public policy of increasing collection of child support and to assist in evaluation of the program established in section 502 of this act, the department shall report the following to the legislature and the governor on December 1, 1997, and annually thereafter:

- (1) The number of responsible parents identified as licensees subject to section 502 of this act;
- (2) The number of responsible parents identified by the department as not in compliance with a child support order;
- (3) The number of notices of noncompliance served upon responsible parents by the department;
- (4) The number of responsible parents served a notice of noncompliance who request an adjudicative proceeding;
- (5) The number of adjudicative proceedings held, and the results of the adjudicative proceedings;
- (6) The number of responsible parents certified to the department of licensing or licensing entities for noncompliance with a child support order, and the type of license the parents held;
- (7) The costs incurred in the implementation and enforcement of section 502 of this act and an estimate of the amount of child support collected due to the departments under section 502 of this act;
- (8) Any other information regarding this program that the department feels will assist in evaluation of the program;
- (9) Recommendations for the addition of specific licenses in the program or exclusion of specific licenses from the program, and reasons for such recommendations; and
- (10) Any recommendations for statutory changes necessary for the cost-effective management of the program.

**Sec. 505.** RCW 46.20.291 and 1993 c 501 s 4 are each amended to read as follows:

The department is authorized to suspend the license of a driver upon a showing by its records or other sufficient evidence that the licensee:

- (1) Has committed an offense for which mandatory revocation or suspension of license is provided by law;
- (2) Has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any person or serious property damage;
- (3) Has been convicted of offenses against traffic regulations governing the movement of vehicles, or found to have committed traffic infractions, with such frequency as to indicate a disrespect for traffic laws or a disregard for the safety of other persons on the highways;
- (4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3); ((~~or~~))
- (5) Has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation, as provided in RCW 46.20.289; ((~~or~~))
- (6) Has committed one of the prohibited practices relating to drivers' licenses defined in RCW 46.20.336; or
- (7) Has been certified by the department of social and health services as a person who is not in compliance with a child support order as provided in section 502 of this act.

**Sec. 506.** RCW 46.20.311 and 1995 c 332 s 11 are each amended to read as follows:

(1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.342 or other provision of law. Except for a suspension under RCW 46.20.289 and 46.20.291(5), whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW, the suspension shall remain in effect until the person provides a written release issued by the department of social and health services stating that the person is in compliance with the order. The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of twenty dollars. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be fifty dollars.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (a) After the expiration of one year from the date the license or privilege to drive was revoked; (b) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (c) after the expiration of two years for persons convicted of vehicular homicide; or (d) after the expiration of the applicable revocation period provided by RCW 46.20.265. After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of twenty dollars, but if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be fifty dollars. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified. Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of twenty dollars. If the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be fifty dollars.

**NEW SECTION. Sec. 507.** A new section is added to chapter 48.22 RCW to read as follows:

A motor vehicle liability insurance policy that contains any provision excluding insurance coverage for an unlicensed driver shall not apply for ninety days from the date of suspension in the event that the department of licensing suspends a driver's license solely for the nonpayment of child support as provided in chapter 74.20A RCW.

**NEW SECTION. Sec. 508.** A new section is added to chapter 2.48 RCW to read as follows:

**ATTORNEYS.** Any member of the Washington state bar association who has been certified by the department of social and health services as a person who is not in compliance with a child support order as provided in section 502 of this act shall be immediately suspended from membership. Membership shall not be reinstated until the person provides the Washington state bar association a written release issued by the department of social and health services stating that the person is in compliance with the order. If the person has continued to meet all other requirements for membership during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the association may impose.

**NEW SECTION. Sec. 509.** A new section is added to chapter 18.04 RCW to read as follows:

**ACCOUNTANTS.** The board shall immediately suspend the certificate or license of a person who has been certified pursuant to section 502 of this act by the department of social and health services as a person who is not in compliance with a child support order.

**Sec. 510.** RCW 18.04.335 and 1992 c 103 s 13 are each amended to read as follows:

**ACCOUNTANTS.** (1) Upon application in writing and after hearing pursuant to notice, the board may:

((+)) (a) Modify the suspension of, or reissue a certificate or license to, an individual whose certificate has been revoked or suspended; or

((+)) (b) Modify the suspension of, or reissue a license to a firm whose license has been revoked, suspended, or which the board has refused to renew.

(2) In the case of suspension for failure to comply with a child support order under chapter 74.20A RCW, if the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of a certificate or license shall be automatic upon the board's receipt of a written release issued by the department of social and health services stating that the individual is in compliance with the child support order.

**NEW SECTION. Sec. 511.** A new section is added to chapter 18.08 RCW to read as follows:

**ARCHITECTS.** The board shall immediately suspend the certificate of registration or certificate of authorization to practice architecture of a person who has been certified pursuant to section 502 of this act by the department of social and health services as a person who is not in compliance with a child support order. If the person has continued to meet other requirements for reinstatement during the suspension, reissuance of the certificate shall be automatic upon the board's receipt of a written release issued by the department of social and health services stating that the individual is in compliance with the child support order.

**Sec. 512.** RCW 18.11.160 and 1986 c 324 s 12 are each amended to read as follows:

**AUCTIONEERS.** (1) No license shall be issued by the department to any person who has been convicted of forgery, embezzlement, obtaining money under false pretenses, extortion, criminal conspiracy, fraud, theft, receiving stolen goods, unlawful issuance of checks or drafts, or other similar offense, or to any partnership of which the person is a member, or to any association or corporation of which the person is an officer or in which as a stockholder the person has or exercises a controlling interest either directly or indirectly.

(2) The following shall be grounds for denial, suspension, or revocation of a license, or imposition of an administrative fine by the department:

(a) Misrepresentation or concealment of material facts in obtaining a license;

(b) Underreporting to the department of sales figures so that the auctioneer or auction company surety bond is in a lower amount than required by law;

(c) Revocation of a license by another state;

(d) Misleading or false advertising;

(e) A pattern of substantial misrepresentations related to auctioneering or auction company business;

(f) Failure to cooperate with the department in any investigation or disciplinary action;

(g) Nonpayment of an administrative fine prior to renewal of a license;

(h) Aiding an unlicensed person to practice as an auctioneer or as an auction company; and

(i) Any other violations of this chapter.

(3) The department shall immediately suspend the license of a person who has been certified pursuant to section 502 of this act by the department of social and health services as a person who is not in compliance with a child support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a written release issued by the department of social and health services stating that the licensee is in compliance with the child support order.

**NEW SECTION. Sec. 513.** A new section is added to chapter 18.16 RCW to read as follows:

**COSMETOLOGISTS, BARBERS, AND MANICURISTS.** The department shall immediately suspend the license of a person who has been certified pursuant to section 502 of this act by the department of social and health services as a person who is not in compliance with a child support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a written release issued by the department of social and health services stating that the licensee is in compliance with the child support order.

**NEW SECTION. Sec. 514.** A new section is added to chapter 18.20 RCW to read as follows:

**BOARDING HOMES.** The department shall immediately suspend the license of a person who has been certified pursuant to section 502 of this act by the department of social and health services as a person who is not in compliance with a child support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a written release issued by the department of social and health services stating that the licensee is in compliance with the child support order.

**Sec. 515.** RCW 18.27.060 and 1983 1st ex.s. c 2 s 19 are each amended to read as follows:

**CONTRACTORS.** (1) A certificate of registration shall be valid for one year and shall be renewed on or before the expiration date. The department shall issue to the applicant a certificate of registration upon compliance with the registration requirements of this chapter.

(2) If the department approves an application, it shall issue a certificate of registration to the applicant. The certificate shall be valid for:

- (a) One year;
- (b) Until the bond expires; or
- (c) Until the insurance expires, whichever comes first. The department shall place the expiration date on the certificate.

(3) A contractor may supply a short-term bond or insurance policy to bring its registration period to the full one year.

(4) If a contractor's surety bond or other security has an unsatisfied judgment against it or is canceled, or if the contractor's insurance policy is canceled, the contractor's registration shall be automatically suspended on the effective date of the impairment or cancellation. The department shall give notice of the suspension to the contractor.

(5) The department shall immediately suspend the certificate of registration of a contractor who has been certified by the department of social and health services as a person who is not in compliance with a child support order as provided in section 502 of this act. The certificate of registration shall not be reissued or renewed unless the person provides to the department a written release from the department of social and health services stating that he or she is in compliance with the child support order and the person has continued to meet all other requirements for certification during the suspension.

**NEW SECTION. Sec. 516.** A new section is added to chapter 18.28 RCW to read as follows:

**DEBT ADJUSTERS.** The department shall immediately suspend the license of a person who has been certified pursuant to section 502 of this act by the department of social and health services as a person who is not in compliance with a child support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a written release issued by the department of social and health services stating that the licensee is in compliance with the child support order.

**Sec. 517.** RCW 18.39.181 and 1986 c 259 s 65 are each amended to read as follows:

**EMBALMERS AND FUNERAL DIRECTORS.** The director shall have the following powers and duties:

- (1) To issue all licenses provided for under this chapter;
- (2) To annually renew licenses under this chapter;
- (3) To collect all fees prescribed and required under this chapter; ~~(and)~~

(4) To immediately suspend the license of a person who has been certified pursuant to section 502 of this act by the department of social and health services as a person who is not in compliance with a child support order; and

(5) To keep general books of record of all official acts, proceedings, and transactions of the department of licensing while acting under this chapter.

**NEW SECTION. Sec. 518.** A new section is added to chapter 18.39 RCW to read as follows:

**EMBALMERS AND FUNERAL DIRECTORS.** In the case of suspension for failure to comply with a child support order under chapter 74.20A RCW, if the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of a license shall be automatic upon the director's receipt of a written release issued by the department of social and health services stating that the individual is in compliance with the child support order.

**NEW SECTION. Sec. 519.** A new section is added to chapter 18.43 RCW to read as follows:

**ENGINEERS AND LAND SURVEYORS.** The board shall immediately suspend the registration of a person who has been certified pursuant to section 502 of this act by the department of social and health services as a person who is not in compliance with a child support order. If the person has continued to meet all other requirements for membership during the suspension, reissuance of the registration shall be automatic upon the board's receipt of a written release issued by the department of social and health services stating that the person is in compliance with the child support order.

**NEW SECTION. Sec. 520.** A new section is added to chapter 18.44 RCW to read as follows:

**ESCROW AGENTS.** The department shall immediately suspend the certificate of registration of a person who has been certified pursuant to section 502 of this act by the department of social and health services as a person who is not in compliance with a child support order. If the person has continued to meet all other requirements for certification during the suspension, reissuance of the certificate shall be automatic upon the department's receipt of a written release issued by the department of social and health services stating that the person is in compliance with the child support order.

**Sec. 521.** RCW 18.46.050 and 1991 c 3 s 101 are each amended to read as follows:

**MATERNITY HOMES.** The department may deny, suspend, or revoke a license in any case in which it finds that there has been failure or refusal to comply with the requirements established under this chapter or the rules adopted under it.

The department shall immediately suspend the license of a person who has been certified pursuant to section 502 of this act by the department of social and health services as a person who is not in compliance with a child support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a written release issued by the department of social and health services stating that the person is in compliance with the child support order.

RCW 43.70.115 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

**NEW SECTION. Sec. 522.** A new section is added to chapter 18.51 RCW to read as follows:

**NURSING HOME OPERATORS.** The department shall immediately suspend the license of a person who has been certified pursuant to section 502 of this act by the department of social and health services, division of child support, as a person who is not in compliance with a child support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a written release issued by the division of child support stating that the person is in compliance with the child support order.

**NEW SECTION. Sec. 523.** A new section is added to chapter 18.76 RCW to read as follows:

**POISON CENTER MEDICAL DIRECTOR/POISON INFORMATION SPECIALISTS.** The department shall immediately suspend the certification of a poison center medical director or a poison information specialist who has been certified pursuant to section 502 of this act by the department of social and health services as a person who is not in compliance with a child support order. If the person has continued to meet all other requirements for certification during the suspension, reissuance of the certification shall be automatic upon the department's receipt of a written release issued by the department of social and health services stating that the person is in compliance with the child support order.

**NEW SECTION. Sec. 524.** A new section is added to chapter 18.85 RCW to read as follows:

**REAL ESTATE BROKERS AND SALESPERSONS.** The director shall immediately suspend the license of a broker or salesperson who has been certified pursuant to section 502 of this act by the department of social and health services as a person who is not in compliance with a child support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the director's receipt of a written release issued by the department of social and health services stating that the person is in compliance with the child support order.

**Sec. 525.** RCW 18.96.120 and 1969 ex.s. c 158 s 12 are each amended to read as follows:

**LANDSCAPE ARCHITECTS.** (1) The director may refuse to renew, or may suspend or revoke, a certificate of registration to use the titles landscape architect, landscape architecture, or landscape architectural in this state upon the following grounds:

((1)) (a) The holder of the certificate of registration is impersonating a practitioner or former practitioner.

((2)) (b) The holder of the certificate of registration is guilty of fraud, deceit, gross negligence, gross incompetency or gross misconduct in the practice of landscape architecture.

((3)) (c) The holder of the certificate of registration permits his seal to be affixed to any plans, specifications or drawings that were not prepared by him or under his personal supervision by employees subject to his direction and control.

((4)) (d) The holder of the certificate has committed fraud in applying for or obtaining a certificate.

(2) The director shall immediately suspend the certificate of registration of a landscape architect who has been certified pursuant to section 502 of this act by the department of social and health services as a person who is not in compliance with a child support order. If the person has continued to meet all other requirements for certification during the suspension, reissuance of the certificate of registration shall be automatic upon the director's receipt of a written release issued by the department of social and health services stating that the person is in compliance with the child support order.

**Sec. 526.** RCW 18.104.110 and 1993 c 387 s 18 are each amended to read as follows:

**WATER WELL CONSTRUCTION.** (1) In cases other than those relating to the failure of a licensee to renew a license, the director may suspend or revoke a license issued pursuant to this chapter for any of the following reasons:

((1)) (a) For fraud or deception in obtaining the license;

((2)) (b) For fraud or deception in reporting under RCW 18.104.050;

((3)) (c) For violating the provisions of this chapter, or of any lawful rule or regulation of the department or the department of health.

(2) The director shall immediately suspend any license issued under this chapter if the holder of the license has been certified pursuant to section 502 of this act by the department of social and health services as a person who is not in compliance with a child support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the director's receipt of a written release issued by the department of social and health services stating that the person is in compliance with the child support order.

(3) No license shall be suspended for more than six months, except that a suspension under section 502 of this act shall continue until the department receives a written release issued by the department of social and health services stating that the person is in compliance with the order.

(4) No person whose license is revoked shall be eligible to apply for a license for one year from the effective date of the final order of revocation.

**NEW SECTION. Sec. 527.** A new section is added to chapter 18.106 RCW to read as follows:

**PLUMBERS.** The department shall immediately suspend any certificate of competency issued under this chapter if the holder of the certificate has been certified pursuant to section 502 of this act by the department of social and health services as a person who is not in compliance with a child support order. If the person has continued to meet all other requirements for certification during the suspension, reissuance of the certificate of competency shall be automatic upon the department's receipt of a written release issued by the department of social and health services stating that the person is in compliance with the child support order.

**NEW SECTION. Sec. 528.** A new section is added to chapter 18.130 RCW to read as follows:

**UNIFORM DISCIPLINARY ACT--HEALTH PROFESSIONS.** The disciplining authority shall immediately suspend the license of any person subject to this chapter who has been certified by the department of social and health services as a person who is not in compliance with a child support order as provided in section 502 of this act.

**Sec. 529.** RCW 18.130.050 and 1995 c 336 s 4 are each amended to read as follows:

**UNIFORM DISCIPLINARY ACT--HEALTH PROFESSIONS.** The disciplining authority has the following authority:

(1) To adopt, amend, and rescind such rules as are deemed necessary to carry out this chapter;

(2) To investigate all complaints or reports of unprofessional conduct as defined in this chapter and to hold hearings as provided in this chapter;

(3) To issue subpoenas and administer oaths in connection with any investigation, hearing, or proceeding held under this chapter;

(4) To take or cause depositions to be taken and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;

(5) To compel attendance of witnesses at hearings;

(6) In the course of investigating a complaint or report of unprofessional conduct, to conduct practice reviews;

(7) To take emergency action ordering summary suspension of a license, or restriction or limitation of the licensee's practice pending proceedings by the disciplining authority;

(8) To use a presiding officer as authorized in RCW 18.130.095(3) or the office of administrative hearings as authorized in chapter 34.12 RCW to conduct hearings. The disciplining authority shall make the final decision regarding disposition of the license unless the disciplining authority elects to delegate in writing the final decision to the presiding officer;

(9) To use individual members of the boards to direct investigations. However, the member of the board shall not subsequently participate in the hearing of the case;

(10) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

(11) To contract with licensees or other persons or organizations to provide services necessary for the monitoring and supervision of licensees who are placed on probation, whose professional activities are restricted, or who are for any authorized purpose subject to monitoring by the disciplining authority;

(12) To adopt standards of professional conduct or practice;

(13) To grant or deny license applications, and in the event of a finding of unprofessional conduct by an applicant or license holder, to impose any sanction against a license applicant or license holder provided by this chapter;

(14) To designate individuals authorized to sign subpoenas and statements of charges;

(15) To establish panels consisting of three or more members of the board to perform any duty or authority within the board's jurisdiction under this chapter;

(16) To review and audit the records of licensed health facilities' or services' quality assurance committee decisions in which a licensee's practice privilege or employment is terminated or restricted. Each health facility or service shall produce and make accessible to the disciplining authority the appropriate records and otherwise facilitate the review and audit. Information so gained shall not be subject to discovery or introduction into evidence in any civil action pursuant to RCW 70.41.200(3);

(17) To immediately suspend licenses of persons who have been certified by the department of social and health services as not in compliance with a child support order as provided in section 502 of this act.

**Sec. 530.** RCW 18.130.150 and 1984 c 279 s 15 are each amended to read as follows:

**UNIFORM DISCIPLINARY ACT--HEALTH PROFESSIONS.** A person whose license has been suspended or revoked under this chapter may petition the disciplining authority for reinstatement after an interval as determined by the disciplining authority in the order. The disciplining authority shall hold hearings on the petition and may deny the petition or may order reinstatement and impose terms and conditions as provided in RCW 18.130.160 and issue an order of reinstatement. The disciplining authority may require successful completion of an examination as a condition of reinstatement.

A person whose license has been suspended for noncompliance with a child support order under section 502 of this act may petition for reinstatement at any time by providing the disciplining authority a written release issued by the department of social and health services stating that the person is in compliance with the child support order. If the person has continued to meet all other requirements for reinstatement during the suspension, the disciplining authority shall automatically reissue the person's license upon receipt of the release, and payment of a reinstatement fee, if any.

**NEW SECTION. Sec. 531.** A new section is added to chapter 18.140 RCW to read as follows:

**CERTIFIED REAL ESTATE APPRAISERS.** The department shall immediately suspend any license or certificate issued under this chapter if the holder has been certified pursuant to section 502 of this act by the department of social and health services as a person who is not in compliance with a child support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a written release issued by the department of social and health services stating that the person is in compliance with the child support order.

**NEW SECTION. Sec. 532.** A new section is added to chapter 18.145 RCW to read as follows:

**SHORTHAND REPORTERS.** The director shall immediately suspend any certificate issued under this chapter if the holder has been certified pursuant to section 502 of this act by the department of social and health services as a person who is not in compliance with a child support order. If the person has continued to meet all other requirements for certification during the suspension, reissuance of the certificate shall be automatic upon the director's receipt of a written release issued by the department of social and health services stating that the person is in compliance with the child support order.

**Sec. 533.** RCW 18.160.080 and 1990 c 177 s 10 are each amended to read as follows:

**FIRE SPRINKLER SYSTEM CONTRACTORS.** (1) The state director of fire protection may refuse to issue or renew or may suspend or revoke the privilege of a licensed fire protection sprinkler system contractor or the certificate of a certificate of competency holder to engage in the fire protection sprinkler system business or in lieu thereof, establish penalties as prescribed by Washington state law, for any of the following reasons:

(a) Gross incompetency or gross negligence in the preparation of technical drawings, installation, repair, alteration, maintenance, inspection, service, or addition to fire protection sprinkler systems;

(b) Conviction of a felony;

(c) Fraudulent or dishonest practices while engaging in the fire protection sprinkler systems business;

(d) Use of false evidence or misrepresentation in an application for a license or certificate of competency;

(e) Permitting his or her license to be used in connection with the preparation of any technical drawings which have not been prepared by him or her personally or under his or her immediate supervision, or in violation of this chapter; or

(f) Knowingly violating any provisions of this chapter or the regulations issued thereunder.

(2) The state director of fire protection shall revoke the license of a licensed fire protection sprinkler system contractor or the certificate of a certificate of competency holder who engages in the fire protection sprinkler system business while the license or certificate of competency is suspended.

(3) The state director of fire protection shall immediately suspend any license or certificate issued under this chapter if the holder has been certified pursuant to section 502 of this act by the department of social and health services as a person who is not in compliance with a child support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a written release issued by the department of social and health services stating that the person is in compliance with the child support order.

(4) Any licensee or certificate of competency holder who is aggrieved by an order of the state director of fire protection suspending or revoking a license may, within thirty days after notice of such suspension or revocation, appeal under chapter 34.05 RCW.

**NEW SECTION. Sec. 534.** A new section is added to chapter 18.165 RCW to read as follows:

**PRIVATE DETECTIVES.** The department shall immediately suspend a license issued under this chapter if the holder has been certified pursuant to section 502 of this act by the department of social and health services as a person who is not in compliance with a child support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a written release issued by the department of social and health services stating that the person is in compliance with the child support order.

**NEW SECTION. Sec. 535.** A new section is added to chapter 18.170 RCW to read as follows:

**SECURITY GUARDS.** The director shall immediately suspend any license issued under this chapter if the holder has been certified pursuant to section 502 of this act by the department of social and health services as a person who is not in compliance with a child support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the director's receipt of a written release issued by the department of social and health services stating that the person is in compliance with the child support order.

**NEW SECTION. Sec. 536.** A new section is added to chapter 18.175 RCW to read as follows:

**ATHLETE AGENTS.** The director shall immediately suspend a certificate of registration issued under this chapter if the holder has been certified pursuant to section 502 of this act by the department of social and health services as a person who is not in compliance with a child support order. If the person has continued to meet all other requirements for certification during the suspension, reissuance of the certificate shall be automatic upon the director's receipt of a written release issued by the department of social and health services stating that the person is in compliance with the child support order.

**NEW SECTION. Sec. 537.** A new section is added to chapter 18.185 RCW to read as follows:

**BAIL BOND AGENTS.** The director shall immediately suspend any license issued under this chapter if the holder has been certified pursuant to section 502 of this act by the department of social and health services as a person who is not in compliance with a child support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the director's receipt of a written release issued by the department of social and health services stating that the person is in compliance with the child support order.

**Sec. 538.** RCW 43.20A.205 and 1989 c 175 s 95 are each amended to read as follows:

This section governs the denial of an application for a license or the suspension, revocation, or modification of a license by the department.

(1) The department shall give written notice of the denial of an application for a license to the applicant or his or her agent. The department shall give written notice of revocation, suspension, or modification of a license to the licensee or his or her agent. The notice shall state the reasons for the action. The notice shall be personally served in the manner of service of a summons in a civil action or shall be given in ~~((an other))~~ another manner that shows proof of receipt.

(2) Except as otherwise provided in this subsection and in subsection (4) of this section, revocation, suspension, or modification is effective twenty-eight days after the licensee or the agent receives the notice.

(a) The department may make the date the action is effective later than twenty-eight days after receipt. If the department does so, it shall state the effective date in the written notice given the licensee or agent.

(b) The department may make the date the action is effective sooner than twenty-eight days after receipt when necessary to protect the public health, safety, or welfare. When the department does so, it shall state the effective date and the reasons supporting the effective date in the written notice given to the licensee or agent.

(c) When the department has received certification pursuant to chapter 74.20A RCW from the division of child support that the licensee is a person who is not in compliance with a child support order, the department shall provide that the suspension is effective immediately upon receipt of the suspension notice by the licensee.

(3) Except for licensees suspended for noncompliance with a child support order under chapter 74.20A RCW, a license applicant or licensee who is aggrieved by a department denial, revocation, suspension, or modification has the right to an adjudicative proceeding. The proceeding is governed by the Administrative Procedure Act, chapter 34.05 RCW. The application must be in writing, state the basis for contesting the adverse action, include a copy of the adverse notice, be served on and received by the department within twenty-eight days of the license applicant's or licensee's receiving the adverse notice, and be served in a manner that shows proof of receipt.

(4)(a) If the department gives a licensee twenty-eight or more days notice of revocation, suspension, or modification and the licensee files an appeal before its effective date, the department shall not implement the adverse action until the final order has been entered. The presiding or reviewing officer may permit the department to implement part or all of the adverse action while the proceedings are pending if the appellant causes an unreasonable delay in the proceeding, if the circumstances change so that implementation is in the public interest, or for other good cause.

(b) If the department gives a licensee less than twenty-eight days notice of revocation, suspension, or modification and the licensee timely files a sufficient appeal, the department may implement the adverse action on the effective date stated in the notice. The presiding or reviewing officer may order the department to stay implementation of part or all of the adverse action while the proceedings are pending if staying implementation is in the public interest or for other good cause.

**Sec. 539.** RCW 43.70.115 and 1991 c 3 s 377 are each amended to read as follows:

This section governs the denial of an application for a license or the suspension, revocation, or modification of a license by the department. This section does not govern actions taken under chapter 18.130 RCW.

(1) The department shall give written notice of the denial of an application for a license to the applicant or his or her agent. The department shall give written notice of revocation, suspension, or modification of a license to the licensee or his or her agent. The notice shall state the reasons for the action. The notice shall be personally served in the manner of service of a summons in a civil action or shall be given in ~~(an other [another])~~ another manner that shows proof of receipt.

(2) Except as otherwise provided in this subsection and in subsection (4) of this section, revocation, suspension, or modification is effective twenty-eight days after the licensee or the agent receives the notice.

(a) The department may make the date the action is effective later than twenty-eight days after receipt. If the department does so, it shall state the effective date in the written notice given the licensee or agent.

(b) The department may make the date the action is effective sooner than twenty-eight days after receipt when necessary to protect the public health, safety, or welfare. When the department does so, it shall state the effective date and the reasons supporting the effective date in the written notice given to the licensee or agent.

(c) When the department has received certification pursuant to chapter 74.20A RCW from the department of social and health services that the licensee is a person who is not in compliance with a child support order, the department shall provide that the suspension is effective immediately upon receipt of the suspension notice by the licensee.

(3) Except for licensees suspended for noncompliance with a child support order under chapter 74.20A RCW, a license applicant or licensee who is aggrieved by a department denial, revocation, suspension, or modification has the right to an adjudicative proceeding. The proceeding is governed by the Administrative Procedure Act, chapter 34.05 RCW. The application must be in writing, state the basis for contesting the adverse action, include a copy of the adverse notice, be served on and received by the department within twenty-eight days of the license applicant's or licensee's receiving the adverse notice, and be served in a manner that shows proof of receipt.

(4)(a) If the department gives a licensee twenty-eight or more days notice of revocation, suspension, or modification and the licensee files an appeal before its effective date, the department shall not implement the adverse action until the final order has been entered. The presiding or reviewing officer may permit the department to implement part or all of the adverse action while the proceedings are pending if the appellant causes an unreasonable delay in the proceeding, if the circumstances change so that implementation is in the public interest, or for other good cause.

(b) If the department gives a licensee less than twenty-eight days notice of revocation, suspension, or modification and the licensee timely files a sufficient appeal, the department may implement the adverse action on the effective date stated in the notice. The presiding or reviewing officer may order the department to stay implementation of part or all of the adverse action while the proceedings are pending if staying implementation is in the public interest or for other good cause.

## **B. PARENTAL RESPONSIBILITY ENFORCEMENT PROGRAM**

**NEW SECTION. Sec. 540.** A new section is added to chapter 26.18 RCW to read as follows:

(1) If an obligor fails to comply with an order of support, the court shall order the obligor to:

- (a) Arrange a payment schedule and maintain support payments;
- (b) Participate in community service work at a minimum of one hundred hours per month; or
- (c) Imprisonment for the crime of family nonsupport under RCW 26.20.035.

(2) Persons ordered to comply with subsection (1) (b) or (c) of this section shall have their names and the fact of their failure to comply with an order of support published in a newspaper of general circulation in the county in which the court order is obtained under this section.

(3) Obligor who fail to pay child support in an amount equal to or greater than one year's aid to families with dependent children grant assistance for a family of three may be selected by the department for child support enforcement publicity purposes. The department may publish and distribute picture posters of such obligors, identifying them by name, and indicating the amount of child support owed and the amount in arrears.

**NEW SECTION. Sec. 541.** A new section is added to chapter 26.20 RCW to read as follows:

A person is guilty of predatory nonsupport if:

- (1) He or she is determined to be a parent for a second time under chapter 26.26 RCW;
- (2) The second or subsequent child is receiving public assistance under chapter 74.04, 74.09 or 74.12 RCW;
- (3) He or she fails to pay an obligation of support ordered under Title 26 RCW or chapter 74.04, 74.20 or 74.20A RCW; and
- (4) The second or subsequent child's other natural parent was, at the time of conception, under the age of eighteen.

A violation of this section is a gross misdemeanor. Any subsequent violation of this section by a person previously convicted of a violation of this section is a class C felony under chapter 9A.20 RCW.

**Sec. 542.** RCW 26.16.205 and 1990 1st ex. s. c 2 s 13 are each amended to read as follows:

The expenses of the family and the education of the children, including stepchildren and any child of whom their minor child is a biological parent, are chargeable upon the property of both husband and wife, or either of them, and they may be sued jointly or separately. When a petition for dissolution of marriage or a petition for legal separation is filed, the court may, upon motion of the stepparent, terminate

the obligation to support the stepchildren or children of the stepchildren. The obligation to support stepchildren and children of stepchildren shall cease upon the entry of a decree of dissolution, decree of legal separation, or death. The obligation of a husband and wife to support a child of their minor child terminates when their minor child reaches eighteen years of age, however, a stepparent's support obligation may be terminated earlier as provided for in this section.

**Sec. 543.** RCW 74.20A.020 and 1990 1st ex. s. c 2 s 15 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter and chapter 74.20 RCW shall have the following meanings:

- (1) "Department" means the state department of social and health services.
- (2) "Secretary" means the secretary of the department of social and health services, his designee or authorized representative.
- (3) "Dependent child" means any person:
  - (a) Under the age of eighteen who is not self-supporting, married, or a member of the armed forces of the United States; or
  - (b) Over the age of eighteen for whom a court order for support exists.
- (4) "Support obligation" means the obligation to provide for the necessary care, support, and maintenance, including medical expenses, of a dependent child or other person as required by statutes and the common law of this or another state.
- (5) "Child support order" means a superior court order or an administrative order.
- (6) "Superior court order" means any judgment, decree, or order of the superior court of the state of Washington, or a court of comparable jurisdiction of another state, establishing the existence of a support obligation and ordering payment of a set or determinable amount of support moneys to satisfy the support obligation. For purposes of RCW 74.20A.055, orders for support which were entered under the uniform reciprocal enforcement of support act by a state where the responsible parent no longer resides shall not preclude the department from establishing an amount to be paid as current and future support.

~~((6))~~ (7) "Administrative order" means any determination, finding, decree, or order for support pursuant to RCW 74.20A.055, or by an agency of another state pursuant to a substantially similar administrative process, establishing the existence of a support obligation and ordering the payment of a set or determinable amount of support moneys to satisfy the support obligation.

~~((7))~~ (8) "Responsible parent" means a natural parent, adoptive parent, or stepparent of a dependent child or a person who has signed an affidavit acknowledging paternity which has been filed with the state office of vital statistics and includes the parent of an unmarried minor with a child.

~~((8))~~ (9) "Stepparent" means the present spouse of the person who is either the mother, father, or adoptive parent of a dependent child, and such status shall exist until terminated as provided for in RCW 26.16.205.

~~((9))~~ (10) "Support moneys" means any moneys or in-kind providings paid to satisfy a support obligation whether denominated as child support, spouse support, alimony, maintenance, or any other such moneys intended to satisfy an obligation for support of any person or satisfaction in whole or in part of arrears or delinquency on such an obligation.

~~((10))~~ (11) "Support debt" means any delinquent amount of support moneys which is due, owing, and unpaid under a superior court order or an administrative order, a debt for the payment of expenses for the reasonable or necessary care, support, and maintenance, including medical expenses, of a dependent child or other person for whom a support obligation is owed; or a debt under RCW 74.20A.100 or 74.20A.270. Support debt also includes any accrued interest, fees, or penalties charged on a support debt, and attorneys fees and other costs of litigation awarded in an action to establish and enforce a support obligation or debt.

~~((11))~~ (12) "State" means any state or political subdivision, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

**NEW SECTION. Sec. 544.** A new section is added to chapter 74.12 RCW to read as follows:

The parents of an unmarried minor who has a child are responsible for the support of the minor and child. The unmarried minor and the minor's child shall be considered to be part of the household of the minor's parents or parent for purposes of determining eligibility for aid to families with dependent children; and as such, the income and resources of the entire household are considered to be available to support the unmarried minor and his or her child.

**Sec. 545.** RCW 13.34.160 and 1993 c 358 s 2 are each amended to read as follows:

(1) In an action brought under this chapter, the court may inquire into the ability of the parent or parents of the child to pay child support and may enter an order of child support as set forth in chapter 26.19 RCW. The court may enforce the same by execution, or in any way in which a court of equity may enforce its decrees. All child support orders entered pursuant to this chapter shall be in compliance with the provisions of RCW 26.23.050.

(2) For purposes of this section, if a dependent child's parent is an unmarried minor, then the parent or parents of the minor shall also be deemed a parent or parents of the dependent child. However, liability for child support under this subsection only exists if the parent or parents of the unmarried minor parent are provided the opportunity for a hearing on their ability to provide support. Any child support order requiring such a parent or parents to provide support for the minor parent's child may be effective only until the minor parent reaches eighteen years of age.

### C. CHILD CARE ZONING

**NEW SECTION. Sec. 546.** A new section is added to chapter 36.70 RCW to read as follows:

No county may enact, enforce, or maintain an ordinance, development regulation, zoning regulation, or official control, policy, or administrative practice which prohibits the use of a residential dwelling, located in an area zoned for residential or commercial use, as a family day-care provider's home facility.

A county may require that the facility: (1) Comply with all building, fire, safety, health code, and business licensing requirements; (2) conform to lot size, building size, setbacks, and lot coverage standards applicable to the zoning district except if the structure is a legal nonconforming structure; (3) is certified by the state office of child care policy licensor as providing a safe passenger loading area; (4) include signage, if any, that conforms to applicable regulations; and (5) limit hours of operations to facilitate neighborhood compatibility, while also providing appropriate opportunity for persons who use family day-care and who work a nonstandard work shift.

A county may also require that the family day-care provider, before state licensing, require proof of written notification by the provider that the immediately adjoining property owners have been informed of the intent to locate and maintain such a facility. If a dispute arises between neighbors and the family day-care provider over licensing requirements, the licensor may provide a forum to resolve the dispute.

Nothing in this section shall be construed to prohibit a county from imposing zoning conditions on the establishment and maintenance of a family day-care provider's home in an area zoned for residential or commercial use, so long as such conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone and the establishment of such facilities is not precluded. As used in this section, "family day-care provider" is as defined in RCW 74.15.020.

**Sec. 547.** RCW 36.70A.450 and 1995 c 49 s 3 are each amended to read as follows:

No city or county that plans or elects to plan under this chapter may enact, enforce, or maintain an ordinance, development regulation, zoning regulation, or official control, policy, or administrative practice which prohibits the use of a residential dwelling, located in an area zoned for residential or commercial use, as a family day-care provider's home facility.

A city or county may require that the facility: (1) Comply with all building, fire, safety, health code, and business licensing requirements; (2) conform to lot size, building size, setbacks, and lot coverage standards applicable to the zoning district except if the structure is a legal nonconforming structure; (3) is certified by the (~~office of child-care policy licensor~~) department of social and health services as providing a safe passenger loading area; (4) include signage, if any, that conforms to applicable regulations; and (5) limit hours of operations to facilitate neighborhood compatibility, while also providing appropriate opportunity for persons who use family day-care and who work a nonstandard work shift.

A city or county may also require that the family day-care provider, before state licensing, require proof of written notification by the provider that the immediately adjoining property owners have been informed of the intent to locate and maintain such a facility. If a dispute arises between neighbors and the family day-care provider over licensing requirements, the licensor may provide a forum to resolve the dispute.

Nothing in this section shall be construed to prohibit a city or county that plans or elects to plan under this chapter from imposing zoning conditions on the establishment and maintenance of a family day-care provider's home in an area zoned for residential or commercial use, so long as such conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone and the establishment of such facilities is not precluded. As used in this section, "family day-care provider" is as defined in RCW 74.15.020.

**NEW SECTION. Sec. 548.** A new section is added to chapter 74.15 RCW to read as follows:

(1) A family day-care provider's home shall be a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single-family dwellings. No town, city, or county shall enact or enforce zoning ordinances prohibiting the use of a residential dwelling, located in an area zoned for residential or commercial use, as a family day-care provider's home facility.

(2) A town, city, or county may impose zoning conditions on the establishment and maintenance of a family day-care provider's home in an area zoned for residential or commercial use, provided that such conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone.

#### **PART VI. WELFARE-TO-WORK EFFECTIVENESS STUDIES**

**NEW SECTION. Sec. 601.** A new section is added to chapter 44.28 RCW to read as follows:

**WELFARE-TO-WORK PROGRAMS STUDY.** (1) The legislative budget committee shall conduct an evaluation of the effectiveness of the welfare-to-work programs described in chapter . . . , Laws of 1996 (this act), including the job opportunities and basic skills training program, the tax incentive program, and any approved private, county, or local government welfare-to-work programs. The evaluation shall assess the success of the programs in assisting clients to become employed and to reduce their use of aid to families with dependent children. The study shall include but not be limited to the following:

(a) A random assignment of clients to public agencies and private contractors to assess the effectiveness of program services provided by public and private contractors;

(b) An assessment of employment outcomes, including hourly wages, hours worked, and total earnings, for clients;

(c) A comparison of aid to families with dependent children outcomes, including grant amounts and program exits, for clients;

(d) A cost-benefit analysis of the use of public and private contractors;

(e) An audit of the performance-based contract for each private nonprofit contractor for job opportunities and basic skills training program services; and

(f) An assessment of the extent to which recipients who are heads of households may be affected by a learning disability that prevents high school completion or impairs employability. For the purposes of this study, "learning disabilities" are defined as a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language that prevents the person from achieving commensurate with his or her age and ability levels in one or more of the areas listed in this subsection, when provided with appropriate learning or training experiences. Such disorder may include problems in visual or auditory perception and integration and may manifest itself in an impaired ability to listen, think, speak or communicate clearly, read with comprehension, write legibly and with meaning, spell, and accurately perform mathematical calculations, including those involving reading. The presence of a specific learning disability is indicated by intellectual function above that specified by the Washington administrative code for special education for eligibility as mentally retarded and by a severe discrepancy between the person's intellectual ability and academic or career achievement in one or more of the following areas:

(i) Oral expression;

(ii) Listening comprehension;

(iii) Written expression;

(iv) Basic reading skills;

(v) Reading comprehension;

(vi) Mathematics calculations; and

(vii) Mathematics reasoning.

Such performance deficit cannot be explained by visual, or hearing, or motor disabilities, mental retardation, behavioral disability or environmental, cultural, or economic disadvantage. A specific learning disability includes conditions described as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, dysgraphia, and developmental aphasia.

(2) Administrative data shall be provided by the department of social and health services, the employment security department, the state board for community and technical colleges, and local government providers, and private contractors. The department of social and health services shall require contractors to provide administrative and outcome data needed for this study.

(3) Additional data may be collected directly from clients if not available from administrative records.

(4) The legislative budget committee shall report its findings to the governor and the appropriate standing committees of the legislature by October 30, 1999, and shall provide annual reports thereafter until October 30, 2002.

**NEW SECTION. Sec. 602.** A new section is added to chapter 44.28 RCW to read as follows:

**TIME LIMIT OUTCOME STUDY.** The legislative budget committee shall conduct an evaluation of the effects of time limits on recipients of aid to families with dependent children grant assistance, both generally and in Washington state. The legislative budget committee, in consultation with the Washington institute for public policy, shall work in consultation and cooperation with a focus group comprised of the welfare policy committee described in section 603 of this act, as well as representatives from the governor's office, and other interested parties. The focus group shall begin meeting with the legislative budget committee no later than January 1997, and periodically thereafter as needed. The study shall include, but not be limited to, reports to the legislature regarding the following:

(1) By December 1997, a summary of data and preliminary evaluations of the effects of time limits in a sampling of at least five other jurisdictions in which two-year time limits were enacted and in effect by 1995. This summary shall include publicly available governmental and scholarly reports and evaluations regarding the effects of time limits, from government agencies, universities, and public policy institutes.

(2) By December 1998, a detailed, updated summary of the effects of time limits on the aid to families with dependent children population in a state identified in subsection (1) of this section as having families for which the time limits have run and for which outcome data is available.

(3) By December 1999, and annually through December 2003, an updated summary of the other jurisdictions being tracked in subsections (1) and (2) of this section and an evaluation of the preliminary and subsequent effects of Washington state time limits on Washington state aid to families with dependent children recipients. The Washington state study shall include: A cost-benefit analysis of the

effect of time limits on caseloads for aid to families with dependent children, cross-comparing caseload reductions, if any, in aid to families with dependent children with caseload increases, if any, in the foster care and child protective services caseloads. The Washington study shall focus on the outcomes to families whose benefits are decreased or discontinued as a direct result of time limits, including information regarding relative changes in their income status, changes in residence, and the extent to which their family resources may be supplemented by private, nonprofit, religious, or charitable organizations.

**NEW SECTION. Sec. 603.** A new section is added to chapter 74.04 RCW to read as follows:

**WELFARE POLICY COMMITTEE.** Beginning no later than January 1999, the welfare policy committee shall convene to consider the study specified in section 602 of this act. The welfare policy committee shall consist of two members of the senate, one from each party, two members of the house, one from each party, and two representatives from service or charitable organizations, appointed by the governor. The welfare policy committee shall make any legislative recommendations it may choose to the legislature by December 2000, and annually each December thereafter until 2003, in the form of proposed legislation. Such proposed legislation shall contain revisions to state law regarding aid to families with dependent children. The goal of the revisions shall be to promote independence from welfare, while minimizing any adverse effect of time limits on children in poverty. In December 2005, the welfare policy committee shall terminate.

## **PART VII. MISCELLANEOUS**

**NEW SECTION. Sec. 701.** A new section is added to chapter 74.13 RCW to read as follows:

(1) The department shall operate an employment child care program for low-income working parents who are not receiving aid to families with dependent children.

(2) Families with gross income at or below thirty-eight percent of state median income adjusted for family size are eligible for employment child care subsidies with a minimum copayment. Families with gross income above thirty-eight percent and at or below fifty-two percent of the state median income adjusted for family size are eligible for an employment child care subsidy with a calculated copayment.

(3) The department shall provide a priority for recent recipients of aid to families with dependent children who are within twelve weeks of losing their transitional child care benefits.

(4) The department shall provide employment child care subsidies for families meeting eligibility standards under this section, within funds appropriated by the legislature for this purpose.

**NEW SECTION. Sec. 702.** The following acts or parts of acts are each repealed:

(1) RCW 74.08.120 and 1992 c 108 s 2, 1987 c 75 s 39, 1981 1st ex. s. c 6 s 15, 1981 c 8 s 12, 1979 c 141 s 326, 1969 ex. s. c 259 s 1, 1969 ex. s. c 159 s 1, 1965 ex. s. c 102 s 1, & 1959 c 26 s 74.08.120;

(2) RCW 74.08.125 and 1993 c 22 s 1 & 1992 c 108 s 3;

(3) RCW 74.12.420 and 1994 c 299 s 9; and

(4) RCW 74.12.425 and 1994 c 299 s 10.

**NEW SECTION. Sec. 703.** Part headings, captions, and the table of contents used in this act do not constitute any part of the law.

**NEW SECTION. Sec. 704.** Sections 203 through 205 of this act shall constitute a new chapter in Title 82 RCW.

**NEW SECTION. Sec. 705.** Sections 206 through 208 of this act shall constitute a new chapter in Title 74 RCW.

**NEW SECTION. Sec. 706.** The governor and the department of social and health services shall seek all necessary exemptions and waivers from and amendments to federal statutes, rules, and regulations and shall report to the appropriate committees in the house of representatives and senate quarterly on the efforts to secure the federal changes to permit full implementation of this act at the earliest possible date.

**NEW SECTION. Sec. 707.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

**NEW SECTION. Sec. 708.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 709.** This act shall take effect July 1, 1996."

On motion of Senator Quigley, the following amendment by Senators Quigley and Rinehart to the Committee on Ways and Means striking amendment was adopted:

On page 54, after line 6 of the Ways and Means Committee amendment, insert the following:

**"NEW SECTION. Sec. 702.** A new section is added to chapter 74.04 RCW to read as follows:

The department of social and health services shall provide assistance under the general assistance to children program to needy families with legal immigrants permanently residing in the United States under color of law who are not eligible for aid to families with dependent children benefits solely due to their immigration status. Assistance to needy families shall be in the same amount as benefits under the aid to families with dependent children program. The families must be otherwise eligible for aid to families with dependent children, including consideration of the income of the immigrant's sponsor."

Renumber the sections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Engrossed Fourth Substitute House Bill No. 1481.

The Committee on Ways and Means striking amendment, as amended, was adopted.

## **MOTIONS**

On motion of Senator Quigley, the following title amendments were considered simultaneously and adopted:

On page 1, line 4 of the title, after "benefits;" strike the remainder of the title and insert "amending RCW 74.12.255, 74.25.010, 74.25.020, 46.20.291, 46.20.311, 18.04.335, 18.11.160, 18.27.060, 18.39.181, 18.46.050, 18.96.120, 18.104.110, 18.130.050, 18.130.150, 18.160.080, 43.20A.205, 43.70.115, 26.16.205, 74.20A.020, 13.34.160, and 36.70A.450; adding new sections to chapter 74.12 RCW; adding new sections to chapter 74.20A RCW; adding a new section to chapter 48.22 RCW; adding a new section to chapter 2.48 RCW; adding a new section to chapter 18.04 RCW; adding a new section to chapter 18.08 RCW; adding a new section to chapter 18.16 RCW; adding a new section to chapter 18.20 RCW; adding a new section to chapter 18.28 RCW; adding a new section to chapter 18.39 RCW; adding a new section to chapter 18.43 RCW; adding a new section to chapter 18.44 RCW; adding a new section to chapter 18.51 RCW; adding a new section to chapter 18.76 RCW; adding a new section to chapter 18.85 RCW; adding a new section to chapter 18.106 RCW; adding a new section to chapter 18.130 RCW; adding a new section to chapter 18.140 RCW; adding a new section to chapter 18.145 RCW; adding a new section to chapter 18.165 RCW; adding a new section to chapter 18.170 RCW; adding a new section to chapter 18.175 RCW; adding a new section to chapter 18.185 RCW; adding a new section to chapter 26.18 RCW; adding a new section to chapter 26.20 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 74.15 RCW; adding new sections to chapter 44.28

RCW; adding a new section to chapter 74.04 RCW; adding a new section to chapter 74.13 RCW; adding a new chapter to Title 82 RCW; adding a new chapter to Title 74 RCW; creating new sections; repealing RCW 74.08.120, 74.08.125, 74.12.420, and 74.12.425; prescribing penalties; and providing an effective date."

On page 55, line 34 of the Ways and Means Committee title amendment, strike "a new section" and insert "new sections"

On motion of Senator Quigley, the rules were suspended, Engrossed Fourth Substitute House Bill No. 1481, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

#### MOTION

On motion of Senator Anderson, Senator McCaslin was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Fourth Substitute House Bill No. 1481, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Fourth Substitute House Bill No. 1481, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Loveland, McAuliffe, Morton, Moyer, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Winsley, Wojahn and Wood - 31.

Voting nay: Senators Anderson, A., Cantu, Hochstatter, Johnson, Kohl, Long, McDonald, Newhouse, Pelz, Roach, Schow, Sellar, Strannigan, Thibaudeau, West and Zarelli - 16.

Excused: Senators Haugen and McCaslin - 2.

ENGROSSED FOURTH SUBSTITUTE HOUSE BILL NO. 1481, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Anderson, Senators West and Wood were excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2186, by House Committee on Health Care (originally sponsored by Representatives Dyer, Cody, Dickerson, L. Thomas, Quall, Carlson and Cooke)

Establishing long-term care benefits for public employees.

The bill was read the second time.

#### MOTIONS

On motion of Senator Quigley, the following Committee on Health and Long-Term Care amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.05.065 and 1995 1st sp.s. c 6 s 5 are each amended to read as follows:

(1) The board shall study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any of, or a combination of, the enumerated types of insurance for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state. However, liability insurance shall not be made available to dependents.

(2) The board shall develop employee benefit plans that include comprehensive health care benefits for all employees. In developing these plans, the board shall consider the following elements:

(a) Methods of maximizing cost containment while ensuring access to quality health care;

(b) Development of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems and prospective payment methods;

(c) Wellness incentives that focus on proven strategies, such as smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education;

(d) Utilization review procedures including, but not limited to a cost-efficient method for prior authorization of services, hospital inpatient length of stay review, requirements for use of outpatient surgeries and second opinions for surgeries, review of invoices or claims submitted by service providers, and performance audit of providers;

(e) Effective coordination of benefits;

(f) Minimum standards for insuring entities; and

(g) Minimum scope and content of public employee benefit plans to be offered to enrollees participating in the employee health benefit plans. To maintain the comprehensive nature of employee health care benefits, employee eligibility criteria related to the number of hours worked and the benefits provided to employees shall be substantially equivalent to the state employees' health benefits plan and eligibility criteria in effect on January 1, 1993. Nothing in this subsection (2)(g) shall prohibit changes or increases in employee point-of-service payments or employee premium payments for benefits.

(3) The board shall design benefits and determine the terms and conditions of employee participation and coverage, including establishment of eligibility criteria.

(4) The board may authorize premium contributions for an employee and the employee's dependents in a manner that encourages the use of cost-efficient managed health care systems.

(5) Employees shall choose participation in one of the health care benefit plans developed by the board and may be permitted to waive coverage under terms and conditions established by the board.

(6) The board shall review plans proposed by insuring entities that desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by insuring entities holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall promulgate rules setting forth criteria by which it shall evaluate the plans.

(7) Before January 1, 1998, the public employees' benefits board shall make available one or more fully insured long-term care insurance plans that comply with the requirements of chapter 48.84 RCW. Such programs shall be made available to eligible employees, retired employees, and retired school

employees as well as eligible dependents which, for the purpose of this section, includes the parents of the employee or retiree and the parents of the spouse of the employee or retiree. Employees of local governments and employees of political subdivisions not otherwise enrolled in the public employees' benefits board sponsored medical programs may enroll under terms and conditions established by the administrator, if it does not jeopardize the financial viability of the public employees' benefits board's long-term care offering.

(a) Participation of eligible employees or retired employees and retired school employees in any long-term care insurance plan made available by the public employees' benefits board is voluntary and shall not be subject to binding arbitration under chapter 41.56 RCW. Participation is subject to reasonable underwriting guidelines and eligibility rules established by the public employees' benefits board and the health care authority.

(b) The employee, retired employee, and retired school employee are solely responsible for the payment of the premium rates developed by the health care authority. The health care authority is authorized to charge a reasonable administrative fee in addition to the premium charged by the long-term care insurer, which shall include the health care authority's cost of administration, marketing, and consumer education materials prepared by the health care authority and the office of the insurance commissioner.

(c) To the extent administratively possible, the state shall establish an automatic payroll or pension deduction system for the payment of the long-term care insurance premiums.

(d) The public employees' benefits board and the health care authority shall establish a technical advisory committee to provide advice in the development of the benefit design and establishment of underwriting guidelines and eligibility rules. The committee shall also advise the board and authority on effective and cost-effective ways to market and distribute the long-term care product. The technical advisory committee shall be comprised, at a minimum, of representatives of the office of the insurance commissioner, providers of long-term care services, licensed insurance agents with expertise in long-term care insurance, employees, retired employees, retired school employees, and other interested parties determined to be appropriate by the board.

(e) The health care authority shall offer employees, retired employees, and retired school employees the option of purchasing long-term care insurance through licensed agents or brokers appointed by the long-term care insurer. The authority, in consultation with the public employees' benefits board, shall establish marketing procedures and may consider all premium components as a part of the contract negotiations with the long-term care insurer.

(f) In developing the long-term care insurance benefit designs, the public employees' benefits board shall include an alternative plan of care benefit, including adult day services, as approved by the office of the insurance commissioner.

(g) The health care authority, with the cooperation of the office of the insurance commissioner, shall develop a consumer education program for the eligible employees, retired employees, and retired school employees designed to provide education on the potential need for long-term care, methods of financing long-term care, and the availability of long-term care insurance products including the products offered by the board.

(h) By December 1998, the health care authority, in consultation with the public employees' benefits board, shall submit a report to the appropriate committees of the legislature, including an analysis of the marketing and distribution of the long-term care insurance provided under this section."

On motion of Senator Quigley, the following title amendment was adopted:

On page 1, line 1 of the title, after "employees;" strike the remainder of the title and insert "and amending RCW 41.05.065."

#### MOTION

On motion of Senator Quigley, the rules were suspended, Substitute House Bill No. 2186, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2186, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2186, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, Winsley and Wojahn - 29.

Voting nay: Senators Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prince, Schow, Sellar, Strannigan, Swecker and Zarelli - 18.

Excused: Senators West and Wood - 2.

SUBSTITUTE HOUSE BILL NO. 2186, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

THIRD SUBSTITUTE HOUSE BILL NO. 1381, by House Committee on Government Operations (originally sponsored by Representatives Dyer, Brumsickle, Patterson, Campbell, Brown, Hankins, Chopp, Schoesler, Romero, Chandler, Robertson, Mitchell, G. Fisher, Sheahan, Poulsen, Thibaudeau, H. Sommers, Kessler, Mielke, Honeyford, Kremen, Wolfe, Boldt and Conway)

Sharing leave and personal holiday time.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Third Substitute House Bill No. 1381 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Third Substitute House Bill No. 1381.

#### ROLL CALL

The Secretary called the roll on the final passage of Third Substitute House Bill No. 1381 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 43.

Voting nay: Senators Cantu, Deccio, Finkbeiner, McDonald and Morton - 5.

Excused: Senator West - 1.

THIRD SUBSTITUTE HOUSE BILL NO. 1381, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2191, by House Committee on Appropriations (originally sponsored by Representatives Cooke, Ogden, Carlson, Sehlin, H. Sommers, Dickerson, Conway and Kessler) (by request of Joint Committee on Pension Policy)

Creating a retirement option for certain fire fighters.

The bill was read the second time.

#### MOTION

On motion of Senator Drew, the rules were suspended, Substitute House Bill No. 2191 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2191.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2191 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 2; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 45.

Voting nay: Senator Cantu - 1.

Absent: Senators Schow and Snyder - 2.

Excused: Senator West - 1.

SUBSTITUTE HOUSE BILL NO. 2191, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1990, by House Committee on Appropriations (originally sponsored by Representatives Robertson, Chappell and Delvin)

Providing minimum retirement benefits.

The bill was read the second time.

#### MOTIONS

On motion of Senator Bauer, the following amendment by Senators Bauer and Long was adopted:

On page 2, after line 3, insert the following:

"NEW SECTION. Sec. 2. The joint committee on pension policy shall study the benefits provided to surviving spouses of retirees of the Washington state patrol retirement system and shall report to the fiscal committees of the legislature by January 1997."

On motion of Senator Bauer, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, strike "and"

On page 1, line 2 of the title, after "43.43.277" insert "; and creating a new section"

#### MOTION

On motion of Senator Bauer, the rules were suspended, Substitute House Bill No. 1990, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1990, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1990, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1990, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2579, by House Committee on Law and Justice (originally sponsored by Representatives Costa, Ballasiotes, Radcliff, Sheahan, Romero, Dellwo, Chopp, Murray, Robertson, Hickel, Mitchell, Cooke, Conway and Cody)

Consolidating and enhancing services for victims of sexual abuse.

The bill was read the second time.

#### MOTION

On motion of Senator Franklin, the rules were suspended, Substitute House Bill No. 2579 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2579.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2579 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Absent: Senator Hargrove - 1.

SUBSTITUTE HOUSE BILL NO. 2579, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2727, by House Committee on Transportation (originally sponsored by Representatives K. Schmidt and Blanton)

Establishing a state infrastructure bank.

The bill was read the second time.

#### MOTION

On motion of Senator Heavey, the rules were suspended, Substitute House Bill No. 2727 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2727.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2727 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2727, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2875, by House Committee on Agriculture and Ecology (originally sponsored by Representative Chandler)

Creating the Puget Sound management team.

The bill was read the second time.

#### MOTION

Senator Fraser moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. INTENT. The legislature finds that since its creation in 1985, the Puget Sound water quality authority has been largely successful in adopting a comprehensive management plan for the restoration and long-term protection of Puget Sound, which is the principal guiding document for the coordination and strengthening of programs by local governments, the private sector, and federal and state agencies. The authority has continually revised the plan to reflect new information regarding the water quality and other environmental conditions of Puget Sound, and to respond to changing state and federal funding and programmatic requirements. The legislature finds that increased emphasis should now be placed upon implementing the plan, upon assisting those primarily responsible for implementing the plan, upon the long-term monitoring of Puget Sound's environmental conditions, and upon measuring progress in the overall implementation of the management plan.

Sec. 2. RCW 90.70.001 and 1985 c 451 s 1 are each amended to read as follows:

FINDINGS--POLICY. The legislature finds that Puget Sound and related inland marine waterways of Washington state represent a unique and unparalleled resource. A rich and varied range of marine organisms, composing an interdependent, sensitive communal ecosystem reside in these sheltered waters. The legislature finds that Puget Sound is a gift of nature, central to the quality of life of all Washington citizens.

Residents of this region enjoy a way of life centered around the waters of Puget Sound, featuring accessible recreational opportunities, world-class port facilities and water transportation systems, harvest of marine food resources, shoreline-oriented life styles, water-dependent industries, tourism, irreplaceable aesthetics and other activities, all of which to some degree depend upon a clean and healthy marine resource.

~~((The legislature further finds that the consequences of careless husbanding of this resource have been dramatically illustrated in inland waterways associated with older and more extensively developed areas of the nation. Recent reports concerning degradation of water quality within this region's urban embayments raise alarming possibilities of similar despoliation of Puget Sound and other state waterways. These examples emphasize that the costs of restoration of aquatic resources, where such restoration is possible, greatly exceed the costs of responsible preservation.~~

~~The legislature declares that utilization of the Puget Sound resource carries a custodial obligation for preserving it. The people of the state have the unique opportunity to preserve this gift of nature, an understanding of the results of inattentive stewardship, the technical knowledge needed for control of degradation, and the obligation to undertake such control.)~~

The legislature further finds that the large number of governmental entities that now affect the ~~((water quality))~~ health of Puget Sound have diverse interests and limited jurisdictions which cannot adequately address the cumulative, wide-ranging impacts which contribute to the degradation of Puget Sound. ~~((It is therefore the policy of the state of Washington to create a single entity with adequate resources to develop a comprehensive plan for water quality protection in Puget Sound to be implemented by existing state and local government agencies.))~~

These entities can benefit by better coordination among themselves with state agencies and citizen organizations, and efficiencies of effort can be obtained from such coordination. Further, the legislature finds that positive incentives and technical assistance can foster a cooperative spirit that will lead to better protection of Puget Sound.

It is therefore the policy of the state of Washington that protection of Puget Sound, including continued economic and recreational uses, can be best achieved by establishing an entity to periodically revise the Puget Sound water quality management plan, and to focus its efforts on helping other state and federal agencies, local and tribal governments, businesses, and citizen organizations to implement the plan. The legislature declares that this entity, in its planning activity, shall foster coordinated research and education efforts, identify efficiencies and positive incentives that promote implementation of the plan, and provide technical assistance to state and federal agencies, local and tribal governments, and citizen organizations in their activities to implement the plan.

It is further the policy of the state of Washington to coordinate the activities of state and local agencies by establishing a biennial work plan that clearly delineates state and local actions necessary to protect and restore the biological health and diversity of Puget Sound.

Sec. 3. RCW 90.70.005 and 1985 c 451 s 2 are each amended to read as follows:

DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Authority" means the Puget Sound water quality authority.

(2) "Chair" means the presiding officer of the Puget Sound water quality authority.

(3) "Council" means the Puget Sound interagency advisory council created by section 6 of this act.

(4) "Plan" means the Puget Sound water quality management plan.

~~((4))~~ (5) "Puget Sound" means all salt waters of the state of Washington inside the international boundary line between the state of Washington and the province of British Columbia, lying east of one hundred twenty-three degrees, twenty-four minutes west longitude.

(6) "Local plans" means local watershed action plans developed pursuant to chapter 400-12 WAC.

(7) "Work plan" means the work plan and budget developed by the authority.

Sec. 4. RCW 90.70.011 and 1990 c 115 s 2 are each amended to read as follows:

AUTHORITY--MEMBERSHIP. (1) There is established the Puget Sound water quality authority composed of eleven members.

~~((Nine members shall be appointed by the governor and confirmed by the senate. In addition, the commissioner of public lands or the commissioner's designee and the director of ecology or the director's designee shall serve as ex officio members. Three of the members shall include a representative from the counties, a representative from the cities, and a tribal representative. The director of ecology shall be chair of the authority. In making these appointments, the governor shall seek to include representation of the variety of interested parties concerned about Puget Sound water quality. Of the appointed members, at least one shall be selected from each of the six congressional districts surrounding Puget Sound.))~~ Nine members shall be appointed by the governor and confirmed by the senate. In making these appointments,

the governor shall include representation from business, the environmental community, agriculture, the shellfish industry, counties, cities, and the tribes. The representative of counties and the representative of cities shall be a current or former elected city or county official. One member shall be a member of the senate selected by the president of the senate and one member shall be a member of the house of representatives selected by the speaker of the house of representatives. The legislative members shall be nonvoting members of the authority. Appointments to the authority shall reflect geographical balance and the diversity of population within the Puget Sound basin. Members shall serve four-year terms. Of the initial members appointed to the authority, two shall serve for two years, two shall serve for three years, and two shall serve for four years. Thereafter members shall be appointed to four-year terms. Members representing cities, counties, and the

tribes shall also serve four-year staggered terms, as determined by the governor. Vacancies shall be filled by appointment in the same manner as the original appointment for the remainder of the unexpired term of the position being vacated. ~~((The executive director of the authority shall be selected by the governor and shall serve at the pleasure of the governor. The executive director shall not be a member of the authority.~~

~~(2))~~ Members shall be compensated as provided in RCW 43.03.250. Members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members shall be reimbursed as provided in RCW 44.04.120.

~~(2) The executive director of the authority shall be selected by the governor and shall serve at the pleasure of the governor. The executive director shall not be a member of the authority.~~

~~(3) The executive director of the authority shall be a full-time employee responsible for the administration of all functions of the authority, including hiring and terminating staff, budget preparation, contracting, coordinating with the governor, the legislature, and other state and local entities, and the delegation of responsibilities as deemed appropriate. The salary of the executive director shall be fixed by the governor, subject to RCW 43.03.040.~~

~~(4) ((The authority shall prepare a budget and a work plan.~~

~~(5))~~ Not more than four employees of the authority may be exempt from the provisions of chapter 41.06 RCW.

~~((6))~~ ~~(5) The executive director and staff of the authority shall be located in the Olympia area, as space becomes available. The department of general administration shall house the authority within the department of ecology.~~

NEW SECTION. Sec. 5. A new section is added to chapter 90.70 RCW to read as follows:

CHAIR. (1) The authority shall select a chair, who shall perform such duties and perform them for such period as the authority determines.

(2) Beginning in December 1998, and every two years thereafter, the authority shall submit a report to the appropriate policy and fiscal committees of the legislature. The report shall:

(a) Describe and evaluate the successes and shortcomings of the current work plan relative to the priority problems identified for each geographic area of Puget Sound;

(b) Describe the priority problems and actions proposed for inclusion into the next biennium's work plan for each geographic area of Puget Sound, including a description of new and ongoing activities and a breakdown of the costs of each activity, by geographic area;

(c) Describe how the work plan responds to the evaluation required under (a) of this subsection; and

(d) Describe any proposed amendments to the Puget Sound management plan.

NEW SECTION. Sec. 6. A new section is added to chapter 90.70 RCW to read as follows:

PUGET SOUND INTERAGENCY ADVISORY COUNCIL. (1) The Puget Sound interagency advisory council is created. The council shall consist of: The directors of the departments of ecology; agriculture; natural resources; fish and wildlife; and community, trade, and economic development; the secretaries of the departments of health and transportation; the director of the parks and recreation commission; the director of the interagency committee for outdoor recreation; the administrative officer of the conservation commission designated in RCW 89.08.050; the president of the University of Washington; and the president of the Washington State University. The governor shall appoint the chair of the council, who may be a staff person in the governor's office or a council member designated under this subsection. Members of the council may designate a person to act for them on the council, except that each member shall participate in the annual summit required by subsection (3) of this section. The university presidents may designate members of the sciences faculties to act as their designees on the council.

(2) The council shall convene periodically at the request of the authority to provide recommendations for improving state agency coordination and setting of priorities in plan implementation, and for improving the integration of the Puget Sound plan with other state agency programs, plans, and activities that relate to the biological health and diversity of Puget Sound.

(3) In addition to the periodic meetings under subsection (2) of this section, the council shall convene an annual summit of the council in conjunction with a meeting of the authority to address improving state agency coordination and participation in activities identified by the work plan for state agency implementation. The council shall obtain public comments at the summit to assist the council and authority in making these improvements.

(4) On or before January 1, 1997, the council, with the assistance of the authority, shall review the need for additional state assistance in the development and implementation of plans for the protection of the state's marine waters other than Puget Sound, including technical and financial assistance, and the development of comprehensive ambient monitoring programs. The review shall include assessment of the need for a state coordination mechanism or entity for this purpose. The council shall consult with local governments and other interested parties in areas adjacent to the state's marine waters in conducting the review. The council shall provide a report of its review and recommendations to the governor and the appropriate committees of the legislature by January 1, 1997.

Sec. 7. RCW 90.70.025 and 1985 c 451 s 5 are each amended to read as follows:

DUTIES. In order to carry out its responsibilities under this chapter, the authority may:

~~(1) ((Develop interim proposals and recommendations, before the plan is adopted, concerning the elements identified in RCW 90.70.060;~~

~~(2))~~ Enter into, amend, and terminate contracts with individuals, corporations, or research institutions for the purposes of this chapter;

~~((3))~~ (2) Receive such gifts, grants, and endowments, in trust or otherwise, for the use and benefit of the purposes of the authority. The authority may expend the same or any income therefrom according to the terms of the gifts, grants, or endowments;

~~((4))~~ (3) Conduct studies and research relating to Puget Sound water quality;

~~((5))~~ (4) Obtain information relating to Puget Sound from other state and local agencies;

~~((6))~~ (5) Conduct appropriate public hearings, solicit extensive public participation, and otherwise seek to broadly disseminate information concerning Puget Sound;

~~((7))~~ (6) Receive and expend funding from other public agencies;

(7) Establish priorities for funding the implementation of the plan;

(8) ~~((Prepare a biennial budget request for consideration by the governor and the legislature; and~~

~~(9))~~ Adopt rules under chapter 34.05 RCW as it deems necessary for the purposes of this chapter; and

(9) Sponsor an annual conference or workshop where all interested parties will have the opportunity to share information about the status of efforts to protect and restore Puget Sound and make recommendations for future actions to protect and restore Puget Sound.

Sec. 8. RCW 90.70.055 and 1990 c 115 s 4 are each amended to read as follows:

The authority shall:

(1) ~~((Prepare and adopt a))~~ Serve the needs of state, local, and tribal governments and agencies in implementing the plan in a coordinated and timely manner by:

(a) Providing technical assistance to state, local, and tribal governments and agencies in the design, funding, and implementation of water quality programs and projects;

(b) Assisting state, local, and tribal governments and agencies to implement the plan in ways that are consistent with other planning, regulatory, and capital facility requirements;

(c) Encouraging and assisting in the development of local comprehensive strategies for water quality and watershed health that are consistent with the goals of the plan;

(d) Seeking incentives for the development of local comprehensive water quality and watershed health strategies that support the plan by advocating for federal and state financial assistance and for flexibility in federal and state regulatory requirements to allow implementation of local strategies; and

(e) Providing dispute resolution and mediation services between public agencies and between public and private entities to achieve coordinated implementation of the plan;

(2) ~~Revise on an ongoing basis the comprehensive Puget Sound water quality management plan (as defined in RCW 90.70.060) adopted by the authority in May 1994. In preparing the plan and any substantial revisions to the plan, the authority shall consult with its advisory (committee or) committees (and); appropriate federal, state, and local agencies (The authority shall also solicit extensive participation by the public by whatever means it finds appropriate, including public hearings throughout communities bordering or near Puget Sound, dissemination of information through the news media, public notices, and mailing lists, and the organization of workshops, conferences, and seminars); tribal governments; and private interests;~~

~~((2) During the plan's initial development and any subsequent revisions, submit annual progress reports on plan revisions and implementation to the governor and the legislature.))~~

(3) ~~((Submit the plan to the governor and the legislature no later than January 1, 1987. The authority shall) Review the plan at least every ((four) six years and revise the plan, as deemed appropriate (and shall submit the plan by July 1, 1994)). A revised plan shall be submitted to the governor and the legislature by July 1, 2000, and every ((four) six years thereafter;~~

(4) Prepare a biennial "state of the Sound" report and submit such report to the governor, the legislature, and the state agencies and local governments identified in the plan. Copies of the report shall be made available to the public. The report shall describe the current condition of water quality and related resources in Puget Sound and ~~((shall)) include an assessment of the extent to which implementation of the plan has occurred and resulted in progress toward improving and protecting water quality in Puget Sound. Information about problems and progress shall be sought from the public and reflected in the report. The assessment shall be based upon an evaluation of performance measures required by subsection (6) of this section. The report may also include, but not be limited to:~~

(a) The status and condition of the resources of Puget Sound, including the results of ecological monitoring, including an assessment of the economic value of Puget Sound;

(b) Current and foreseeable trends in water quality of Puget Sound and the management of its resources;

(c) Review of significant public and private activities affecting Puget Sound and an assessment of whether such activities are consistent with the plan; and

(d) Recommendations to the governor, the legislature, and appropriate state and local agencies for actions needed to remedy any deficiencies in current policies, plans, programs, or activities relating to the water quality of Puget Sound, and recommendations concerning changes necessary to protect and improve Puget Sound water quality; ~~((and))~~

(5) Review the ~~((Puget Sound-related budgets and regulatory and enforcement activities)) status of plan implementation efforts~~ of state agencies with responsibilities for water quality and related resources in Puget Sound;

(6) ~~In consultation with state agencies, local and tribal governments, and other public and private interests, develop and track quantifiable performance measures that can be used by the governor and the legislature to assess the effectiveness over time of programs and actions initiated under the plan to improve and protect Puget Sound water quality and biological resources. The performance measures shall be developed by June 30, 1997. State agencies shall assist the authority in the development and tracking of these performance measures. The performance measures may be limited to a selected geographic area.~~

(7) Appoint ad hoc advisory committees and solicit public participation as necessary to facilitate plan revision, plan implementation, coordination of the ambient monitoring program, and the conduct of other duties under this chapter. The authority may form a local government advisory council and private sector advisory council for this purpose;

(8) Ensure implementation and coordination of the Puget Sound ambient monitoring program, which includes:

(a) Developing a baseline and examining differences among areas of Puget Sound for environmental conditions, natural resources, and contaminants in sediments and marine life, against which future changes can be measured;

(b) Taking measurements relating to specific program elements identified in the plan;

(c) Measuring the progress of the ambient monitoring programs implemented under the plan;

(d) Providing a permanent record of significant natural and human-caused changes in key environmental indicators in Puget Sound;

(e) Supporting research on Puget Sound; and

(f) Participation of each agency with responsibilities for implementing the program, as specified in the plan;

(9) Provide, promote, coordinate, and publish research on Puget Sound water quality issues;

(10) Provide and promote education and involvement of the public on the preservation and protection of water quality and marine habitat in Puget Sound; and

(11) To reduce costs and improve efficiency, review by December 1, 1996, all requirements for reports and documentation from state agencies and local governments specified in the plan and in this chapter. Based on this review, the authority shall, if appropriate, eliminate and consolidate reports, modify reporting schedules to correspond to publication of the state of the Sound report, and modify reporting requirements to support evaluation of performance measures required by subsection (6) of this section.

**NEW SECTION. Sec. 9.** A new section is added to chapter 90.70 RCW to read as follows:

**WORK PLANS.** (1) Each biennium the authority shall prepare a Puget Sound work plan and budget recommendations for funding of the plan and for state agency implementation of plan responsibilities, for submittal to the office of financial management to be included in the development of the governor's biennial budget. The work plan shall prescribe the necessary federal, state, and local actions to maintain and enhance water quality in Puget Sound, including the enhancement of recreational opportunities and the restoration of a balanced population of indigenous shellfish, fish, and wildlife.

(2) The work plan shall:

(a) Use the plan elements of the Puget Sound management plan to prioritize local and state actions necessary to restore and protect the biological health and diversity of Puget Sound. The work plan may describe the specific priorities for local actions necessary in the following locations:

(i) Area 1: Island and San Juan counties;

(ii) Area 2: Skagit and Whatcom counties;

(iii) Area 3: Clallam and Jefferson counties;

(iv) Area 4: Snohomish, King, and Pierce counties;

(v) Area 5: Kitsap, Mason, and Thurston counties;

(b) Coordinate the work plan activities with other state agency activities that have not been funded through the plan, with other local plans, and with other governmental and nongovernmental watershed restoration activities;

(c) Provide for interagency and interdisciplinary teams to provide technical assistance and watershed assessments to local governments in the areas identified in (a) of this subsection. The number of teams and the number and qualifications of personnel for each team shall be prioritized within available resources and determined to meet the priorities for actions identified in (a) of this subsection;

(d) Coordinate monitoring and research activities;

(e) Provide for funding to assist local jurisdictions to implement elements of the work plan and to develop and implement local plans; and

(f) Identify and assist in resolving policy or regulatory conflicts that may exist between agencies responsible for implementing the Puget Sound plan.

(3) Before adopting the work plan the authority shall hold public hearings to obtain public comments on the proposed work plan.

(4) The work plan shall be submitted to the appropriate policy and fiscal committees of the legislature by December 20th of each even-numbered year.

(5) The work plan shall be implemented consistent with the legislative provisos of the biennial appropriation acts.

**NEW SECTION. Sec. 10.** A new section is added to chapter 90.70 RCW to read as follows:

**LOCAL PLANS.** (1) Local governments shall implement local elements of the work plan subject to the availability of appropriated funds or other funding sources.

(2) The authority shall review the progress of local governments regarding the timely implementation of local elements of the work plan. Where prescribed actions have not been accomplished in accordance with the work plan, the responsible local government shall, at the request of the authority, submit a written explanation for the shortfalls to the authority, together with the local government's proposed remedies.

**NEW SECTION. Sec. 11.** A new section is added to chapter 90.70 RCW to read as follows:

**STATE FUNDING PROGRAMS.** (1) The authority shall review and make recommendations for a consolidated state financial assistance program to support the implementation of local plans. The recommendations should:

(a) Include measures to simplify application and funding procedures;

(b) Give priority to implementation over planning;

(c) Achieve cost-efficiencies;

(d) Give priority to local plans that have secured local funding; and

(e) Give priority to counties that exercise their authority under RCW 36.94.020 as amended by chapter . . . , Laws of 1996 (Second Substitute Senate Bill No. 5247) to consolidate and coordinate their water pollution activities under a sewerage and/or water general plan.

(2) The authority shall identify administrative and legislative modifications necessary to implement the consolidated financial assistance program and shall report to the governor and the legislature by December 1, 1996.

**Sec. 12.** RCW 43.88.030 and 1994 c 247 s 7 and 1994 c 219 s 2 are each reenacted and amended to read as follows:

(1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. The director shall provide agencies that are required under RCW 44.40.070 to develop comprehensive six-year program and financial plans with a complete set of instructions for submitting these program and financial plans at the same time that instructions for submitting other budget requests are provided. The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period, as well as an outline of the proposed six-year financial policies where applicable, and shall describe in connection therewith the important features of the budget. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period, or six-year period where applicable, based upon the estimated revenues as approved by the economic and revenue forecast council or upon the estimated revenues of the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast, including those revenues anticipated to support the six-year programs and financial plans under RCW 44.40.070. In estimating revenues to support financial plans under RCW 44.40.070, the office of financial management shall rely on information and advice from the interagency revenue task force. Revenues shall be estimated for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document, including the supplemental budgets submitted in the even-numbered years of a biennium. However, the estimated revenues for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers and revenue estimates dependent upon budgetary assumptions of enrollments, workloads, and caseloads. All adjustments to the approved estimated revenues must be set forth in the budget document. The governor may additionally submit, as an appendix to each supplemental, biennial, or six-year agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

Supplemental and biennial documents shall reflect a six-year expenditure plan consistent with estimated revenues from existing sources and at existing rates for those agencies required to submit six-year program and financial plans under RCW 44.40.070. Any additional revenue resulting from proposed changes to existing statutes shall be separately identified within the document as well as related expenditures for the six-year period.

The budget document or documents shall also contain:

(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, those anticipated for the ensuing biennium, and those anticipated for the ensuing six-year period to support the six-year programs and financial plans required under RCW 44.40.070;

(b) The undesignated fund balance or deficit, by fund;

(c) Such additional information dealing with expenditures, revenues, workload, performance, and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, activity and object;

(f) A delineation of each agency's activities, including those activities funded from nonbudgeted, nonappropriated sources, including funds maintained outside the state treasury;

(g) Identification of all proposed direct expenditures to implement the Puget Sound water quality plan under chapter 90.70 RCW, shown by agency and in total. At the same time the authority provides the work plan and associated budget to the office of financial management according to the budget instructions required in subsection (1) of this section, the authority shall provide a copy to the appropriate policy and fiscal committees of the legislature; and

(h) Tabulations showing each postretirement adjustment by retirement system established after fiscal year 1991, to include, but not be limited to, estimated total payments made to the end of the previous biennial period, estimated payments for the present biennium, and estimated payments for the ensuing biennium.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of beginning undesignated fund balance and estimated revenues less working capital and other reserves shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

(a) Interest, amortization and redemption charges on the state debt;

(b) Payments of all reliefs, judgments and claims;

(c) Other statutory expenditures;

(d) Expenditures incident to the operation for each agency;

(e) Revenues derived from agency operations;

(f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium, as well as those required to support the six-year programs and financial plans required under RCW 44.40.070;

(g) A showing and explanation of amounts of general fund and other funds obligations for debt service and any transfers of moneys that otherwise would have been available for appropriation;

(h) Common school expenditures on a fiscal-year basis;

(i) A showing, by agency, of the value and purpose of financing contracts for the lease/purchase or acquisition of personal or real property for the current and ensuing fiscal periods; and

(j) A showing and explanation of anticipated amounts of general fund and other funds required to amortize the unfunded actuarial accrued liability of the retirement system specified under chapter 41.45 RCW, and the contributions to meet such amortization, stated in total dollars and as a level percentage of total compensation.

(3) A separate capital budget document or schedule shall be submitted that will contain the following:

(a) A statement setting forth a long-range facilities plan for the state that identifies and includes the highest priority needs within affordable spending levels;

(b) A capital program consisting of proposed capital projects for the next biennium and the two biennia succeeding the next biennium consistent with the long-range facilities plan. Inasmuch as is practical, and recognizing emergent needs, the capital program shall reflect the priorities, projects, and spending levels proposed in previously submitted capital budget documents in order to provide a reliable long-range planning tool for the legislature and state agencies;

(c) A capital plan consisting of proposed capital spending for at least four biennia succeeding the next biennium;

(d) A statement of the reason or purpose for a project;

(e) Verification that a project is consistent with the provisions set forth in chapter 36.70A RCW;

(f) A statement about the proposed site, size, and estimated life of the project, if applicable;

(g) Estimated total project cost;

(h) For major projects valued over five million dollars, estimated costs for the following project components: Acquisition, consultant services, construction, equipment, project management, and other costs included as part of the project. Project component costs shall be displayed in a standard format defined by the office of financial management to allow comparisons between projects;

(i) Estimated total project cost for each phase of the project as defined by the office of financial management;

(j) Estimated ensuing biennium costs;

(k) Estimated costs beyond the ensuing biennium;

(l) Estimated construction start and completion dates;

(m) Source and type of funds proposed;

(n) Estimated ongoing operating budget costs or savings resulting from the project, including staffing and maintenance costs;

(o) For any capital appropriation requested for a state agency for the acquisition of land or the capital improvement of land in which the primary purpose of the acquisition or improvement is recreation or wildlife habitat conservation, the capital budget document, or an omnibus list of recreation and habitat acquisitions provided with the governor's budget document, shall identify the projected costs of operation and maintenance for at least the two biennia succeeding the next biennium. Omnibus lists of habitat and recreation land acquisitions shall include individual project cost estimates for operation and maintenance as well as a total for all state projects included in the list. The document shall identify the source of funds from which the operation and maintenance costs are proposed to be funded;

(p) Such other information bearing upon capital projects as the governor deems to be useful;

(q) Standard terms, including a standard and uniform definition of maintenance for all capital projects;

(r) Such other information as the legislature may direct by law or concurrent resolution.

For purposes of this subsection (3), the term "capital project" shall be defined subsequent to the analysis, findings, and recommendations of a joint committee comprised of representatives from the house capital appropriations committee, senate ways and means committee, legislative transportation committee, legislative evaluation and accountability program committee, and office of financial management.

(4) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document or report presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative evaluation and accountability program committee if the legislature is not in session.

**NEW SECTION. Sec. 13.** The following acts or parts of acts are each repealed:

(1) RCW 90.70.035 and 1985 c 451 s 6;

(2) RCW 90.70.045 and 1994 c 264 s 97, 1990 c 115 s 3, 1988 c 36 s 72, & 1985 c 451 s 7;

(3) RCW 90.70.060 and 1990 c 115 s 5, 1989 c 11 s 31, & 1985 c 451 s 8;

(4) RCW 90.70.065 and 1995 c 269 s 3501, 1994 c 264 s 98, & 1990 c 115 s 9;

(5) RCW 90.70.090 and 1990 c 115 s 8; and

(6) RCW 90.70.100 and 1991 c 200 s 502.

**Sec. 14.** RCW 43.131.369 and 1990 c 115 s 11 are each amended to read as follows:

The Puget Sound water quality authority and its powers and duties shall be terminated on June 30, ~~((1995))~~ 2001, as provided in RCW 43.131.370.

**Sec. 15.** RCW 43.131.370 and 1990 c 115 s 12 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((1996))~~ 2002:

(1) Section 1, chapter 451, Laws of 1985 and RCW 90.70.001;

(2) Section 2, chapter 451, Laws of 1985 and RCW 90.70.005;

(3) Section 3, chapter 451, Laws of 1985, section 2, chapter 115, Laws of 1990 and RCW 90.70.011;

(4) Section 5, chapter 451, Laws of 1985 and RCW 90.70.025;

(5) ~~((Section 6, chapter 451, Laws of 1985 and RCW 90.70.035;~~

~~90.70.045;~~ (6) Section 7, chapter 451, Laws of 1985, section 72, chapter 36, Laws of 1988, section 3, chapter 115, Laws of 1990 and RCW

~~90.70.055;~~ (7) Section 4, chapter 451, Laws of 1985, section 4, chapter 115, Laws of 1990 and RCW 90.70.055;

~~90.70.060;~~ ~~((8) Section 8, chapter 451, Laws of 1985, section 31, chapter 11, Laws of 1989, section 5, chapter 115, Laws of 1990 and RCW~~

~~90.70.070;~~ (9) (6) Section 9, chapter 451, Laws of 1985, section 6, chapter 115, Laws of 1990 and RCW 90.70.070;

~~((10))~~ (7) Section 10, chapter 451, Laws of 1985, section 7, chapter 115, Laws of 1990 and RCW 90.70.080; and

~~((11))~~ (8) Section 14, chapter 451, Laws of 1985 and RCW 90.70.901.

**NEW SECTION. Sec. 16.** A new section is added to chapter 90.70 RCW to read as follows:

MARINE WATERS PROTECTION TRUST ACCOUNT. The marine waters protection trust account is created in the state treasury. All receipts from gifts, grants, and endowments, federal funds received to develop and implement marine waters protection plans, and state appropriations shall be deposited into the account. Moneys in the account may be spent only after appropriation for the purposes of developing and implementing marine waters protection plans.

NEW SECTION. **Sec. 17.** SHORT TITLE. This act may be known and cited as the Puget Sound water quality protection act.

NEW SECTION. **Sec. 18.** CAPTIONS NOT LAW. Captions used in this act do not constitute any part of the law.

NEW SECTION. **Sec. 19.** This act shall take effect June 30, 1996."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 2875.

#### ROLL CALL

The Secretary called the roll and the committee striking amendment was adopted by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, McDonald, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, Winsley, Wojahn and Wood - 34.

Voting nay: Senators Anderson, A., Cantu, Hochstatter, Johnson, McCaslin, Morton, Moyer, Newhouse, Roach, Schow, Sellar, Strannigan, Swecker, West and Zarelli - 15.

#### MOTIONS

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 1 of the title, after "quality;" strike the remainder of the title and insert "amending RCW 90.70.001, 90.70.005, 90.70.011, 90.70.025, 90.70.055, 43.131.369, and 43.131.370; reenacting and amending RCW 43.88.030; adding new sections to chapter 90.70 RCW; creating new sections; repealing RCW 90.70.035, 90.70.045, 90.70.060, 90.70.065, 90.70.090, and 90.70.100; and providing an effective date."

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute House Bill No. 2875, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2875, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2875, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, McDonald, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, Winsley, Wojahn and Wood - 32.

Voting nay: Senators Anderson, A., Cantu, Deccio, Hochstatter, Johnson, McCaslin, Morton, Moyer, Newhouse, Roach, Schow, Sellar, Strannigan, Swecker, West and Zarelli - 16.

Absent: Senator Owen - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2875, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2293, by House Committee on Appropriations (originally sponsored by Representatives Carlson, Jacobsen, Murray and Chopp)

Authorizing a technology fee at public institutions of higher education.

The bill was read the second time.

#### MOTION

Senator Bauer moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.15 RCW to read as follows:

(1) The governing board of each of the state universities, the regional universities, and The Evergreen State College, upon the written agreement of its respective student government association or its equivalent, may establish and charge each enrolled student a technology fee, separate from tuition fees. During the 1996-97 academic year, any technology fee shall not exceed one hundred twenty dollars for a full-time student. Any technology fee charged to a part-time student shall be calculated as a pro rata share of the fee charged to a full-time student.

(2) Revenue from this fee shall be used exclusively for technology resources for general student use.

(3) Only changes in the amount of the student technology fee agreed upon by both the governing board and its respective student government association or its equivalent shall be used to adjust the amount charged to students. Changes in the amount charged to students, once implemented, become the basis for future changes.

(4) Annually, the student government association or its equivalent may abolish the fee by a majority vote. In the event of such a vote, the student government association or its equivalent shall notify the governing board of the institution. The fee shall cease being collected the term after the student government association or its equivalent voted to eliminate the fee.

(5) The student government association or its equivalent shall approve the annual expenditure plan for the fee revenue.

(6) The universities and The Evergreen State College shall deposit three and one-half percent of revenues from the technology fee into the institutional financial aid fund under RCW 28B.15.820.

(7) As used in this section, "technology fee" is a fee charged to students to recover, in whole or in part, the costs of providing and maintaining services to students that include, but need not be limited to: Access to the internet and world wide web, e-mail, computer and multimedia work stations and laboratories, computer software, and dial-up telephone services.

(8) Prior to the establishment of a technology fee, a governing board shall provide to the student governing body a list of existing fees of a similar nature or for a similar purpose. The board and the student governing body shall ensure that student fees for technology are not duplicative.

**Sec. 2.** RCW 28B.15.031 and 1995 1st sp.s. c 9 s 2 are each amended to read as follows:

The term "operating fees" as used in this chapter shall include the fees, other than building fees, charged all students registering at the state's colleges and universities but shall not include fees for short courses, self-supporting degree credit programs and courses, marine station work, experimental station work, correspondence or extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, which colleges and universities shall have the right to impose, laboratory, gymnasium, health, technology and student activity fees, or fees, charges, rentals, and other income derived from any or all revenue producing lands, buildings and facilities of the colleges or universities heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land, or the appurtenances thereon, or such other special fees as may be established by any college or university board of trustees or regents from time to time. All moneys received as operating fees at any institution of higher education shall be deposited in a local account containing only operating fees revenue and related interest: PROVIDED, That a minimum of three and one-half percent of operating fees shall be retained by the institutions, except the technical colleges, for the purposes of RCW 28B.15.820. Local operating fee accounts shall not be subject to appropriation by the legislature or allotment procedures under chapter 43.88 RCW.

**Sec. 3.** RCW 28B.15.615 and 1993 sp.s. c 18 s 23 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities and the regional universities may exempt the following students from paying all or a portion of the resident operating fee and the technology fee: Students granted a graduate service appointment, designated as such by the institution, involving not less than twenty hours of work per week. The exemption shall be for the term of the appointment. ~~((The stipend paid to persons holding graduate student appointments from nonstate funds shall be reduced and the institution reimbursed from such funds in an amount equal to the resident operating fee which funds shall be transmitted to the general fund.))~~

**NEW SECTION. Sec. 4.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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

Debate ensued.

#### POINT OF INQUIRY

Senator Anderson: "Senator Bauer, I have a question on a statement that you made in your opening remarks. You remarked that we can't have this, evidently the fee, without the approval of the students. I wrote that down--those were your remarks. I'm looking at the bill and I don't see where we can't have this without the approval of the students. I see in Section 3 where we can change the fee and have to work with the students and I see in Section 4 that once the fee is there, the students can vote to remove the fee, but I don't see where we can put this in place without the approval of the students. Could you please point me to some language in the bill that says we can't have this without the approval of the students?"

Senator Bauer: "I don't have the bill before me, but I have the digest here and it says that a fee may be established by the governing boards for the public higher education institutions with a written agreement of their respective student body government association or equivalent."

#### POINT OF INQUIRY

Senator Roach: "Senator Bauer, along the same lines, one of the concerns that I have is the answer to the question of whether or not the student council or body that will be approving the fee, will be the ones that will actually pay the fee. Is this going to be prospective or going from the incoming students after this body has already left the university?"

Senator Bauer: "I think Senator Rinehart was concerned about that and felt that if we imposed a fee and then could not trigger it out for a couple of years, we would have people paying it that did not have a say-so. That is why she added the requirement that the fee would be determined--the student body could vote it out for the next term. So, it is a kind of a term, or quarter or semester by semester deal and anytime those students can trigger it off by having a say-so by saying that they don't want it for the next quarter and it is gone. It is student-driven."

#### REMARKS BY SENATOR WOOD

Senator Wood: "May I respond to the question? On the first page, in Section 1, under Number (1), it says, 'The governing board of each of the state universities, the regional universities, and The Evergreen State College, upon written agreement of its respective student government association or its equivalent, may establish and charge each enrolled student a technology fee, separate from tuition fees.' Thank you."

#### POINT OF INQUIRY

Senator Morton: "Senator Bauer, where does the gift of Bill Gates fit into all of this? As I understand, that was ten million dollars or thereabouts. Does that not play into this picture of technology for our institutions of higher learning?"

Senator Bauer: "I believe you are speaking to a House provision where in the K-12 program, a number of school districts would be allowed to take donations of a five million dollar appropriation and that could be matched by Bill Gates or someone else. That was for

local school districts in the Puget Sound area. Another five million was proposed and discussed for the rest of the state to apply for and get match for it, if they wished. It didn't apply to higher education."

Senator Morton: "Thank you, Senator Bauer. Mr. President, I had the fortune to receive two answers here, with Senator Sutherland telling me that a good share of that went to the two-year colleges. Thank you."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment to Second Substitute House Bill No. 2293.

Further debate ensued.

The motion by Senator Bauer carried and the committee striking amendment was adopted.

#### MOTIONS

On motion of Senator Bauer, the following title amendment was adopted:

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 28B.15.031 and 28B.15.615; adding a new section to chapter 28B.15 RCW; and declaring an emergency."

On motion of Senator Bauer, the rules were suspended, Second Substitute House Bill No. 2293, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 2293, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2293, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Moyer, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 40.

Voting nay: Senators Deccio, Fraser, Goings, Heavey, McCaslin, Morton, Newhouse, Prince and Sutherland - 9.

SECOND SUBSTITUTE HOUSE BILL NO. 2293, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2909, by House Committee on Appropriations (originally sponsored by Representatives Johnson, Brumsickle, Cole, Talcott, Quall, Radcliff, McMahan, Hymes, Smith, Lambert, Thompson, Hatfield, Stevens, Boldt, Koster, McMorris, Elliot, Silver, Pelesky, Clements, Cooke, Benton, Carrell, Sheldon, Basich, Linville, Skinner, Robertson, Blanton, Huff, Hickel, Goldsmith, Campbell and Casada)

Improving reading literacy.

The bill was read the second time.

#### MOTION

Senator McAuliffe moved that the following Committee on Education amendment not be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The center for the improvement of student learning, or its designee, shall develop and implement a process for identifying programs that have been proven to be effective based upon valid research in teaching elementary students to read. Additional programs shall be reviewed after the initial identification of effective programs.

(2) In identifying effective reading programs, the center for the improvement of student learning, or its designee, shall consult primary education teachers, state-wide reading organizations, institutions of higher education, the commission on student learning, parents, legislators, and other appropriate individuals and organizations.

(3) In identifying effective reading programs, the following criteria shall be used:

(a) Whether the program will help the student meet the essential academic learning requirements and the state-level and classroom-based assessments for reading;

(b) Whether the program has achieved documented results for students on valid and reliable assessments and is consistent with the assessment for reading developed by the commission on student learning;

(c) Whether the results of the program have been replicated at different locations over a period of time;

(d) Whether the requirements and specifications for implementing the program are clear so that potential users can clearly determine the requirements of the program and how to implement it;

(e) Whether, when considering the cost of implementing the program, the program is cost-effective relative to other similar types of programs;

(f) Whether the program addresses differing student populations; and

(g) Other appropriate criteria and considerations.

(4) The initial identification of effective reading programs shall be completed and a list of the identified programs prepared by May 1, 1997.

**NEW SECTION. Sec. 2.** (1) To the extent funds are appropriated, the commission on student learning in collaboration with the superintendent of public instruction and in consultation with the state board of education, faculty in educator preparation programs, educators, parents, and school directors, shall establish training programs for educators in the primary grades. The programs shall be designed to prepare educators to use the classroom-based assessments developed by the commission on student learning to determine how children are reading, select appropriate instructional strategies to improve reading instruction, and to involve parents in helping their children to learn to

read. Funds, to the extent appropriated shall be used to develop the training program and to provide the training to the educators both through institutes and in the classroom.

(2) The superintendent of public instruction shall establish a grant program to provide incentives for teachers, schools, and school districts to use the identified programs on the approved list in grades kindergarten through four. Schools, school districts, and educational service districts may apply for grants. Funds for the grants shall be used for in-service training and instructional materials. Grants shall be awarded to the extent funds are appropriated in the 1997-99 biennial appropriations act. Priority shall be given to grant applications involving schools and school districts with the lowest mean percentile scores on the state-wide fourth grade assessment required under RCW 28A.230.190 among grant applicants.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) After effective programs have been identified in accordance with section 1 of this act, the center for the improvement of student learning, or its designee, shall provide information and take other appropriate steps to inform elementary school teachers, principals, curriculum directors, superintendents, school board members, college and university reading instruction faculty, and others of its findings.

(2) The center, in cooperation with state-wide organizations interested in improving literacy, also shall develop and implement strategies to improve reading instruction in the state, with a special emphasis on the instruction of reading in the primary grades using the effective reading programs that have been identified in accordance with section 1 of this act. The strategies may include, but should not be limited to, expanding and improving reading instruction of elementary school teachers in teacher preparation programs, expanded in-service training in reading instruction, the training of paraprofessionals and volunteers in reading instruction, improving classroom-based assessment of reading, and increasing state-wide and regional technical assistance in reading instruction.

(3) The center shall submit a status report to appropriate committees of the legislature by December 31, 1996, regarding its efforts to implement section 1 of this act and subsections (1) and (2) of this section. The report shall include a description of safeguards enacted to ensure the scientific integrity and objectivity of the assistance and advice provided by the center.

**Sec. 4.** RCW 28A.300.130 and 1993 c 336 s 501 are each amended to read as follows:

(1) Expanding activity in educational research, educational restructuring, and educational improvement initiatives has produced and continues to produce much valuable information. The legislature finds that such information should be shared with the citizens and educational community of the state as widely as possible. To facilitate access to information and materials on educational improvement and research, the superintendent of public instruction, to the extent funds are appropriated, shall establish the center for the improvement of student learning. The primary purpose of the center is to provide assistance and advice to parents, school board members, educators, and the public regarding strategies for assisting students in learning the essential academic learning requirements pursuant to RCW 28A.630.885. The center shall work in conjunction with the commission on student learning, educational service districts, and institutions of higher education.

(2) The center shall:

(a) Serve as a clearinghouse for the completed work and activities of the commission on student learning;

(b) Serve as a clearinghouse for information regarding successful educational restructuring and parental involvement programs in schools and districts, and information about efforts within institutions of higher education in the state to support educational restructuring initiatives in Washington schools and districts;

(c) Provide best practices research and advice that can be used to help schools develop and implement: Programs and practices to improve reading instruction; school improvement plans; school-based shared decision-making models; programs to promote lifelong learning and community involvement in education; school-to-work transition programs; programs to meet the needs of highly capable students; programs to meet the diverse needs of students based on gender, racial, ethnic, economic, and special needs status; and other programs that will assist educators in helping students learn the essential academic learning requirements;

(d) Develop and distribute, in conjunction with the commission on student learning, parental involvement materials, including instructional guides developed to inform parents of the essential academic learning requirements. The instructional guides also shall contain actions parents may take to assist their children in meeting the requirements, and should focus on reaching parents who have not previously been involved with their children's education;

(e) Identify obstacles to greater parent and community involvement in school shared decision-making processes and recommend strategies for helping parents and community members to participate effectively in school shared decision-making processes, including understanding and respecting the roles of school building administrators and staff;

(f) Take other actions to increase public awareness of the importance of parental and community involvement in education;

(g) Work with appropriate organizations to inform teachers, district and school administrators, and school directors about the waivers available under RCW 28A.305.140 and the broadened school board powers under RCW 28A.320.015;

(h) Provide training and consultation services;

(i) Address methods for improving the success rates of certain ethnic and racial student groups; and

(j) Perform other functions consistent with the purpose of the center as prescribed in subsection (1) of this section.

(3) The superintendent of public instruction, after consultation with the commission on student learning, shall select and employ a director for the center.

(4) The superintendent may enter into contracts with individuals or organizations including but not limited to: School districts; teachers; higher education faculty; institutions of higher education; state agencies; business or community-based organizations; and other individuals and organizations to accomplish the duties and responsibilities of the center. The superintendent shall contract out with community-based organizations to meet the provisions of subsection (2) (d) and (e) of this section. In carrying out the duties and responsibilities of the center, the superintendent, whenever possible, shall use practitioners to assist agency staff as well as assist educators and others in schools and districts.

(5) The superintendent shall report annually to the commission on student learning on the activities of the center.

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

**NEW SECTION. Sec. 6.** If specific funding for section 2 of this act, referencing this act by bill number, is not provided by June 30, 1996, in the supplemental omnibus appropriations act, section 2 of this act is null and void."

The President declared the question before the Senate to be the motion by Senator McAuliffe to not adopt the Committee on Education striking amendment to Engrossed Second Substitute House Bill No. 2909.

The motion by Senator McAuliffe carried and the committee striking amendment was not adopted:

#### MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and Johnson be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The center for the improvement of student learning, or its designee, shall develop and implement a process for identifying programs that have been proven to be effective based upon valid research in teaching elementary students to read. Additional programs shall be reviewed after the initial identification of effective programs.

(2) In identifying effective reading programs, the center for the improvement of student learning, or its designee, shall consult primary education teachers, state-wide reading organizations, institutions of higher education, the commission on student learning, parents, legislators, and other appropriate individuals and organizations.

(3) In identifying effective reading programs, the following criteria shall be used:

(a) Whether the program will help the student meet the state-level and classroom-based assessments for reading;

(b) Whether the program has achieved documented results for students on valid and reliable assessments;

(c) Whether the results of the program have been replicated at different locations over a period of time;

(d) Whether the requirements and specifications for implementing the program are clear so that potential users can clearly determine the requirements of the program and how to implement it;

(e) Whether, when considering the cost of implementing the program, the program is cost-effective relative to other similar types of programs;

(f) Whether the program addresses differing student populations; and

(g) Other appropriate criteria and considerations.

(4) The initial identification of effective reading programs shall be completed and a list of the identified programs prepared by December 31, 1996.

**NEW SECTION. Sec. 2.** The superintendent of public instruction shall establish a grant program to provide incentives for teachers, schools, and school districts to use the identified programs on the approved list in grades kindergarten through four. Schools, school districts, and educational service districts may apply for grants. Funds for the grants shall be used for in-service training and instructional materials. Grants shall be awarded and funds distributed not later than June 30, 1997, for programs in the 1996-97 and 1997-98 school years. Priority shall be given to grant applications involving schools and school districts with the lowest mean percentile scores on the state-wide fourth grade assessment required under RCW 28A.230.190 among grant applicants.

**NEW SECTION. Sec. 3.** (1) The center for the improvement of student learning in collaboration with the commission on student learning and in consultation with the state board of education, faculty in educator preparation programs, educators, parents, and school directors, shall establish training programs in reading instruction and assessment for educators in the primary grades. The programs shall be designed to prepare educators to use the classroom-based assessments developed by the commission on student learning to determine how children are reading, select and implement appropriate instructional strategies and effective programs consistent with section 1 of this act to improve reading instruction, and to involve parents in helping their children to learn to read. Funds shall be used to develop the training program and to provide the training to the educators both through institutes and in the classroom during the school year.

(2) This section shall expire June 30, 1998.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) After effective programs have been identified in accordance with section 1 of this act, the center for the improvement of student learning, or its designee, shall provide information and take other appropriate steps to inform elementary school teachers, principals, curriculum directors, superintendents, school board members, college and university reading instruction faculty, and others of its findings.

(2) The center, in cooperation with state-wide organizations interested in improving literacy, also shall develop and implement strategies to improve reading instruction in the state, with a special emphasis on the instruction of reading in the primary grades using the effective reading programs that have been identified in accordance with section 1 of this act. The strategies may include, but should not be limited to, expanding and improving reading instruction of elementary school teachers in teacher preparation programs, expanded in-service training in reading instruction, the training of paraprofessionals and volunteers in reading instruction, improving classroom-based assessment of reading, and increasing state-wide and regional technical assistance in reading instruction.

(3) The center shall submit a status report to appropriate committees of the legislature by December 31, 1996, regarding its efforts to implement section 1 of this act and subsections (1) and (2) of this section. The report shall include a description of safeguards enacted to ensure the integrity and objectivity of the assistance and advice provided by the center.

**Sec. 5.** RCW 28A.300.130 and 1993 c 336 s 501 are each amended to read as follows:

(1) Expanding activity in educational research, educational restructuring, and educational improvement initiatives has produced and continues to produce much valuable information. The legislature finds that such information should be shared with the citizens and educational community of the state as widely as possible. To facilitate access to information and materials on educational improvement and research, the superintendent of public instruction, to the extent funds are appropriated, shall establish the center for the improvement of student learning. The primary purpose of the center is to provide assistance and advice to parents, school board members, educators, and the public regarding strategies for assisting students in learning the essential academic learning requirements pursuant to RCW 28A.630.885. The center shall work in conjunction with the commission on student learning, educational service districts, and institutions of higher education.

(2) The center shall:

(a) Serve as a clearinghouse for the completed work and activities of the commission on student learning;

(b) Serve as a clearinghouse for information regarding successful educational restructuring and parental involvement programs in schools and districts, and information about efforts within institutions of higher education in the state to support educational restructuring initiatives in Washington schools and districts;

(c) Provide best practices research and advice that can be used to help schools develop and implement: Programs and practices to improve reading instruction; school improvement plans; school-based shared decision-making models; programs to promote lifelong learning and community involvement in education; school-to-work transition programs; programs to meet the needs of highly capable students; programs to meet the diverse needs of students based on gender, racial, ethnic, economic, and special needs status; and other programs that will assist educators in helping students learn the essential academic learning requirements;

(d) Develop and distribute, in conjunction with the commission on student learning, parental involvement materials, including instructional guides developed to inform parents of the essential academic learning requirements. The instructional guides also shall contain actions parents may take to assist their children in meeting the requirements, and should focus on reaching parents who have not previously been involved with their children's education;

(e) Identify obstacles to greater parent and community involvement in school shared decision-making processes and recommend strategies for helping parents and community members to participate effectively in school shared decision-making processes, including understanding and respecting the roles of school building administrators and staff;

(f) Take other actions to increase public awareness of the importance of parental and community involvement in education;

(g) Work with appropriate organizations to inform teachers, district and school administrators, and school directors about the waivers available under RCW 28A.305.140 and the broadened school board powers under RCW 28A.320.015;

(h) Provide training and consultation services;

(i) Address methods for improving the success rates of certain ethnic and racial student groups; and

(j) Perform other functions consistent with the purpose of the center as prescribed in subsection (1) of this section.

(3) The superintendent of public instruction, after consultation with the commission on student learning, shall select and employ a director for the center.

(4) The superintendent may enter into contracts with individuals or organizations including but not limited to: School districts; teachers; higher education faculty; institutions of higher education; state agencies; business or community-based organizations; and other individuals and organizations to accomplish the duties and responsibilities of the center. The superintendent shall contract out with community-based organizations to meet the provisions of subsection (2) (d) and (e) of this section. In carrying out the duties and

responsibilities of the center, the superintendent, whenever possible, shall use practitioners to assist agency staff as well as assist educators and others in schools and districts.

(5) The superintendent shall report annually to the commission on student learning on the activities of the center.

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

**NEW SECTION. Sec. 7.** If specific funding for sections 2 and 3 of this act, referencing this act by bill or chapter number and section number, is not provided by June 30, 1996, in the supplemental omnibus appropriations act, sections 2 and 3 of this act are null and void."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe and Johnson to Engrossed Second Substitute House Bill No. 2909.

The motion by Senator McAuliffe carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator McAuliffe, the following title amendment was adopted:

On page 1, line 1 of the title, after "literacy;" strike the remainder of the title and insert "amending RCW 28A.300.130; adding new sections to chapter 28A.300 RCW; creating new sections; providing an expiration date; and declaring an emergency."

On motion of Senator McAuliffe, the rules were suspended, Engrossed Second Substitute House Bill No. 2909, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 2909, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2909, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Absent: Senator Deccio - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2909, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 2837, by Representatives Dyer, Cody and Murray (by request of Insurance Commissioner Senn)

Modifying the definition of medicare supplemental insurance or medicare supplement insurance policy.

The bill was read the second time.

#### MOTION

Senator Quigley moved that the following Committee on Health and Long-Term Care amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.66.020 and 1995 c 85 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Medicare supplemental insurance" or "medicare supplement insurance policy" refers to a group or individual policy of disability insurance or a subscriber contract of a health care service contractor, a health maintenance organization, or a fraternal benefit society, which relates its benefits to medicare, or which is advertised, marketed, or designed primarily as a supplement to reimbursements under medicare for the hospital, medical, or surgical expenses of persons eligible for medicare. Such term does not include:

(a) A policy or contract of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations, or combination thereof, for employees or former employees, or combination thereof, or for members or former members, or combination thereof, of the labor organizations; or

(b) A policy issued pursuant to a contract under Section 1876 ((or Section 1833)) of the federal social security act (42 U.S.C. Sec. 1395 et seq.), or an issued policy under a demonstration ((project authorized pursuant to amendments to the federal social security act)) specified in 42 U.S.C. Sec. 1395ss(g)(1); or

(c) Insurance policies or health care benefit plans, including group conversion policies, provided to medicare eligible persons, that are not marketed or held to be medicare supplement policies or benefit plans.

(2) "Medicare" means the "Health Insurance for the Aged Act," Title XVIII of the Social Security Amendments of 1965, as then constituted or later amended.

(3) "Medicare eligible expenses" means health care expenses of the kinds covered by medicare, to the extent recognized as reasonable and medically necessary by medicare.

(4) "Applicant" means:

(a) In the case of an individual medicare supplement insurance policy or subscriber contract, the person who seeks to contract for insurance benefits; and

(b) In the case of a group medicare supplement insurance policy or subscriber contract, the proposed certificate holder.

(5) "Certificate" means any certificate delivered or issued for delivery in this state under a group medicare supplement insurance policy.

(6) "Loss ratio" means the incurred claims as a percentage of the earned premium computed under rules adopted by the insurance commissioner.

(7) "Preexisting condition" means a covered person's medical condition that caused that person to have received medical advice or treatment during a specified time period immediately prior to the effective date of coverage.

(8) "Disclosure form" means the form designated by the insurance commissioner which discloses medicare benefits, the supplemental benefits offered by the insurer, and the remaining amount for which the insured will be responsible.

(9) "Issuer" includes insurance companies, health care service contractors, health maintenance organizations, fraternal benefit societies, and any other entity delivering or issuing for delivery medicare supplement policies or certificates to a resident of this state.

**Sec. 2.** RCW 41.05.197 and 1993 c 492 s 223 are each amended to read as follows:

(1) If a waiver of the medicare statute, Title XVIII of the federal social security act, sufficient to meet the requirements of chapter 492, Laws of 1993 is not granted on or before January 1, 1995, the medicare supplemental insurance policies authorized under RCW 41.05.195 shall be made available to any resident of the state eligible for medicare benefits. Except for those retired state or school district employees eligible to purchase medicare supplemental benefits through the authority and as provided for under subsection (2) of this section, persons purchasing a medicare supplemental insurance policy under this section shall be required to pay the full cost of any such policy.

(2) Subject to the availability of appropriated funds, the funds shall be used to offset the premiums of persons purchasing a medicare supplemental insurance policy under this section for those persons whose family income is less than two hundred percent of the federal poverty level and who are not otherwise eligible as qualified medicare beneficiaries under the medicaid program eligibility rules in effect January 1996. The administrator shall design and implement a structure of premiums due from persons receiving the offset that is based upon gross family income, giving appropriate consideration to family size. The premium structure shall be similar in concept to the basic health plan subsidy structure under chapter 70.47 RCW, but may recognize differences in: (a) The health care provided under the medicare supplemental insurance policies; (b) the population served under this section; and (c) other factors. The offset shall be available to eligible persons purchasing a medicare supplemental insurance policy beginning October 1, 1997.

**NEW SECTION. Sec. 3.** The legislature finds that rapid changes occurring in the provision of health insurance to our state's senior citizens through the federal medicare program may begin making prescription drugs more difficult to afford, especially for those living on fixed incomes near the poverty level. For this reason, the legislature determines there is need to move quickly and decisively to provide assistance to this vulnerable population so that new programs are in place as federal changes are implemented.

**NEW SECTION. Sec. 4.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The administrator shall determine the activities required to establish a reasonable and cost-effective prescription drug insurance plan that would be made available to any state resident enrolled in medicare.

(2) Unless there is a specific federal statutory prohibition, or except as provided in section 6 of this act, the administrator shall implement a comprehensive prescription drug insurance plan that, by January 1, 1998, must be made available to any state resident enrolled in medicare.

(3) By December 1, 1996, the administrator shall report to the appropriate committees of the legislature and the health care policy board if, with the written advice of the attorney general, federal statutory prohibitions exist to implementation of this program, or if actual premium rates established following competitive bidding of the prescription drug insurance plan substantially exceed expectations, creating questions regarding public interest in the program.

The report shall include estimated premium costs, administrative costs to the state, and specific recommendations for removing any state or federal legislative or regulatory barriers to implementation of the insurance.

(4) The administrator shall use any funds appropriated for this section to implement this section, including to offset premiums of the persons purchasing prescription drug insurance under this section for those persons whose family income is at or below two hundred percent of the federal poverty level and who are not receiving prescription drug benefits as qualified medicare beneficiaries. The administrator shall design and implement a structure of premiums due from persons receiving the offset that is based upon gross family income, giving appropriate consideration to family size. The premium structure must be similar to the basic health plan subsidy structure under chapter 70.47 RCW, but may reflect differences in: (a) The limited benefits provided under this act; (b) the population served; and (c) other factors. The offset must be available to eligible persons beginning January 1, 1998.

**NEW SECTION. Sec. 5.** A new section is added to chapter 41.05 RCW to read as follows:

The insurance commissioner shall adopt any rules needed to accommodate implementation of section 4 of this act. If timelines required under section 4 of this act require the adoption of rules on an emergency basis, the insurance commissioner shall do so.

**NEW SECTION. Sec. 6.** In the event funds are not appropriated to implement section 4 of this act, including funds for a premium offset, the prescription drug insurance plan under section 4 of this act shall not be implemented until such time as funding is appropriated to fund the plan.

**NEW SECTION. Sec. 7.** Sections 1 and 3 through 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

#### POINT OF ORDER

Senator Johnson: "I rise to a point of order, Mr. President, and that is to object to the committee amendment being beyond the scope and object of Engrossed House Bill No. 2837. That bill is a very narrow bill; it is the amendment to state law in order to comply with federal--a change in federal law--regarding the definition of medicare and that is it. The committee amendment, however, adds to that two very substantial pieces. One is a subsidy program for medicare supplemental insurance, which has a price tag of around a hundred million dollars--according to the fiscal note--and another subsidy program for prescription drugs for qualified individuals. Furthermore, it grants to the Insurance Commissioner rule-making authority. Therefore, I urge that the President rule that this amendment is beyond the scope and object of Engrossed House Bill No. 2837."

Further debate ensued.

There being no objection, the President deferred further consideration of Engrossed House Bill No. 2837.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2758, by House Committee on Appropriations (originally sponsored by Representatives Huff, Cooke and Silver)

Measuring state fiscal conditions.

The bill was read the second time.

#### MOTION

On motion of Senator Drew, the rules were suspended, Substitute House Bill No. 2758 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2758.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2758 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2758, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2535, by House Committee on Trade and Economic Development (originally sponsored by Representatives Van Luven, Jacobsen and Carlson)

Adopting ethics standards for academic or scientific public service work.

The bill was read the second time.

#### MOTION

On motion of Senator Sheldon, the rules were suspended, Substitute House Bill No. 2535 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2535.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2535 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2535, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Anderson, Senator Schow was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2320, by House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Blanton, Radcliff, Backlund, Robertson, Hatfield, Mulliken, Sheldon, Hymes, Kessler, Carlson, Johnson, Thompson, Costa and Boldt)

Making certain sex offenders subject to life imprisonment without parole after two offenses.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, Substitute House Bill No. 2320 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2320.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2320 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45.

Voting nay: Senators Fairley, Kohl and Prentice - 3.  
Excused: Senator Schow - 1.  
SUBSTITUTE HOUSE BILL NO. 2320, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2309, by House Committee on Health Care (originally sponsored by Representatives Dyer, Conway, Murray, D. Sommers, Dellwo, Cairnes, Ogden, Linville, Cody and Mason)

Revising regulation of hearing and speech professions.

The bill was read the second time.

## MOTIONS

On motion of Senator Wojahn, the following Committee on Health and Long-Term Care amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 18.35 RCW to read as follows:

It is the intent of this chapter to protect the public health, safety, and welfare; to protect the public from being misled by incompetent, unethical, and unauthorized persons; and to assure the availability of hearing and speech services of high quality to persons in need of such services.

Sec. 2. RCW 18.35.010 and 1993 c 313 s 1 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise:

~~(1) ("Department" means the department of health-~~

~~(2)) "Assistive listening device or system" means an amplification system that is specifically designed to improve the signal to noise ratio for the listener, reduce interference from noise in the background, and enhance hearing levels at a distance by picking up sound from as close to source as possible and sending it directly to the ear of the listener, excluding hearing instruments as defined in this chapter.~~

~~(2) "Certified audiologist" means a person who is certified by the department to engage in the practice of audiology and meets the qualifications in this chapter.~~

~~(3) "Audiology" means the application of principles, methods, and procedures related to hearing and the disorders of hearing and to related language and speech disorders, whether of organic or nonorganic origin, peripheral or central, that impede the normal process of human communication including, but not limited to, disorders of auditory sensitivity, acuity, function, processing, or vestibular function, the application of aural habilitation, rehabilitation, and appropriate devices including fitting and dispensing of hearing instruments, and cerumen management to treat such disorders.~~

~~(4) "Board" means the board ((on fitting and dispensing)) of hearing ((aids)) and speech.~~

~~((3)) (5) "Department" means the department of health.~~

~~(6) "Direct supervision" means that the supervisor is physically present and in the same room with the hearing instrument fitter/dispenser permit holder, observing the nondiagnostic testing, fitting, and dispensing activities of the hearing instrument fitter/dispenser permit holder at all times.~~

~~(7) "Establishment" means any permanent site housing a person engaging in the practice of fitting and dispensing of hearing instruments by a hearing instrument fitter/dispenser or audiologist; where the client can have personal contact and counsel during the firm's business hours; where business is conducted; and the address of which is given to the state for the purpose of bonding.~~

~~(8) "Facility" means any permanent site housing a person engaging in the practice of speech language pathology and/or audiology, excluding the sale, lease, or rental of hearing instruments.~~

~~(9) "Fitting and dispensing of hearing instruments" means the sale, lease, or rental or attempted sale, lease, or rental of hearing instruments together with the selection and modification of hearing instruments and the administration of nondiagnostic tests as specified by RCW 18.35.110 and the use of procedures essential to the performance of these functions; and includes recommending specific hearing instrument systems, specific hearing instruments, or specific hearing instrument characteristics, the taking of impressions for ear molds for these purposes, the use of nondiagnostic procedures and equipment to verify the appropriateness of the hearing instrument fitting, and hearing instrument orientation. The fitting and dispensing of hearing instruments as defined by this chapter may be equally provided by a licensed hearing instrument fitter/dispenser or certified audiologist.~~

~~(10) "Good standing" means a licensed hearing instrument fitter/dispenser or certified audiologist or speech language pathologist whose license or certificate has not been subject to sanctions pursuant to chapter 18.130 RCW or sanctions by other states, territories, or the District of Columbia in the last two years.~~

~~(11) "Hearing ((aid)) instrument" means any wearable prosthetic instrument or device designed for or represented as aiding, improving, compensating for, or correcting defective human hearing and any parts, attachments, or accessories of such an instrument or device, excluding batteries and cords ((and)), ear molds, and assistive listening devices.~~

~~((4) "Fitting and dispensing of hearing aids" means the sale, lease, or rental or attempted sale, lease, or rental of hearing aids together with the selection and adaptation of hearing aids and the use of those tests and procedures essential to the performance of these functions. It includes the taking of impressions for ear molds for these purposes.~~

~~(5)) (12) "Hearing instrument fitter/dispenser" means a person who is licensed to engage in the practice of fitting and dispensing of hearing instruments and meets the qualifications of this chapter.~~

~~(13) "Hearing instrument fitter/dispenser permit holder" means a person who practices under the direct supervision of a licensed hearing instrument fitter/dispenser or certified audiologist.~~

~~(14) "Secretary" means the secretary of health.~~

~~((6) "Establishment" means any facility engaged in the fitting and dispensing of hearing aids.))~~

~~(15) "Certified speech-language pathologist" means a person who is certified by the department to engage in the practice of speech-language pathology and meets the qualifications of this chapter.~~

~~(16) "Speech-language pathology" means the application of principles, methods, and procedures related to the development and disorders, whether of organic or nonorganic origin, that impede oral, pharyngeal, or laryngeal sensorimotor competencies and the normal process of human communication including, but not limited to, disorders and related disorders of speech, articulation, fluency, voice, verbal and written language, auditory comprehension, cognition/communication, and the application of augmentative communication treatment and devices for treatment of such disorders.~~

Sec. 3. RCW 18.35.020 and 1989 c 198 s 1 are each amended to read as follows:

No person shall engage in the fitting and dispensing of hearing ((aids)) instruments or imply or represent that he or she is engaged in the fitting and dispensing of hearing ((aids)) instruments unless he or she ((holds)) is a ((valid license)) licensed hearing instrument fitter/dispenser or a certified audiologist or holds a hearing instrument fitter/dispenser permit or audiology interim permit issued by the department as provided in this chapter and is an owner or employee of an establishment that is bonded as provided by RCW 18.35.240. The owner or manager of ((a)) an establishment that dispenses hearing ((aid establishment)) instruments is responsible under this chapter for all transactions made in the establishment name or conducted on its premises by agents or ((employees of)) persons employed by the establishment engaged in fitting and dispensing of hearing ((aids)) instruments. Every establishment that fits and dispenses shall have in its employ at least one licensed ((fitter dispenser)) hearing instrument fitter/dispenser or certified audiologist at all times, and shall annually submit proof that all ((audiometric)) testing equipment at that establishment that is required by the board to be calibrated has been properly calibrated.

**Sec. 4.** RCW 18.35.030 and 1983 c 39 s 3 are each amended to read as follows:

Any person who engages in ((the)) fitting and dispensing of hearing ((aids)) instruments shall provide to each person who enters into an agreement to purchase a hearing ((aid)) instrument a receipt at the time of the agreement containing the following information:

(1) The seller's name, signature, license, certificate, or permit number, address, and phone number of his or her regular place of business;

(2) A description of the ((aid)) instrument furnished, including make, model, circuit options, and the term "used" or "reconditioned" if applicable;

(3) A disclosure of the cost of all services including but not limited to the cost of testing and fitting, the actual cost of the hearing ((aid)) instrument furnished, the cost of ear molds if any, and the terms of the sale. These costs, including the cost of ear molds, shall be known as the total purchase price. The receipt shall also contain a statement of the purchaser's rescission rights under this chapter and an acknowledgment that the purchaser has read and understands these rights. Upon request, the purchaser shall also be supplied with a signed and dated copy of any hearing evaluation performed by the seller.

(4) At the time of delivery of the hearing ((aid)) instrument, the purchaser shall also be furnished with the serial number of the hearing ((aid)) instrument supplied.

**Sec. 5.** RCW 18.35.040 and 1991 c 3 s 81 are each amended to read as follows:

(1) An applicant for ((license shall be at least eighteen years of age)) licensure as a hearing instrument fitter/dispenser must have the following minimum qualifications and shall pay a fee determined by the secretary as provided in RCW 43.70.250. An applicant shall ((not)) be issued a license under the provisions of this chapter ((unless)) if the applicant:

((1)) (a)(i) Satisfactorily completes the hearing instrument fitter/dispenser examination required by this chapter; or

((2)) (ii) Holds a current, unsuspended, unrevoked license ((or certificate)) from ((a state or jurisdiction with which the department has entered into a reciprocal agreement, and shows evidence satisfactory to the department that the applicant is licensed in good standing in the other jurisdiction)) another jurisdiction if the standards for licensing in such other jurisdiction are substantially equivalent to those prevailing in this state;

(b) After December 31, 1996, has at least six months of apprenticeship training that meets requirements established by the board. The board may waive part or all of the apprenticeship training in recognition of formal education in fitting and dispensing of hearing instruments or in recognition of previous licensure in Washington or in another state, territory, or the District of Columbia;

(c) Is at least twenty-one years of age; and

(d) Has not committed unprofessional conduct as specified by the uniform disciplinary act.

The applicant must present proof of qualifications to the board in the manner and on forms prescribed by the secretary and proof of completion of a minimum of four clock hours of AIDS education and training pursuant to rules adopted by the board.

(2) An applicant for certification as a speech-language pathologist or audiologist must have the following minimum qualifications:

(a) Has not committed unprofessional conduct as specified by the uniform disciplinary act;

(b) Has a master's degree or the equivalent, or a doctorate degree or the equivalent, from a program at a board-approved institution of higher learning, which includes completion of a supervised clinical practicum experience as defined by rules adopted by the board; and

(c) Has completed postgraduate professional work experience approved by the board.

All qualified applicants must satisfactorily complete the speech-language pathology or audiology examinations required by this chapter.

The applicant must present proof of qualifications to the board in the manner and on forms prescribed by the secretary and proof of completion of a minimum of four clock hours of AIDS education and training pursuant to rules adopted by the board.

**Sec. 6.** RCW 18.35.050 and 1993 c 313 s 2 are each amended to read as follows:

Except as otherwise provided in this chapter an applicant for license or certification shall appear at a time and place and before such persons as the department may designate to be examined by written ((and)) or practical tests, or both. ((The department shall give an examination in May and November of each year.)) Examinations in hearing instrument fitting/dispensing, speech-language pathology, and audiology shall be held within the state at least once a year. The examinations shall be reviewed annually by the board and the department, and revised as necessary. ((No examination of any established association may be used as the exclusive replacement for the examination unless approved by the board.)) The examinations shall include appropriate subject matter to ensure the competence of the applicant.

Nationally recognized examinations in the fields of fitting and dispensing of hearing instruments, speech-language pathology, and audiology may be used to determine if applicants are qualified for licensure or certification. An applicant who fails an examination may apply for reexamination upon payment of a reexamination fee. The hearing instrument fitting/dispensing reexamination fee for hearing instrument fitter/dispensers and audiologists shall be set by the secretary under RCW 43.70.250.

**Sec. 7.** RCW 18.35.060 and 1993 c 313 s 3 are each amended to read as follows:

(1) The department shall issue a ((trainee license)) hearing instrument fitting/dispensing permit to any applicant who has shown to the satisfaction of the department that the applicant:

(a) ((The applicant)) Is at least ((eighteen)) twenty-one years of age;

(b) If issued a ((trainee license)) hearing instrument fitter/dispenser permit, would be employed and directly supervised in the fitting and dispensing of hearing ((aids)) instruments by a person licensed or certified in good standing as a ((fitter dispenser)) hearing instrument fitter/dispenser or audiologist for at least ((one year)) two years unless otherwise approved by the board; ((and))

(c) Has paid an application fee determined by the secretary as provided in RCW 43.70.250, to the department;

(d) Has not committed unprofessional conduct as specified by the uniform disciplinary act; and

(e) Is a high school graduate or the equivalent.

The provisions of RCW 18.35.030, 18.35.110, and 18.35.120 shall apply to any person issued a ((trainee license)) hearing instrument fitter/dispenser permit. Pursuant to the provisions of this section, a person issued a ((trainee license)) hearing instrument fitter/dispenser permit may engage in the fitting and dispensing of hearing ((aids)) instruments without having first passed the hearing instrument fitter/dispenser examination provided under this chapter.

(2) The ((trainee license)) hearing instrument fitter/dispenser permit shall contain the names of the ((person)) employer and the licensed or certified supervisor under this chapter who ((is)) are employing and supervising the ((trainee)) hearing instrument fitter/dispenser permit holder and ((that)) those persons shall execute an acknowledgment of responsibility for all acts of the ((trainee)) hearing instrument fitter/dispenser permit holder in connection with the fitting and dispensing of hearing ((aids)) instruments.

(3) A ~~((trainee))~~ hearing instrument fitter/dispenser permit holder may fit and dispense hearing ~~((aids))~~ instruments, but only if the ~~((trainee))~~ hearing instrument fitter/dispenser permit holder is under the direct supervision of a ~~((person))~~ licensed hearing instrument fitter/dispenser or certified audiologist under this chapter in a capacity other than as a ~~((trainee))~~ hearing instrument fitter/dispenser permit holder. Direct supervision by a licensed ~~((fitter-dispenser))~~ hearing instrument fitter/dispenser or certified audiologist shall be required whenever the ~~((trainee))~~ hearing instrument fitter/dispenser permit holder is engaged in the fitting or dispensing of hearing ~~((aids))~~ instruments during the ~~((trainee's first three months of full-time))~~ hearing instrument fitter/dispenser permit holder's employment. The board shall develop and adopt guidelines on any additional supervision or training it deems necessary.

(4) The ~~((trainee-license))~~ hearing instrument fitter/dispenser permit shall expire one year from the date of its issuance except that on recommendation of the board the ~~((license))~~ permit may be reissued for one additional year only.

(5) No ~~((person-licensed))~~ certified audiologist or licensed hearing instrument fitter/dispenser under this chapter may assume the responsibility for more than ~~((two trainees))~~ one hearing instrument fitter/dispenser permit holder at any one time ~~((, except that the department may approve one additional trainee if none of the trainees is within the initial ninety-day period of direct supervision and the licensee demonstrates to the department's satisfaction that adequate supervision will be provided for all trainees)).~~

(6) The department, upon approval by the board, shall issue an interim permit authorizing an applicant for speech-language pathologist certification or audiologist certification who, except for the postgraduate professional experience and the examination requirements, meets the academic and practicum requirements of RCW 18.35.040 to practice under interim permit supervision by a certified speech-language pathologist or certified audiologist. The interim permit is valid for a period of one year from date of issuance. The board shall determine conditions for the interim permit.

**Sec. 8.** RCW 18.35.070 and 1973 1st ex. s. c 106 s 7 are each amended to read as follows:

The hearing instrument fitter/dispenser written or practical examination, or both, provided in RCW 18.35.050 shall consist of:

(1) Tests of knowledge in the following areas as they pertain to the fitting of hearing ~~((aids))~~ instruments:

(a) Basic physics of sound;

(b) The human hearing mechanism, including the science of hearing and the causes and rehabilitation of abnormal hearing and hearing disorders; and

(c) Structure and function of hearing ~~((aids))~~ instruments.

(2) Tests of proficiency in the following ~~((techniques))~~ areas as they pertain to the fitting of hearing ~~((aids))~~ instruments:

(a) Pure tone audiometry, including air conduction testing and bone conduction testing;

(b) Live voice or recorded voice speech audiometry, including speech reception threshold testing and speech discrimination testing;

(c) Effective masking;

(d) Recording and evaluation of audiograms and speech audiometry to determine hearing ~~((aid))~~ instrument candidacy;

(e) Selection and adaptation of hearing ~~((aids))~~ instruments and testing of hearing ~~((aids))~~ instruments; and

(f) Taking ear mold impressions.

(3) Evidence of knowledge regarding the medical and rehabilitation facilities for children and adults that are available in the area served.

(4) Evidence of knowledge of grounds for revocation or suspension of license under the provisions of this chapter.

(5) Any other tests as the ~~((department))~~ board may by rule establish.

**Sec. 9.** RCW 18.35.080 and 1991 c 3 s 83 are each amended to read as follows:

(1) The department shall license or certify each qualified applicant, without discrimination, who satisfactorily completes the required examinations for his or her profession and, upon payment of a fee determined by the secretary as provided in RCW 43.70.250 to the department, shall issue to the applicant a license or certificate. A person shall not knowingly make a false, material statement in an application for a license, certification, or permit or for a renewal of a license, certification, or permit.

If a ~~((person))~~ prospective hearing instrument fitter/dispenser does not apply for a license within three years of the successful completion of the hearing instrument fitter/dispenser license examination, reexamination is required for licensure. The license shall be effective until the licensee's next birthday at which time it is subject to renewal. Subsequent renewal dates shall coincide with the licensee's birthday.

(2) The board shall waive the examination and grant a speech-language pathology certificate to a person engaged in the profession of speech-language pathology in this state on the effective date of this section if the board determines that the person meets commonly accepted standards for the profession, as defined by rules adopted by the board. Persons eligible for certification under this subsection must apply for a certificate before July 1, 1997.

(3) The board shall waive the examinations and grant an audiology certificate to a person engaged in the profession of audiology in this state on the effective date of this section if the board determines that the person meets the commonly accepted standards for the profession and has passed the hearing instrument fitter/dispenser examination. Persons eligible for certification under this subsection must apply for a certificate before July 1, 1997.

(4) The board shall grant an audiology certificate to a person engaged in the profession of audiology, who has not been licensed as a hearing aid fitter/dispenser, but who meets the commonly accepted standards for the profession of audiology and graduated from a board-approved program after January 1, 1993, and has passed sections of the examination pertaining to RCW 18.35.070 (3), (4), and (5). Persons eligible for certification under this subsection must apply for a certificate before July 1, 1997.

(5) Persons engaged in the profession of audiology who meet the commonly accepted standards for the profession of audiology and graduated from a board-approved program prior to January 1, 1993, and who have not passed the hearing instrument fitter/dispenser examination shall be granted a temporary audiology certificate (nondispensing) for a period of two years from the effective date of this section during which time they must pass sections of the hearing instrument fitter/dispenser examination pertaining to RCW 18.35.070 (1)(c), (2)(e) and (f), (3), (4), and (5). The board may extend the term of the temporary certificate upon review. Persons eligible for certification under this subsection must apply for a certificate before July 1, 1997.

**Sec. 10.** RCW 18.35.085 and 1991 c 332 s 31 are each amended to read as follows:

An applicant holding a credential in another state, territory, or the District of Columbia may be credentialed to practice in this state without examination if the board determines that the other state's credentialing standards are substantially equivalent to the standards in this state.

**Sec. 11.** RCW 18.35.090 and 1991 c 3 s 84 are each amended to read as follows:

Each person who engages in ~~((the fitting and dispensing of hearing aids))~~ practice under this chapter shall, as the department prescribes by rule, pay to the department a fee established by the secretary under RCW 43.70.250 for a renewal of the license, certificate, or permit and shall keep the license, certificate, or permit conspicuously posted in the place of business at all times. The license, certificate, or permit of any person who fails to renew his or her license ~~((prior to the expiration date must pay a penalty fee in addition to the renewal fee and satisfy the requirements)),~~ certificate, or permit prior to the expiration date shall automatically lapse. Within three years from the date of lapse and upon recommendation of the board, the secretary may revive a lapsed license or certificate upon payment of all past unpaid renewal fees and a penalty fee to be determined by the secretary and satisfaction of any requirements, which may include reexamination, that may be set forth by rule promulgated by the secretary for reinstatement. The secretary may by rule establish mandatory continuing education requirements and/or continued competency standards to be met by licensees or certificate or permit holders as a condition for license, certificate, or permit renewal.

**Sec. 12.** RCW 18.35.095 and 1993 c 313 s 12 are each amended to read as follows:

(1) A ~~(person)~~ hearing instrument fitter/dispenser licensed under this chapter and not actively ~~(fitting and dispensing hearing aids)~~ practicing may be placed on inactive status by the department at the written request of the licensee. The board shall define by rule the conditions for inactive status licensure. In addition to the requirements of RCW 43.24.086, the licensing fee for a licensee on inactive status shall be directly related to the costs of administering an inactive license by the department. A ~~(person)~~ hearing instrument fitter/dispenser on inactive status may be voluntarily placed on active status by notifying the department in writing, paying the remainder of the licensing fee for the licensing year, and complying with subsection (2) of this section.

(2) ~~Hearing instrument fitter/dispenser inactive licensees applying for active licensure shall comply with the following: A licensee who has not fitted or dispensed hearing (aids) instruments for more than five years from the expiration of the licensee's full fee license shall retake the practical or the written, or both, hearing instrument fitter/dispenser examinations required under this chapter and (shall have completed continuing education requirements within the previous twelve month period. Persons who have been on inactive status from two to five years must have within the previous twelve months completed continuing education requirements. Persons who have been on inactive status for one year or less shall upon application be reinstated as active licensees)) other requirements as determined by the board. Persons who have inactive status in this state but who are actively licensed and in good standing in any other state shall not be required to (meet continuing education requirements or to) take the hearing instrument fitter/dispenser practical examination(s), but must submit an affidavit attesting to their knowledge of the current Washington Administrative Code rules and Revised Code of Washington statutes pertaining to the fitting and dispensing of hearing (aids) instruments.~~

(3) A ~~speech-language pathologist or audiologist certified under this chapter and not actively practicing either speech-language pathology or audiology may be placed on inactive status by the department at the written request of the certificate holder. The board shall define by rule the conditions for inactive status certification. In addition to the requirements of RCW 43.24.086, the fee for a certificate on inactive status shall be directly related to the cost of administering an inactive certificate by the department. A person on inactive status may be voluntarily placed on active status by notifying the department in writing, paying the remainder of the fee for the year, and complying with subsection (4) of this section.~~

(4) ~~Speech-language pathologist or audiologist inactive certificate holders applying for active certification shall comply with requirements set forth by the board, which may include completion of continuing competency requirements and taking an examination.~~

**Sec. 13.** RCW 18.35.100 and 1983 c 39 s 8 are each amended to read as follows:

(1) Every ~~(person who holds a license)~~ hearing instrument fitter/dispenser, audiologist, speech-language pathologist, hearing instrument fitter/dispenser permit holder, or interim permit holder, who is regulated under this chapter, shall notify the department in writing of the regular address of the place or places in the state of Washington where the person ~~(engages or intends to engage in the fitting and dispensing of hearing aids)~~ practices or intends to practice more than twenty consecutive business days and of any change thereof within ten days of such change. Failure to notify the department in writing shall be grounds for suspension or revocation of license, certificate, or permit.

(2) The department shall keep a record of the places of business of persons who hold licenses, certificates, or permits.

(3) Any notice required to be given by the department to a person who holds a license, certificate, or permit may be given by mailing it to the address of the last ~~(place of business)~~ establishment or facility of which the person has notified the department, except that notice to a licensee or certificate or permit holder of proceedings to deny, suspend, or revoke the license, certificate, or permit shall be by certified or registered mail or by means authorized for service of process.

**Sec. 14.** RCW 18.35.105 and 1989 c 198 s 6 are each amended to read as follows:

Each licensee and certificate and permit holder under this chapter shall keep records of all services rendered for a ~~(period)~~ minimum of three years. These records shall contain the names and addresses of all persons to whom services were provided ~~(-)~~. Hearing instrument fitters/dispensers, audiologists, and permit holders shall also record the date the hearing instrument warranty expires, a description of the services and the dates the services were provided, and copies of any contracts and receipts. All records, as required pursuant to this chapter or by rule, ~~(kept by licensees)~~ shall be owned by the establishment or facility and shall remain with the establishment or facility in the event the licensee or certificate holder changes employment. If a contract between the establishment or facility and the licensee or certificate holder provides that the records are to remain with the licensee or certificate holder, copies of such records shall be provided to the establishment or facility.

**Sec. 15.** RCW 18.35.110 and 1993 c 313 s 4 are each amended to read as follows:

In addition to causes specified under RCW 18.130.170 and 18.130.180, any person licensed or holding a permit or certificate under this chapter may be subject to disciplinary action by the board for any of the following causes:

(1) For unethical conduct in ~~(dealing in)~~ dispensing hearing ~~(aids)~~ instruments. Unethical conduct shall include, but not be limited to:

(a) Using or causing or promoting the use of, in any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation, however disseminated or published, which is false, misleading or deceptive;

(b) Failing or refusing to honor or to perform as represented any representation, promise, agreement, or warranty in connection with the promotion, sale, dispensing, or fitting of the hearing ~~(aid)~~ instrument;

(c) Advertising a particular model, type, or kind of hearing ~~(aid)~~ instrument for sale which purchasers or prospective purchasers responding to the advertisement cannot purchase or are dissuaded from purchasing and where it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model, type, or kind than that advertised;

(d) Falsifying hearing test or evaluation results;

(e)(i) Whenever any of the following conditions are found or should have been found to exist either from observations by the licensee or certificate or permit holder or on the basis of information furnished by the prospective hearing ~~(aid)~~ instrument user prior to fitting and dispensing a hearing ~~(aid)~~ instrument to any such prospective hearing ~~(aid)~~ instrument user, failing to advise that prospective hearing ~~(aid)~~ instrument user in writing that the user should first consult a licensed physician specializing in diseases of the ear or if no such licensed physician is available in the community then to any duly licensed physician:

(A) Visible congenital or traumatic deformity of the ear, including perforation of the eardrum;

(B) History of, or active drainage from the ear within the previous ninety days;

(C) History of sudden or rapidly progressive hearing loss within the previous ninety days;

(D) Acute or chronic dizziness;

(E) Any unilateral hearing loss;

(F) Significant air-bone gap when generally acceptable standards have been established as defined by the food and drug administration;

(G) Visible evidence of significant cerumen accumulation or a foreign body in the ear canal;

(H) Pain or discomfort in the ear; or

(I) Any other conditions that the board may by rule establish. It is a violation of this subsection for any licensee or certificate holder or that licensee's or certificate holder's employees and putative agents upon making such required referral for medical opinion to in any manner whatsoever disparage or discourage a prospective hearing ~~(aid)~~ instrument user from seeking such medical opinion prior to the fitting and dispensing of a hearing ~~(aid)~~ instrument. No such referral for medical opinion need be made by any ~~(licensee)~~ licensed hearing instrument fitter/dispenser, certified audiologist, or permit holder in the instance of replacement only of a hearing ~~(aid)~~ instrument which has been lost or damaged beyond repair within ~~(six)~~ twelve months of the date of purchase. The ~~(licensee)~~ licensed hearing instrument fitter/dispenser, certified audiologist, or permit holder or ~~(the licensee's)~~ their employees or putative agents shall obtain a signed statement

from the hearing ~~((aid)) instrument~~ user documenting the waiver of medical clearance and the waiver shall inform the prospective user that signing the waiver is not in the user's best health interest: PROVIDED, That the ~~((licensee)) licensed hearing instrument fitter/dispenser, certified audiologist, or permit holder~~ shall maintain a copy of either the physician's statement showing that the prospective hearing ~~((aid)) instrument~~ user has had a medical evaluation within the previous six months or the statement waiving medical evaluation, for a period of three years after the purchaser's receipt of a hearing ~~((aid)) instrument~~. Nothing in this section required to be performed by a licensee ~~or certificate or permit holder~~ shall mean that the licensee ~~or certificate or permit holder~~ is engaged in the diagnosis of illness or the practice of medicine or any other activity prohibited under the laws of this state;

(ii) Fitting and dispensing a hearing ~~((aid)) instrument~~ to any person under eighteen years of age who has not been examined and cleared for hearing ~~((aid)) instrument~~ use within the previous six months by a physician specializing in otolaryngology except in the case of replacement instruments or except in the case of the parents or guardian of such person refusing, for good cause, to seek medical opinion: PROVIDED, That should the parents or guardian of such person refuse, for good cause, to seek medical opinion, the ~~((licensee)) licensed hearing instrument fitter/dispenser or certified audiologist~~ shall obtain from such parents or guardian a certificate to that effect in a form as prescribed by the department;

(iii) Fitting and dispensing a hearing ~~((aid)) instrument~~ to any person under eighteen years of age who has not been examined by an audiologist who holds at least a master's degree in audiology for recommendations during the previous six months, without first advising such person or his or her parents or guardian in writing that he or she should first consult an audiologist who holds at least a master's degree in audiology, except in cases of hearing ~~((aids)) instruments~~ replaced within ~~((six)) twelve~~ months of their purchase;

(f) Representing that the services or advice of a person licensed to practice medicine and surgery under chapter 18.71 RCW or osteopathy and surgery under chapter 18.57 RCW or of a clinical audiologist will be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing ~~((aids)) instruments~~ when that is not true, or using the word "doctor," "clinic," or other like words, abbreviations, or symbols which tend to connote a medical or osteopathic profession when such use is not accurate;

(g) Permitting another to use his or her license, certificate, or permit;

(h) Stating or implying that the use of any hearing ~~((aid)) instrument~~ will restore normal hearing, preserve hearing, prevent or retard progression of a hearing impairment, or any other false, misleading, or medically or audiological unsupportable claim regarding the efficiency of a hearing ~~((aid)) instrument~~;

(i) Representing or implying that a hearing ~~((aid)) instrument~~ is or will be "custom-made," "made to order," "prescription made," or in any other sense specially fabricated for an individual when that is not the case; or

(j) Directly or indirectly offering, giving, permitting, or causing to be given, money or anything of value to any person who advised another in a professional capacity as an inducement to influence that person, or to have that person influence others to purchase or contract to purchase any product sold or offered for sale by the ~~((licensee)) hearing instrument fitter/dispenser, audiologist, or permit holder~~, or to influence any person to refrain from dealing in the products of competitors.

(2) Engaging in any unfair or deceptive practice or unfair method of competition in trade within the meaning of RCW 19.86.020.

(3) Aiding or abetting any violation of the rebating laws as stated in chapter 19.68 RCW.

**NEW SECTION. Sec. 16.** A new section is added to chapter 18.35 RCW to read as follows:

(1) A person who is not licensed with the secretary as a hearing instrument fitter/dispenser under the requirements of this chapter may not represent himself or herself as being so licensed and may not use in connection with his or her name the words "licensed hearing instrument fitter/dispenser," "hearing instrument specialist," or "hearing aid fitter/dispenser," or a variation, synonym, word, sign, number, insignia, coinage, or whatever expresses, employs, or implies these terms, names, or functions of a licensed hearing instrument fitter/dispenser.

(2) A person who is not certified with the secretary as a speech-language pathologist under the requirements of this chapter may not represent himself or herself as being so certified and may not use in connection with his or her name the words including "certified speech-language pathologist" or a variation, synonym, word, sign, number, insignia, coinage, or whatever expresses, employs, or implies these terms, names, or functions as a certified speech-language pathologist.

(3) A person who is not certified with the secretary as an audiologist under the requirements of this chapter may not represent himself or herself as being so certified and may not use in connection with his or her name the words "certified audiologist" or a variation, synonym, letter, word, sign, number, insignia, coinage, or whatever expresses, employs, or implies these terms, names, or functions of a certified audiologist.

(4) A person who does not hold a permit issued by the secretary as a hearing instrument fitter/dispenser permittee under the requirements of this chapter may not represent himself or herself as being so permitted and may not use in connection with his or her name the words "hearing instrument fitter/dispenser permit holder" or a variation, synonym, word, sign, number, insignia, coinage, or whatever expresses, employs, or implies these terms, names, or functions of a hearing instrument fitter/dispenser permit holder.

(5) Nothing in this chapter prohibits a person credentialed in this state under another act from engaging in the practice for which he or she is credentialed.

**Sec. 17.** RCW 18.35.120 and 1983 c 39 s 10 are each amended to read as follows:

A licensee ~~or certificate or permit holder~~ under this chapter may also be subject to disciplinary action if the licensee ~~or certificate or permit holder~~:

(1) Is found guilty in any court of any crime involving forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, or conspiracy to defraud and ten years have not elapsed since the date of the conviction; or

(2) Has a judgment entered against him or her in any civil action involving forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, or conspiracy to defraud and five years have not elapsed since the date of the entry of the final judgment in the action, but a license ~~or certificate~~ shall not be issued unless the judgment debt has been discharged; or

(3) Has a judgment entered against him or her under chapter 19.86 RCW and two years have not elapsed since the entry of the final judgment; but a license ~~or certificate~~ shall not be issued unless there has been full compliance with the terms of such judgment, if any. The judgment shall not be grounds for denial, suspension, nonrenewal, or revocation of a license ~~or certificate~~ unless the judgment arises out of and is based on acts of the applicant, licensee, ~~certificate holder~~, or employee of the licensee ~~or certificate holder~~; ~~or~~

~~(4) Commits unprofessional conduct as defined in RCW 18.130.180 of the uniform disciplinary act.~~

**Sec. 18.** RCW 18.35.140 and 1993 c 313 s 5 are each amended to read as follows:

The powers and duties of the department, in addition to the powers and duties provided under other sections of this chapter, are as follows:

(1) To provide ~~((facilities)) space~~ necessary to carry out the examination ~~((of applicants for license)) set forth in RCW 18.35.070 of applicants for hearing instrument fitter/dispenser licenses or audiology certification.~~

(2) To authorize all disbursements necessary to carry out the provisions of this chapter.

(3) To require the periodic examination of ~~((the audiometric)) testing equipment, as defined by the board,~~ and to carry out the periodic inspection of facilities or establishments of persons who ~~((deal in hearing aids)) are licensed or certified under this chapter,~~ as reasonably required within the discretion of the department.

~~(4) To appoint advisory committees as necessary.~~

(5) To keep a record of proceedings under this chapter and a register of all persons licensed, certified, or holding permits under this chapter. The register shall show the name of every living licensee or permit holder for hearing instrument fitting/dispensing, every living

certificate or interim permit holder for speech-language pathology, every living certificate or interim permit holder for audiology, with his or her last known place of residence and the date and number of his or her license, permit, or certificate.

**Sec. 19.** RCW 18.35.150 and 1993 c 313 s 6 are each amended to read as follows:

(1) There is created hereby the board (~~(on fitting and dispensing of hearing aids)~~) of hearing and speech to govern the three separate professions: Hearing instrument fitting/dispensing, audiology, and speech-language pathology. The board shall consist of (~~seven~~) ten members to be appointed by the governor.

(2) Members of the board shall be residents of this state. (~~Two~~) Three members shall represent the public and shall have an interest in the rights of consumers of health services, and shall not be or have been a member of, or married to a member of, another licensing board, a licensee of a health occupation board, an employee of a health facility, nor derive his or her primary livelihood from the provision of health services at any level of responsibility. Two members shall be (~~persons experienced in the fitting of hearing aids~~) hearing instrument fitter/dispensers who (shall hold valid licenses) are licensed under this chapter (and who do not have a masters level college degree in audiology), have at least five years of experience in the practice of hearing instrument fitting and dispensing, and must be actively engaged in fitting and dispensing within two years of appointment. Two members of the board shall be audiologists certified under this chapter who have at least five years of experience in the practice of audiology and must be actively engaged in practice within two years of appointment. Two members of the board shall be speech-language pathologists certified under this chapter who have at least five years of experience in the practice of speech-language pathology and must be actively engaged in practice within two years of appointment. One advisory nonvoting member shall be a medical (~~or osteopathic~~) physician (~~specializing in diseases of the ear.~~ Two members must be experienced in the fitting of hearing aids, must be licensed under this chapter, and shall have received at a minimum a masters level college degree in audiology) licensed in the state of Washington.

(3) The term of office of a member is three years. Of the initial appointments, one hearing instrument fitter/dispenser, one speech-language pathologist, one audiologist, and one consumer shall be appointed for a term of two years, and one hearing instrument fitter/dispenser, one speech-language pathologist, one audiologist, and two consumers shall be appointed for a term of three years. Thereafter, all appointments shall be made for expired terms. No member shall be appointed to serve more than two consecutive terms. A member shall continue to serve until a successor has been appointed. The governor shall either reappoint the member or appoint a successor to assume the member's duties at the expiration of his or her predecessor's term. A vacancy in the office of a member shall be filled by appointment for the unexpired term.

(4) (~~The chair of the board shall be elected from the membership of the board at the beginning of each year.~~) The chair shall rotate annually among the hearing instrument fitter/dispensers, speech-language pathologists, audiologists, and public members serving on the board. In the absence of the chair, the board shall appoint an interim chair. In event of a tie vote, the issue shall be brought to a second vote and the chair shall refrain from voting.

(5) The board shall meet at least once each year, at a place, day and hour determined by the board, unless otherwise directed by a majority of board members. The board shall also meet at such other times and places as are requested by the department or by three members of the board. A quorum is a majority of the board. A hearing instrument fitter/dispenser, speech-language pathologist, and audiologist must be represented. Meetings of the board shall be open and public, except the board may hold executive sessions to the extent permitted by chapter 42.30 RCW.

(6) Members of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) The governor may remove a member of the board for cause at the recommendation of a majority of the board.

**Sec. 20.** RCW 18.35.161 and 1993 c 313 s 7 are each amended to read as follows:

The board shall have the following powers and duties:

(1) To establish by rule such minimum standards and procedures in the fitting and dispensing of hearing (~~aid~~) instruments as deemed appropriate and in the public interest;

(2) To develop guidelines on the training and supervision of (~~trainees~~) hearing instrument fitter/dispenser permit holders and to establish requirements regarding the extent of apprenticeship training and certification to the department;

(3) To adopt any other rules necessary to implement this chapter and which are not inconsistent with it;

(4) To develop, approve, and administer (~~all licensing examinations required by this chapter~~) or supervise the administration of examinations to applicants for licensure and certification under this chapter; (and)

(5) To require a licensee or certificate or permit holder to make restitution to any individual injured by a violation of this chapter or chapter 18.130 RCW, the uniform disciplinary act. The authority to require restitution does not limit the board's authority to take other action deemed appropriate and provided for in this chapter or chapter 18.130 RCW;

(6) To pass upon the qualifications of applicants for licensure, certification, or permits and to certify to the secretary;

(7) To recommend requirements for continuing education and continuing competency requirements as a prerequisite to renewing a license or certificate under this chapter;

(8) To keep an official record of all its proceedings. The record is evidence of all proceedings of the board that are set forth in this record;

(9) To adopt rules, if the board finds it appropriate, in response to questions put to it by professional health associations, hearing instrument fitter/dispensers or audiologists, speech-language pathologists, permit holders, and consumers in this state; and

(10) To adopt rules relating to standards of care relating to hearing instrument fitter/dispensers or audiologists, including the dispensing of hearing instruments, and relating to speech-language pathologists, including dispensing of communication devices.

**NEW SECTION. Sec. 21.** A new section is added to chapter 18.35 RCW to read as follows:

Violation of the standards adopted by rule under RCW 18.35.161 is unprofessional conduct under this chapter and chapter 18.130 RCW.

**Sec. 22.** RCW 18.35.172 and 1987 c 150 s 21 are each amended to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs unlicensed practice, the issuance and denial of licenses, certificates, and permits, and the discipline of licensees and certificate and permit holders under this chapter.

**Sec. 23.** RCW 18.35.175 and 1983 c 39 s 21 are each amended to read as follows:

It is unlawful to (~~sell~~) fit or dispense a hearing (aid) instrument to a resident of this state if the attempted sale or purchase is offered or made by telephone or mail order and there is no face-to-face contact to test or otherwise determine the needs of the prospective purchaser. This section does not apply to the sale of hearing (~~aid~~) instruments by wholesalers to licensees or certificate holders under this chapter.

**Sec. 24.** RCW 18.35.180 and 1973 1st ex.s. c 106 s 18 are each amended to read as follows:

Acts and practices in the course of trade in the promoting, advertising, selling, fitting, and dispensing of hearing (~~aid~~) instruments shall be subject to the provisions of chapter 19.86 RCW (Consumer Protection Act) and RCW 9.04.050 (False Advertising Act) and any violation of the provisions of this chapter shall constitute violation of RCW 19.86.020.

**Sec. 25.** RCW 18.35.185 and 1993 c 313 s 9 are each amended to read as follows:

(1) In addition to any other rights and remedies a purchaser may have, the purchaser of a hearing (~~aid~~) instrument shall have the right to rescind the transaction for other than the (~~licensee's~~) licensed hearing instrument fitter/dispenser, certified audiologist, or permit holder's breach if:

(a) The purchaser, for reasonable cause, returns the hearing ~~((aid)) instrument~~ or holds it at the ~~((licensee's)) licensed hearing instrument fitter/dispenser, certified audiologist, or permit holder's~~ disposal, if the hearing ~~((aid)) instrument~~ is in its original condition less normal wear and tear. "Reasonable cause" shall be defined by the board but shall not include a mere change of mind on the part of the purchaser or a change of mind related to cosmetic concerns of the purchaser about wearing a hearing ~~((aid)) instrument~~; and

(b) The purchaser sends notice of the cancellation by certified mail, return receipt requested, to the establishment employing the ~~((licensee)) licensed hearing instrument fitter/dispenser, certified audiologist, or permit holder~~ at the time the hearing ~~((aid)) instrument~~ was originally purchased, and the notice is posted not later than thirty days following the date of delivery, but the purchaser and the ~~((licensee)) licensed hearing instrument fitter/dispenser, certified audiologist, or permit holder~~ may extend the deadline for posting of the notice of rescission by mutual, written agreement. In the event the hearing ~~((aid is in the possession of the licensee or the licensee's representative)) instrument develops a problem which qualifies as a reasonable cause for rescission or which prevents the purchaser from evaluating the hearing instrument, and the purchaser notifies the establishment employing the licensed hearing instrument fitter/dispenser, certified audiologist or permit holder of the problem during the thirty days following the date of delivery and documents such notification, the deadline for posting the notice of rescission shall be extended by an equal number of days ((that the aid is in the possession of the licensee or the licensee's representative)) as those between the date of the notification of the problem to the date of notification of availability for redeliveries. Where the hearing ~~((aid)) instrument~~ is returned to the ~~((licensee)) licensed hearing instrument fitter/dispenser, certified audiologist, or permit holder~~ for any inspection for modification or repair, and the ~~((licensee)) licensed hearing instrument fitter/dispenser, certified audiologist, or permit holder~~ has notified the purchaser that the hearing ~~((aid)) instrument~~ is available for redelivery, and where the purchaser has not responded by either taking possession of the hearing ~~((aid)) instrument~~ or instructing the ~~((licensee)) licensed hearing instrument fitter/dispenser, certified audiologist, or permit holder~~ to forward it to the purchaser, then the deadline for giving notice of the rescission shall ~~((begin)) extend no more than seven working days after this notice of availability.~~~~

(2) If the transaction is rescinded under this section or as otherwise provided by law and the hearing ~~((aid)) instrument~~ is returned to the ~~((licensee)) licensed hearing instrument fitter/dispenser, certified audiologist, or permit holder~~, the ~~((licensee)) licensed hearing instrument fitter/dispenser, certified audiologist, or permit holder~~ shall refund to the purchaser any payments or deposits for that hearing ~~((aid)) instrument~~. However, the ~~((licensee)) licensed hearing instrument fitter/dispenser, certified audiologist, or permit holder~~ may retain, for each hearing ~~((aid, fifteen percent of the total purchase price or one hundred dollars, whichever is less)) instrument, fifteen percent of the total purchase price or one hundred twenty-five dollars, whichever is less. After December 31, 1996, the rescission amount shall be determined by the board. The ((licensee)) licensed hearing instrument fitter/dispenser, certified audiologist, or permit holder shall also return any goods traded in contemplation of the sale, less any costs incurred by the ((licensee)) licensed hearing instrument fitter/dispenser, certified audiologist, or permit holder in making those goods ready for resale. The refund shall be made within ten business days after the rescission. The buyer shall incur no additional liability for such rescission.~~

(3) For the purposes of this section, the purchaser shall have recourse against the bond held by the establishment entering into a purchase agreement with the buyer, as provided by RCW 18.35.240.

**Sec. 26.** RCW 18.35.190 and 1989 c 198 s 8 are each amended to read as follows:

In addition to remedies otherwise provided by law, in any action brought by or on behalf of a person required to be licensed ~~or certified or to hold a permit hereunder, or by any assignee or transferee ((thereof, arising out of the business of fitting and dispensing of hearing aids)), it shall be necessary to allege and prove that the licensee or certificate or permit holder at the time of the transaction held a valid license, certificate, or permit as required by this chapter, and that such license, certificate, or permit has not been suspended or revoked pursuant to RCW 18.35.110, 18.35.120, or 18.130.160.~~

**Sec. 27.** RCW 18.35.195 and 1983 c 39 s 22 are each amended to read as follows:

(1) This chapter shall not apply to military or federal government employees~~((, nor shall it apply to))~~.

(2) This chapter does not prohibit or regulate:

(a) Fitting or dispensing by students enrolled in ~~((an accredited)) a board-approved program who are directly supervised by a licensed hearing ((aid)) instrument fitter/dispenser or certified audiologist under the provisions of this chapter; and~~

(b) Hearing instrument fitters/dispensers, speech-language pathologists, or audiologists of other states, territories, or countries, or the District of Columbia while appearing as clinicians of bona fide educational seminars sponsored by speech-language pathology, audiology, hearing instrument fitter/dispenser, medical, or other healing art professional associations so long as such activities do not go beyond the scope of practice defined by this chapter.

**Sec. 28.** RCW 18.35.205 and 1983 c 39 s 24 are each amended to read as follows:

The legislature finds that the public health, safety, and welfare would best be protected by uniform regulation of hearing ~~((aid fitter-dispensers)) instrument fitter/dispensers, speech-language pathologists, audiologists, and permit holders~~ throughout the state. Therefore, the provisions of this chapter relating to the licensing ~~or certification of hearing ((aid fitter-dispensers and hearing aid)) instrument fitter/dispensers, speech-language pathologists, and audiologists and regulation of permit holders and their respective establishments or facilities~~ is exclusive. No political subdivision of the state of Washington within whose jurisdiction a hearing ~~((aid)) instrument fitter/dispenser, audiologist, or speech-language pathologist establishment or facility~~ is located may require any registrations, bonds, licenses, certificates, or permits of the establishment or facility or its employees or charge any fee for the same or similar purposes: PROVIDED, HOWEVER, That nothing herein shall limit or abridge the authority of any political subdivision to levy and collect a general and nondiscriminatory license fee levied on all businesses, or to levy a tax based upon the gross business conducted by any firm within the political subdivision.

**Sec. 29.** RCW 18.35.230 and 1989 c 198 s 9 are each amended to read as follows:

(1) Each licensee ~~or certificate or permit holder~~ shall name a registered agent to accept service of process for any violation of this chapter or rule adopted under this chapter.

(2) The registered agent may be released at the expiration of one year after the license, ~~certificate, or permit~~ issued under this chapter has expired or been revoked.

(3) Failure to name a registered agent for service of process for violations of this chapter or rules adopted under this chapter may be grounds for disciplinary action.

**Sec. 30.** RCW 18.35.240 and 1993 c 313 s 11 are each amended to read as follows:

(1) Every establishment engaged in the fitting and dispensing of hearing ~~((aids)) instruments~~ shall file with the department a surety bond in the sum of ten thousand dollars, running to the state of Washington, for the benefit of any person injured or damaged as a result of any violation by the establishment's employees or agents of any of the provisions of this chapter or rules adopted by the secretary.

(2) In lieu of the surety bond required by this section, the establishment may file with the department a cash deposit or other negotiable security acceptable to the department. All obligations and remedies relating to surety bonds shall apply to deposits and security filed in lieu of surety bonds.

(3) If a cash deposit is filed, the department shall deposit the funds ~~((with the state treasurer))~~. The cash or other negotiable security deposited with the department shall be returned to the depositor one year after the establishment has discontinued the fitting and dispensing of hearing ~~((aids)) instruments~~ if no legal action has been instituted against the establishment, its agents or employees, or the cash deposit or other security. The establishment owners shall notify the department if the establishment is sold, ~~changes names~~, or has discontinued the fitting and dispensing of hearing ~~((aids)) instruments~~ in order that the cash deposit or other security may be released at the end of one year from that date.

(4) A surety may file with the department notice of withdrawal of the bond of the establishment. Upon filing a new bond, or upon the expiration of sixty days after the filing of notice of withdrawal by the surety, the liability of the former surety for all future acts of the establishment terminates.

(5) Upon the filing with the department notice by a surety of withdrawal of the surety on the bond of an establishment or upon the cancellation by the department of the bond of a surety under this section, the department shall immediately give notice to the establishment by certified or registered mail with return receipt requested addressed to the establishment's last place of business as filed with the department.

(6) The department shall immediately cancel the bond given by a surety company upon being advised that the surety company's license to transact business in this state has been revoked.

(7) Each invoice for the purchase of a hearing ~~((aid))~~ instrument provided to a customer must clearly display on the first page the bond number of the establishment or the licensee ~~((selling))~~ or certificate or permit holder fitting/dispensing the hearing ~~((aid))~~ instrument.

**Sec. 31.** RCW 18.35.250 and 1991 c 3 s 86 are each amended to read as follows:

(1) In addition to any other legal remedies, an action may be brought in any court of competent jurisdiction upon the bond, cash deposit, or security in lieu of a surety bond required by this chapter, by any person having a claim against a licensee or certificate or permit holder, agent, or establishment for any violation of this chapter or any rule adopted under this chapter. The aggregate liability of the surety to all claimants shall in no event exceed the sum of the bond. Claims shall be satisfied in the order of judgment rendered.

(2) An action upon the bond shall be commenced by serving and filing the complaint within one year from the date of the cancellation of the bond. An action upon a cash deposit or other security shall be commenced by serving and filing the complaint within one year from the date of notification to the department of the change in ownership of the establishment or the discontinuation of the fitting and dispensing of hearing ~~((aids))~~ instruments by that establishment. Two copies of the complaint shall be served by registered or certified mail, return receipt requested, upon the department at the time the suit is started. The service constitutes service on the surety. The secretary shall transmit one copy of the complaint to the surety within five business days after the copy has been received.

(3) The secretary shall maintain a record, available for public inspection, of all suits commenced under this chapter under surety bonds, or the cash or other security deposited in lieu of the surety bond. In the event that any final judgment impairs the liability of the surety upon a bond so furnished or the amount of the deposit so that there is not in effect a bond undertaking or deposit in the full amount prescribed in this section, the department shall suspend the license or certificate until the bond undertaking or deposit in the required amount, unimpaired by unsatisfied judgment claims, has been furnished.

(4) If a judgment is entered against the deposit or security required under this chapter, the department shall, upon receipt of a certified copy of a final judgment, pay the judgment from the amount of the deposit or security.

**Sec. 32.** RCW 18.130.040 and 1995 c 336 s 2, 1995 c 323 s 16, 1995 c 260 s 11, and 1995 c 1 s 19 (Initiative Measure No. 607) are each reenacted and amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

- (i) Dispensing opticians licensed under chapter 18.34 RCW;
- (ii) Naturopaths licensed under chapter 18.36A RCW;
- (iii) Midwives licensed under chapter 18.50 RCW;
- (iv) Ocularists licensed under chapter 18.55 RCW;
- (v) Massage operators and businesses licensed under chapter 18.108 RCW;
- (vi) Dental hygienists licensed under chapter 18.29 RCW;
- (vii) Acupuncturists licensed under chapter 18.06 RCW;
- (viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;
- (ix) Respiratory care practitioners certified under chapter 18.89 RCW;
- (x) Persons registered or certified under chapter 18.19 RCW;
- (xi) Persons registered as nursing pool operators under chapter 18.52C RCW;
- (xii) Nursing assistants registered or certified under chapter 18.79 RCW;
- (xiii) Health care assistants certified under chapter 18.135 RCW;
- (xiv) Dietitians and nutritionists certified under chapter 18.138 RCW;
- (xv) Sex offender treatment providers certified under chapter 18.155 RCW;
- (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;
- (xvii) Persons registered as adult family home operators under RCW 18.48.020; and
- (xviii) Denturists licensed under chapter 18.30 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

- (i) The podiatric medical board as established in chapter 18.22 RCW;
- (ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;
- (iii) The dental quality assurance commission as established in chapter 18.32 RCW;
- (iv) The board ~~((on fitting and dispensing))~~ of hearing ~~((aids))~~ and speech as established in chapter 18.35 RCW;
- (v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;
- (vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;
- (vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;
- (viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW; and

(xiv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

**NEW SECTION. Sec. 33.** RCW 18.35.170 and 1993 c 313 s 8 & 1973 1st ex.s. c 106 s 17 are each repealed.

**NEW SECTION. Sec. 34.** The board of hearing and speech shall conduct a study in consultation with the governing authorities of the Washington hearing aid society, the Washington speech and hearing association, and the Washington society of audiology to develop recommendations on the appropriateness of a two-year degree as an entry level requirement for licensing hearing instrument fitter/dispensers under chapter 18.35 RCW. The study and recommendations, at a minimum, must include consideration of the fiscal impact of the proposal, the effect on access of the public to services, the feasibility of providing a two-year degree curriculum, and the status of those currently licensed as hearing instrument fitter/dispensers under chapter 18.35 RCW. The study must be coordinated with the state board for community and technical colleges and the department of health. The recommendations shall be presented to the senate health and human services and the house of representatives health care committees prior to January 1, 1998.

**NEW SECTION. Sec. 35.** Recognizing the trend in utilization of speech-language pathologist assistants and audiologist assistants across practice settings, the board of hearing and speech shall, on an ongoing basis, collect data on: The number of assistants in specific practice settings; supervisor to speech-language pathologist assistant or audiologist assistant ratios; and the level of education and training of speech-language pathologist assistants and audiologist assistants.

**NEW SECTION. Sec. 36.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On motion of Senator Wojahn, the following title amendment was adopted:

On page 1, line 1 of the title, after "professions;" strike the remainder of the title and insert "amending RCW 18.35.010, 18.35.020, 18.35.030, 18.35.040, 18.35.050, 18.35.060, 18.35.070, 18.35.080, 18.35.085, 18.35.090, 18.35.095, 18.35.100, 18.35.105, 18.35.110, 18.35.120, 18.35.140, 18.35.150, 18.35.161, 18.35.172, 18.35.175, 18.35.180, 18.35.185, 18.35.190, 18.35.195, 18.35.205, 18.35.230, 18.35.240, and 18.35.250; reenacting and amending RCW 18.130.040; adding new sections to chapter 18.35 RCW; creating new sections; and repealing RCW 18.35.170."

#### MOTION

On motion of Senator Wojahn, the rules were suspended, Engrossed Substitute House Bill No. 2309, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTIONS

On motion of Senator Anderson, Senator Wood was excused.

On motion of Senator Thibaudeau, Senator Quigley was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2309, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2309, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Quigley, Schow and Wood - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2309, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2467, by Representatives Pennington, Morris, Carlson, Boldt and Benton

Revising the definition of "major industrial development" for the purpose of growth management planning.

The bill was read the second time.

#### MOTIONS

On motion of Senator Haugen, the following Committee on Government Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** In 1995 the legislature addressed the demand for siting of major industrial facilities by passage of Engrossed Senate Bill No. 5019, implementing a process for siting such activities outside urban growth areas. The legislature recognizes that the 1995 act requires consideration of numerous factors necessary to ensure that the community can reasonably accommodate a major industrial development outside an urban growth area.

The legislature finds that the existing case-by-case procedure for evaluating and approving such a site under the 1995 act may operate to a community's economic disadvantage when a firm, for business reasons, must make a business location decision expeditiously. The legislature therefore finds that it would be useful to authorize, on a limited basis, and evaluate a process for identifying locations for major industrial activity in advance of specific proposals by an applicant.

It is the purpose of this act (1) to authorize a pilot project under which a bank of major industrial development locations outside urban growth areas is created for use in expeditiously siting such a development; (2) to evaluate the impact of this process on the county's compliance with chapter 36.70A RCW; and (3) to encourage consolidation and planning, and environmental review procedures under chapter 36.70B RCW.

**NEW SECTION. Sec. 2.** A new section is added to chapter 36.70A RCW to read as follows:

(1) In addition to the major industrial development allowed under RCW 36.70A.365, a county required or choosing to plan under RCW 36.70A.040 that has a population greater than two hundred fifty thousand and that is part of a metropolitan area that includes a city in another state with a population greater than two hundred fifty thousand may establish, in consultation with cities consistent with provisions of

RCW 36.70A.210, a process for designating a bank of no more than two master planned locations for major industrial activity outside urban growth areas.

(2) A master planned location for major industrial developments outside an urban growth area may be included in the urban industrial land bank for the county if criteria including, but not limited to, the following are met:

- (a) New infrastructure is provided for and/or applicable impact fees are paid;
- (b) Transit-oriented site planning and traffic demand management programs are implemented;
- (c) Buffers are provided between the major industrial development and adjacent nonurban areas;
- (d) Environmental protection including air and water quality has been addressed and provided for;
- (e) Development regulations are established to ensure that urban growth will not occur in adjacent nonurban areas;
- (f) Provision is made to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands;
- (g) The plan for the major industrial development is consistent with the county's development regulations established for protection of critical areas; and
- (h) An inventory of developable land has been conducted as provided in RCW 36.70A.365.

(3) In selecting master planned locations for inclusion in the urban industrial land bank, priority shall be given to locations that are adjacent to, or in close proximity to, an urban growth area.

(4) Final approval of inclusion of a master planned location in the urban industrial land bank shall be considered an adopted amendment to the comprehensive plan adopted pursuant to RCW 36.70A.070, except that RCW 36.70A.130(2) does not apply so that inclusion or exclusion of master planned locations may be considered at any time.

(5) Once a master planned location has been included in the urban industrial land bank, manufacturing and industrial businesses that qualify as major industrial development under RCW 36.70A.365 may be located there.

(6) Nothing in this section may be construed to alter the requirements for a county to comply with chapter 43.21C RCW.

(7) The authority of a county to engage in the process of including or excluding master planned locations from the urban industrial land bank shall terminate on December 31, 1998. However, any location included in the urban industrial land bank on December 31, 1998, shall remain available for major industrial development as long as the criteria of subsection (2) of this section continue to be met.

(8) For the purposes of this section, "major industrial development" means a master planned location suitable for manufacturing or industrial businesses that: (a) Requires a parcel of land so large that no suitable parcels are available within an urban growth area; or (b) is a natural resource-based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent. The major industrial development may not be for the purpose of retail commercial development or multitenant office parks.

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

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "developments;" strike the remainder of the title and insert "adding a new section to chapter 36.70A RCW; creating a new section; and declaring an emergency."

#### MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 2467, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Sutherland: "Senator Haugen, in Section 2, Subsection 2 (2(a), does the term 'infrastructure' include water sewer and drainage?"

Senator Haugen: "Thank you, Senator Sutherland for asking me that question. Yes, 'infrastructure' includes water, sewer and drainage and one of the things, this will give assurance that all of those facilities are available for these particular sites."

Senator Sutherland: "Thank you."

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2467, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2467, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Voting nay: Senator Fairley - 1.

Excused: Senators Schow and Wood - 2.

HOUSE BILL NO. 2467, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2179, by House Committee on Transportation (originally sponsored by Representatives Horn, Blanton, Scott, Mitchell, Quall and Thompson)

Regulating motor vehicle transactions involving buyer's agents.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, Substitute House Bill No. 2179 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2179.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2179 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Schow and Wood - 2.

SUBSTITUTE HOUSE BILL NO. 2179, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2358, by House Committee on Law and Justice (originally sponsored by Representatives Costa, Ballasiotes, Chopp, Conway, Scott, Linville, Radcliff, Chappell, Dickerson, Hatfield, Quall, Murray, Cooke, Patterson, Cody, Keiser, Veloria and Kessler)

Increasing penalty assessments to support crime victim and witness programs.

The bill was read the second time.

#### MOTIONS

On motion of Senator Smith, the following Committee on Law and Justice amendments were considered simultaneously and were adopted:

On page 1, line 5, insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that current funding for county victim-witness advocacy programs is inadequate. Also, the state crime victims compensation program should be enhanced to provide for increased benefits to families of victims who are killed as a result of a criminal act. It is the intent of the legislature to provide increased financial support for the county and state crime victim and witness programs by requiring offenders to pay increased penalty assessments upon conviction of a gross misdemeanor or felony crime. The increased financial support is intended to allow county victim/witness programs to more fully assist victims and witnesses through the criminal justice processes. On the state level, the increased funds will allow the remedial intent of the crime victims compensation program to be more fully served. Specifically, the increased funds from offender penalty assessments will allow more appropriate compensation for families of victims who are killed as a result of a criminal act, including reasonable burial benefits."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 4, after line 14, insert the following:

**"Sec. 4.** RCW 7.68.060 and 1990 c 3 s 501 are each amended to read as follows:

(1) For the purposes of applying for benefits under this chapter, the rights, privileges, responsibilities, duties, limitations and procedures contained in RCW 51.28.020, 51.28.030, 51.28.040 and 51.28.060 (~~as now or hereafter amended~~) shall apply: PROVIDED, That no compensation of any kind shall be available under this chapter if:

(a) An application for benefits is not received by the department within (~~one year~~) two years after the date the criminal act was reported to a local police department or sheriff's office or the date the rights of dependents or beneficiaries accrued, unless the director has determined that "good cause" exists to expand the time permitted to receive the application. "Good cause" shall be determined by the department on a case-by-case basis and may extend the period of time in which an application can be received for up to five years after the date the criminal act was reported to a local police department or sheriff's office or the date the rights of dependents or beneficiaries accrued; or

(b) The criminal act is not reported by the victim or someone on his or her behalf to a local police department or sheriff's office within twelve months of its occurrence or, if it could not reasonably have been reported within that period, within twelve months of the time when a report could reasonably have been made. In making determinations as to reasonable time limits, the department shall give greatest weight to the needs of the victims.

(2) This section shall apply only to criminal acts reported after December 31, 1985.

(3) Because victims of childhood criminal acts may repress conscious memory of such criminal acts far beyond the age of eighteen, the rights of adult victims of childhood criminal acts shall accrue at the time the victim discovers or reasonably should have discovered the elements of the crime. In making determinations as to reasonable time limits, the department shall give greatest weight to the needs of the victim.

**Sec. 5.** RCW 7.68.070 and 1993 sp.s. c 24 s 912 are each amended to read as follows:

The right to benefits under this chapter and the amount thereof will be governed insofar as is applicable by the provisions contained in chapter 51.32 RCW (~~as now or hereafter amended~~) except as provided in this section:

(1) The provisions contained in RCW 51.32.015, 51.32.030, 51.32.072, 51.32.073, 51.32.180, 51.32.190, and 51.32.200 (~~as now or hereafter amended~~) are not applicable to this chapter.

(2) Each victim injured as a result of a criminal act, including criminal acts committed between July 1, 1981, and January 1, 1983, or the victim's family or dependents in case of death of the victim, are entitled to benefits in accordance with this chapter, subject to the limitations under RCW 7.68.015. The rights, duties, responsibilities, limitations, and procedures applicable to a worker as contained in RCW 51.32.010 (~~as now or hereafter amended~~) are applicable to this chapter.

(3) The limitations contained in RCW 51.32.020 (~~as now or hereafter amended~~) are applicable to claims under this chapter. In addition thereto, no person or spouse, child, or dependent of such person is entitled to benefits under this chapter when the injury for which benefits are sought, was:

(a) The result of consent, provocation, or incitement by the victim, unless an injury resulting from a criminal act caused the death of the victim;

(b) Sustained while the crime victim was engaged in the attempt to commit, or the commission of, a felony; or

(c) Sustained while the victim was confined in any county or city jail, federal jail or prison or in any other federal institution, or any state correctional institution maintained and operated by the department of social and health services or the department of corrections, prior to release from lawful custody; or confined or living in any other institution maintained and operated by the department of social and health services or the department of corrections.

(4) The benefits established upon the death of a worker and contained in RCW 51.32.050 (~~as now or hereafter amended~~) shall be the benefits obtainable under this chapter and provisions relating to payment contained in that section shall equally apply under this chapter: PROVIDED, That benefits for burial

expenses shall not exceed the (~~maximum cost used by the department of social and health services for the funeral and burial of a deceased indigent person under chapter 74.08 RCW~~) amount paid by the department in case of the death of a worker as provided in chapter 51.32 RCW in any claim: PROVIDED FURTHER, That if the criminal act results in the death of a victim who was not gainfully employed at the time of the criminal act, and who was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act;

(a) Benefits payable to an eligible surviving spouse, where there are no children of the victim at the time of the criminal act who have survived the victim or where such spouse has legal custody of all of his or her children, shall be limited to burial expenses and a lump sum payment of seven thousand five hundred dollars without reference to number of children, if any;

(b) Where any such spouse has legal custody of one or more but not all of such children, then such burial expenses shall be paid, and such spouse shall receive a lump sum payment of three thousand seven hundred fifty dollars and any such child or children not in the legal custody of such spouse shall receive a lump sum of three thousand seven hundred fifty dollars to be divided equally among such child or children;

(c) If any such spouse does not have legal custody of any of the children, the burial expenses shall be paid and the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars and any such child or children not in the legal custody of the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars to be divided equally among the child or children;

(d) If no such spouse survives, then such burial expenses shall be paid, and each surviving child of the victim at the time of the criminal act shall receive a lump sum payment of three thousand seven hundred fifty dollars up to a total of two such children and where there are more than two such children the sum of seven thousand five hundred dollars shall be divided equally among such children.

No other benefits may be paid or payable under these circumstances.

(5) The benefits established in RCW 51.32.060 (~~as now or hereafter amended~~) for permanent total disability proximately caused by the criminal act shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That if a victim becomes permanently and totally disabled as a proximate result of the criminal act and was not gainfully employed at the time of the criminal act, the victim shall receive monthly during the period of the disability the following percentages, where applicable, of the average monthly wage determined as of the date of the criminal act pursuant to RCW 51.08.018 (~~as now or hereafter amended~~):

(a) If married at the time of the criminal act, twenty-nine percent of the average monthly wage.

(b) If married with one child at the time of the criminal act, thirty-four percent of the average monthly wage.

(c) If married with two children at the time of the criminal act, thirty-eight percent of the average monthly wage.

(d) If married with three children at the time of the criminal act, forty-one percent of the average monthly wage.

(e) If married with four children at the time of the criminal act, forty-four percent of the average monthly wage.

(f) If married with five or more children at the time of the criminal act, forty-seven percent of the average monthly wage.

(g) If unmarried at the time of the criminal act, twenty-five percent of the average monthly wage.

(h) If unmarried with one child at the time of the criminal act, thirty percent of the average monthly wage.

(i) If unmarried with two children at the time of the criminal act, thirty-four percent of the average monthly wage.

(j) If unmarried with three children at the time of the criminal act, thirty-seven percent of the average monthly wage.

(k) If unmarried with four children at the time of the criminal act, forty percent of the average monthly wage.

(l) If unmarried with five or more children at the time of the criminal act, forty-three percent of the average monthly wage.

(6) The benefits established in RCW 51.32.080 (~~as now or hereafter amended~~) for permanent partial disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section equally apply under this chapter.

(7) The benefits established in RCW 51.32.090 (~~as now or hereafter amended~~) for temporary total disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That no person is eligible for temporary total disability benefits under this chapter if such person was not gainfully employed at the time of the criminal act, and was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act.

(8) The benefits established in RCW 51.32.095 (~~as now or hereafter amended~~) for continuation of benefits during vocational rehabilitation shall be benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That benefits shall not exceed five thousand dollars for any single injury.

(9) The provisions for lump sum payment of benefits upon death or permanent total disability as contained in RCW 51.32.130 (~~as now or hereafter amended~~) apply under this chapter.

(10) The provisions relating to payment of benefits to, for or on behalf of workers contained in RCW 51.32.040, 51.32.055, 51.32.100, 51.32.110, 51.32.120, 51.32.135, 51.32.140, 51.32.150, 51.32.160, and 51.32.210 (~~as now or hereafter amended~~) are applicable to payment of benefits to, for or on behalf of victims under this chapter.

(11) No person or spouse, child, or dependent of such person is entitled to benefits under this chapter where the person making a claim for such benefits has refused to give reasonable cooperation to state or local law enforcement agencies in their efforts to apprehend and convict the perpetrator(s) of the criminal act which gave rise to the claim.

(12) In addition to other benefits provided under this chapter, victims of sexual assault are entitled to receive appropriate counseling. Fees for such counseling shall be determined by the department in accordance with RCW 51.04.030, subject to the limitations of RCW 7.68.080. Counseling services may include, if determined appropriate by the department, counseling of members of the victim's immediate family, other than the perpetrator of the assault.

(13) Except for medical benefits authorized under RCW 7.68.080, no more than thirty thousand dollars shall be granted as a result of a single injury or death, except that benefits granted as the result of total permanent disability or death shall not exceed forty thousand dollars.

(14) Notwithstanding other provisions of this chapter and Title 51 RCW, benefits payable for total temporary disability under subsection (7) of this section, shall be limited to fifteen thousand dollars.

(15) Any person who is responsible for the victim's injuries, or who would otherwise be unjustly enriched as a result of the victim's injuries, shall not be a beneficiary under this chapter.

(16) Crime victims' compensation is not available to pay for services covered under chapter 74.09 RCW or Title XIX of the federal social security act, except to the extent that the costs for such services exceed service limits established by the department of social and health services or, during the 1993-95 fiscal biennium, to the extent necessary to provide matching funds for federal medicaid reimbursement.

(17) In addition to other benefits provided under this chapter, immediate family members of a homicide victim may receive appropriate counseling to assist in dealing with the immediate, near-term consequences of the related effects of the homicide. Fees for counseling shall be determined by the department in accordance with RCW 51.04.030, subject to the limitations of RCW 7.68.080. Payment

of counseling benefits under this section may not be provided to the perpetrator of the homicide. The benefits under this subsection may be provided only with respect to homicides committed on or after July 1, 1992."

On motion of Senator Smith, the following title amendment was adopted:

On page 1, line 2 of the title, after "amending" strike all material through "section" and insert "RCW 7.68.035, 7.68.060, and 7.68.070; creating new sections

#### MOTION

On motion of Senator Smith, the rules were suspended, Substitute House Bill No. 2358, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

#### MOTION

On motion of Senator Sheldon, Senator Thibaudeau was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2358, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2358, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Schow, Thibaudeau and Wood - 3.

SUBSTITUTE HOUSE BILL NO. 2358, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2219, by House Committee on Appropriations (originally sponsored by Representatives Foreman, Sheahan, Ballasiotes, Schoesler, Pennington, Mastin, Chandler, Delvin, Robertson, Campbell, Huff, Hickel, Thompson, Blanton, McMahan, Hargrove and Stevens)

Changing provisions relating to offenders.

The bill was read the second time.

#### MOTIONS

Senator Smith moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 5.60.060 and 1995 c 240 s 1 are each amended to read as follows:

(1) A husband shall not be examined for or against his wife, without the consent of the wife, nor a wife for or against her husband without the consent of the husband; nor can either during marriage or afterward, be without the consent of the other, examined as to any communication made by one to the other during marriage. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding against a spouse if the marriage occurred subsequent to the filing of formal charges against the defendant, nor to a criminal action or proceeding for a crime committed by said husband or wife against any child of whom said husband or wife is the parent or guardian, nor to a proceeding under chapter 70.96A or 71.05 RCW: PROVIDED, That the spouse of a person sought to be detained under chapter 70.96A or 71.05 RCW may not be compelled to testify and shall be so informed by the court prior to being called as a witness.

(2)(a) An attorney or counselor shall not, without the consent of his or her client, be examined as to any communication made by the client to him or her, or his or her advice given thereon in the course of professional employment.

(b) A parent shall not be examined as to a communication made by that parent's minor child to the child's attorney after the filing of juvenile offender criminal charges, if the parent was present at the time of the communication. This privilege does not extend to communications made prior to filing of charges.

(3) A member of the clergy or a priest shall not, without the consent of a person making the confession, be examined as to any confession made to him or her in his or her professional character, in the course of discipline enjoined by the church to which he or she belongs.

(4) Subject to the limitations under RCW 70.96A.140 or 71.05.250, a physician or surgeon or osteopathic physician or surgeon shall not, without the consent of his or her patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him or her to prescribe or act for the patient, except as follows:

(a) In any judicial proceedings regarding a child's injury, neglect, or sexual abuse or the cause thereof; and

(b) Ninety days after filing an action for personal injuries or wrongful death, the claimant shall be deemed to waive the physician-patient privilege. Waiver of the physician-patient privilege for any one physician or condition constitutes a waiver of the privilege as to all physicians or conditions, subject to such limitations as a court may impose pursuant to court rules.

(5) A public officer shall not be examined as a witness as to communications made to him or her in official confidence, when the public interest would suffer by the disclosure.

(6)(a) A peer support group counselor shall not, without consent of the law enforcement officer making the communication, be compelled to testify about any communication made to the counselor by the officer while receiving counseling. The counselor must be designated as such by the sheriff, police chief, or chief of the Washington state patrol, prior to the incident that results in counseling. The privilege only applies when the communication was made to the counselor while acting in his or her capacity as a peer support group

counselor. The privilege does not apply if the counselor was an initial responding officer, a witness, or a party to the incident which prompted the delivery of peer support group counseling services to the law enforcement officer.

(b) For purposes of this section, "peer support group counselor" means a:

(i) Law enforcement officer, or civilian employee of a law enforcement agency, who has received training to provide emotional and moral support and counseling to an officer who needs those services as a result of an incident in which the officer was involved while acting in his or her official capacity; or

(ii) Nonemployee counselor who has been designated by the sheriff, police chief, or chief of the Washington state patrol to provide emotional and moral support and counseling to an officer who needs those services as a result of an incident in which the officer was involved while acting in his or her official capacity.

**Sec. 2.** RCW 9.94A.030 and 1995 c 268 s 2, 1995 c 108 s 1, and 1995 c 101 s 2 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time or imposed pursuant to RCW 9.94A.120(6) served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

(5) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(6) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(8) "Confinement" means total or partial confinement as defined in this section.

(9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to the provisions in RCW 38.52.430.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(12)(a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" shall always include juvenile convictions for sex offenses and serious violent offenses and shall also include a defendant's other prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony or a serious traffic offense and is criminal history as defined in RCW 13.40.020(9); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies or serious traffic offenses, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

(13) "Day fine" means a fine imposed by the sentencing judge that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(14) "Day reporting" means a program of enhanced supervision designed to monitor the defendant's daily activities and compliance with sentence conditions, and in which the defendant is required to report daily to a specific location designated by the department or the sentencing judge.

(15) "Department" means the department of corrections.

(16) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(17) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(18) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(19) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(20) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(21) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(22)(a) "First-time offender" means any person who is convicted of a felony (i) not classified as a violent offense or a sex offense under this chapter, or (ii) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug, nor the manufacture, delivery, or possession with intent to deliver methamphetamine, its salts, isomers, and salts of its isomers as defined in RCW 69.50.206(d)(2), nor the selling for profit of any controlled substance or counterfeit substance classified in schedule I, RCW 69.50.204, except leaves and flowering tops of marijuana, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction except for adjudications of sex offenses and serious violent offenses.

(23) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under this section;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.125;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection.

(24) "Nonviolent offense" means an offense which is not a violent offense.

(25) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older ((or)). "Offender also means a person who is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110 or who is under adult criminal court jurisdiction pursuant to RCW 13.04.030. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(26) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section.

(27) "Persistent offender" is an offender who:

(a) Has been convicted in this state of any felony considered a most serious offense; and

(b) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted.

(28) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(29) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(30) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(31) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, assault of a child in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(32) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(33) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or a felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) A felony with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135; or

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(34) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(35) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(36) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(37) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(38) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(39) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county or the state are eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection (33) of this section are not eligible for the work crew program.

(40) "Work ethic camp" means an alternative incarceration program designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(41) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

(42) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

**Sec. 3.** RCW 9.94A.040 and 1995 c 269 s 303 are each amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The legislature finds that the commission, having accomplished its original statutory directive to implement this chapter, and having expertise in sentencing practice and policies, shall~~(following a public hearing or hearings):~~

~~(a) (Devise a series of recommended standard sentence ranges for all felony offenses and a system for determining which range of punishment applies to each offender based on the extent and nature of the offender's criminal history, if any;~~

~~(b) Devise recommended prosecuting standards in respect to charging of offenses and plea agreements; and~~

~~(c) Devise recommended standards to govern whether sentences are to be served consecutively or concurrently.~~

~~(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine.~~

~~(4) In devising the standard sentence ranges of total and partial confinement under this section, the commission is subject to the following limitations:~~

~~(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;~~

~~(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range; and~~

~~(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.020.~~

~~(5) In carrying out its duties under subsection (2) of this section, the commission shall give consideration to the existing guidelines adopted by the association of superior court judges and the Washington association of prosecuting attorneys and the experience gained through use of those guidelines. The commission shall emphasize confinement for the violent offender and alternatives to total confinement for the nonviolent offender.~~

~~(6) This commission shall conduct a study to determine the capacity of correctional facilities and programs which are or will be available. While the commission need not consider such capacity in arriving at its recommendations, the commission shall project whether the implementation of its recommendations would result in exceeding such capacity. If the commission finds that this result would probably occur, then the commission shall prepare an additional list of standard sentences which shall be consistent with such capacity.~~

~~(7) The commission may) Evaluate state sentencing policy, to include whether the sentencing ranges and standards are consistent with and further:~~

~~(i) The purposes of this chapter as defined in RCW 9.94A.010; and~~

~~(ii) The intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender.~~

The commission shall provide the governor and the legislature with its evaluation and recommendations under this subsection not later than December 1, 1996, and every two years thereafter;

(b) Recommend to the legislature revisions or modifications to the standard sentence ranges, state sentencing policy, and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity(-);

~~((8) The commission shall)~~ (c) Study the existing criminal code and from time to time make recommendations to the legislature for modification(-);

~~((9) The commission may (a))~~ (d)(i) Serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local adult and juvenile sentencing practices; ~~((b))~~ (ii) develop and maintain a computerized adult and juvenile sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and ~~((c))~~ (iii) conduct ongoing research regarding adult and juvenile sentencing guidelines, use of total confinement and alternatives to total confinement, plea bargaining, and other matters relating to the improvement of the adult criminal justice system(-) and the juvenile justice system.

~~((10) The staff and executive officer of the commission may provide staffing and services to the juvenile disposition standards commission, if authorized by RCW 13.40.025 and 13.40.027. The commission may conduct joint meetings with the juvenile disposition standards commission.~~

~~((11) The commission shall)~~ (e) Assume the powers and duties of the juvenile disposition standards commission after June 30, ~~((1997-))~~ 1996;

~~((12))~~ (f) Not later than December 1, 1997, and at least every two years thereafter, based on available information, report to the governor and the legislature on:

(i) Racial disproportionality in juvenile and adult sentencing;

(ii) The capacity of state and local juvenile and adult facilities and resources; and

(iii) Recidivism information on adult and juvenile offenders.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine.

(4) The standard sentence ranges of total and partial confinement under this chapter are subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.021.

(5) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW.

**Sec. 4.** RCW 9.94A.060 and 1993 c 11 s 1 are each amended to read as follows:

(1) The commission consists of ~~((sixteen))~~ twenty voting members, one of whom the governor shall designate as chairperson. With the exception of ex officio voting members, the voting members of the commission shall be appointed by the governor, subject to confirmation by the senate.

(2) The voting membership consists of the following:

(a) The head of the state agency having general responsibility for adult correction programs, as an ex officio member;

(b) The director of financial management or designee, as an ex officio member;

(c) Until ~~((June 30, 1998, the chair of))~~ the indeterminate sentence review board ceases to exist pursuant to RCW 9.95.0011, the chair of the board, as an ex officio member;

(d) The ~~((chair of the clemency and pardons board))~~ head of the state agency, or the agency head's designee, having responsibility for juvenile corrections programs, as an ex officio member;

(e) Two prosecuting attorneys;

(f) Two attorneys with particular expertise in defense work;

(g) Four persons who are superior court judges;

(h) One person who is the chief law enforcement officer of a county or city;

(i) ~~((Three))~~ Four members of the public who are not ~~((and have never been))~~ prosecutors, defense attorneys, judges, or law enforcement officers, one of whom is a crime victim or a crime victims' advocate;

(j) One person who is an elected official of a county government, other than a prosecuting attorney or sheriff;

(k) One person who is an elected official of a city government;

(l) One person who is an administrator of juvenile court services.

In making the appointments, the governor shall endeavor to assure that the commission membership includes adequate representation and expertise relating to both the adult criminal justice system and the juvenile justice system. In making the appointments, the governor shall seek the recommendations of Washington prosecutors in respect to the prosecuting attorney members, of the Washington state bar association in respect to the defense attorney members, of the association of superior court judges in respect to the members who are judges, ~~((and))~~ of the Washington association of sheriffs and police chiefs in respect to the member who is a law enforcement officer, of the Washington state association of counties in respect to the member who is a county official, of the association of Washington cities in respect to the member who is a city official, of the office of crime victims advocacy and other organizations of crime victims in respect to the member who is a crime victim or crime victims' advocate, and of the Washington association of juvenile court administrators in respect to the member who is an administrator of juvenile court services.

(3)(a) All voting members of the commission, except ex officio voting members, shall serve terms of three years and until their successors are appointed and confirmed. ~~((However, the governor shall stagger the terms by appointing four of the initial members for terms of one year, four for terms of two years, and four for terms of three years.))~~

(b) The governor shall stagger the terms of the members appointed under subsection (2)(j) and (k) of this section by appointing one of them for a term of one year, one for a term of two years, and one for a term of three years.

(4) The speaker of the house of representatives and the president of the senate may each appoint two nonvoting members to the commission, one from each of the two largest caucuses in each house. The members so appointed shall serve two-year terms, or until they cease to be members of the house from which they were appointed, whichever occurs first.

(5) The members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members shall be reimbursed by their respective houses as provided under RCW 44.04.120, as now existing or hereafter amended. Members shall be compensated in accordance with RCW 43.03.250.

**Sec. 5.** RCW 9.94A.130 and 1984 c 209 s 7 are each amended to read as follows:

The power to defer or suspend the imposition or execution of sentence is hereby abolished in respect to sentences prescribed for felonies committed after June 30, 1984, except for offenders sentenced under RCW 9.94A.120~~((7)(a))~~(8)(a), the special sexual offender sentencing alternative, or offenders sentenced under section 23 of this act, whose sentence may be suspended.

**Sec. 6.** RCW 9.94A.360 and 1995 c 316 s 1 and 1995 c 101 s 1 are each reenacted and amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.400.

(2) Except as provided in subsection (4) of this section, class A and sex prior felony convictions shall always be included in the offender score. Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction. Class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction. This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Always include juvenile convictions for sex offenses and serious violent offenses. Include other class A juvenile felonies only if the offender was 15 or older at the time the juvenile offense was committed. Include other class B and C juvenile felony convictions only if the offender was 15 or older at the time the juvenile offense was committed and the offender was less than 23 at the time the offense for which he or she is being sentenced was committed.

(5) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(6)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior adult offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.400(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior adult offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) Juvenile prior convictions entered or sentenced on the same date shall count as one offense, the offense that yields the highest offender score, except for juvenile prior convictions for violent offenses with separate victims, which shall count as separate offenses; and

(iii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (6), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(7) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense.

(8) If the present conviction is for a nonviolent offense and not covered by subsection (12) or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(9) If the present conviction is for a violent offense and not covered in subsection (10), (11), (12), or (13) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Murder 1 or 2, Assault 1, Assault of a Child 1, Kidnaping 1, Homicide by Abuse, or Rape 1, count three points for prior adult and juvenile convictions for crimes in these categories, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(11) If the present conviction is for Burglary 1, count prior convictions as in subsection (9) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(12) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense or serious traffic offense, count one point for each adult and 1/2 point for each juvenile prior conviction.

(13) If the present conviction is for a drug offense count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (9) of this section if the current drug offense is violent, or as in subsection (8) of this section if the current drug offense is nonviolent.

(14) If the present conviction is for Willful Failure to Return from Furlough, RCW 72.66.060, Willful Failure to Return from Work Release, RCW 72.65.070, or Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(15) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(16) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (8) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(17) If the present conviction is for a sex offense, count priors as in subsections (8) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(18) If the present conviction is for an offense committed while the offender was under community placement or juvenile parole pursuant to RCW 13.40.215, add one point.

**Sec. 7.** RCW 9.94A.390 and 1995 c 316 s 2 are each amended to read as follows:

If the sentencing court finds that an exceptional sentence outside the standard range should be imposed in accordance with RCW 9.94A.120(2), the sentence is subject to review only as provided for in RCW 9.94A.210(4).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(1) Mitigating Circumstances

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his or her conduct or to conform his or her conduct to the requirements of the law, was significantly impaired (voluntary use of drugs or alcohol is excluded).

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(2) Aggravating Circumstances

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.

(c) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(d) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) The current offense involved the manufacture of controlled substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

(e) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.127.

(f) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

(g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter as expressed in RCW 9.94A.010.

(i) The presumptive sentence is clearly too lenient in light of the purposes of this chapter as expressed in RCW 9.94A.010 considering the defendant's prior unscored juvenile misdemeanor or felony adjudications.

**Sec. 8.** RCW 13.04.030 and 1995 c 312 s 39 and 1995 c 311 s 15 are each reenacted and amended to read as follows:

(1) Except as provided in subsection (2) of this section, the juvenile courts in the several counties of this state((s)) shall have exclusive original jurisdiction over all proceedings:

(a) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(b) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170;

(c) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210;

(d) To approve or disapprove out-of-home placement as provided in RCW 13.32A.170;

(e) Relating to juveniles alleged or found to have committed offenses, traffic infractions, civil infractions, or violations as provided in RCW 13.40.020 through 13.40.230, unless:

(i) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110; or

(ii) The statute of limitations applicable to adult prosecution for the offense, traffic infraction, civil infraction, or violation has expired; or

(iii) The alleged offense or infraction is a traffic, fish, boating, or game offense or traffic or civil infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction: PROVIDED, That if such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters: PROVIDED FURTHER, That the jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1) or (e)(i) of this subsection: PROVIDED FURTHER, That courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060; or

(iv) The alleged offense is a traffic or civil infraction, a violation of compulsory school attendance provisions under chapter 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction has assumed concurrent jurisdiction over those offenses as provided in section 9 of this act; or

(v) The juvenile is sixteen or seventeen years old and the alleged offense is: (A) A serious violent offense as defined in RCW 9.94A.030 committed on or after June 13, 1994; or (B) A violent offense as defined in RCW 9.94A.030 committed on or after June 13, 1994, and the juvenile has a criminal history consisting of: (I) One or more prior serious violent offenses; (II) two or more prior violent offenses; or (III) three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately. In such a case the adult criminal court shall have exclusive original jurisdiction.

If the juvenile challenges the state's determination of the juvenile's criminal history, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea;

(f) Under the interstate compact on juveniles as provided in chapter 13.24 RCW;

(g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the divertee has attained eighteen years of age;

(h) Relating to court validation of a voluntary consent to an out-of-home placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction; and

(i) Relating to petitions to compel disclosure of information filed by the department of social and health services pursuant to RCW 74.13.042.

(2) The family court shall have concurrent original jurisdiction with the juvenile court over all proceedings under this section if the superior court judges of a county authorize concurrent jurisdiction as provided in RCW 26.12.010.

(3) A juvenile subject to adult superior court jurisdiction under subsection (1)(e)(i) through ~~((iv))~~ (vii) of this section, who is detained pending trial, may be detained in a county detention facility as defined in RCW 13.40.020 pending sentencing or a dismissal.

(4) A parent, guardian, or custodian who has custody of any juvenile under juvenile court jurisdiction is subject to the jurisdiction of the juvenile court for purposes of enforcing required attendance at juvenile court hearings if the parent, guardian, or custodian is served with a summons.

**NEW SECTION. Sec. 9.** A new section is added to chapter 13.04 RCW to read as follows:

(1) Any county with a population of at least two hundred thousand but less than two hundred twenty thousand that has a city with a population of at least fifty-nine thousand may authorize a pilot project to allow courts of limited jurisdiction within the county to exercise concurrent jurisdiction with the juvenile court under certain circumstances. District and municipal courts of limited jurisdiction at the local option of the county or any city or town located within the county may exercise concurrent original jurisdiction with the juvenile court over traffic or civil infractions, violations of compulsory school attendance provisions under chapter 28A.225 RCW, and misdemeanors when those offenses are allegedly committed by juveniles and:

(a)(i) The offense, which if committed by an adult, is punishable by sanctions that do not include incarceration; or

(ii) The offender's standard range disposition does not include more than ten days in confinement as defined in RCW 13.40.020;

(b) The court of limited jurisdiction has a computer system that is linked to the state-wide criminal history information data system used by juvenile courts to track and record juvenile offenders' criminal history;

(c) The county legislative authority of the county has authorized creation of concurrent jurisdiction between the court of limited jurisdiction and the juvenile court; and

(d) The court of limited jurisdiction has an agreement with officials responsible for administering the county juvenile detention facility pursuant to RCW 13.04.035 and 13.20.060 that the court may order juveniles into the detention facility for an offense in cases in which the court finds that a disposition without confinement would be a manifest injustice.

(2) The juvenile court shall retain jurisdiction over the offense if the juvenile is charged with another offense arising out of the same incident and the juvenile court has jurisdiction over the other offense.

(3) Jurisdiction under this section does not constitute a decline or transfer of juvenile court jurisdiction under RCW 13.40.110.

(4) The procedural and disposition provisions of chapter 13.40 RCW shall apply to offenses prosecuted under this section.

(5) All diversions and adjudications entered by a court of limited jurisdiction shall be included in an offender's criminal history as provided in chapter 13.40 RCW.

(6) The provisions of this section shall be implemented as a pilot project in the county.

**Sec. 10.** RCW 13.40.010 and 1992 c 205 s 101 are each amended to read as follows:

(1) This chapter shall be known and cited as the Juvenile Justice Act of 1977.

(2) It is the intent of the legislature that a system capable of having primary responsibility for, being accountable for, and responding to the needs of youthful offenders, as defined by this chapter, be established. It is the further intent of the legislature that youth, in turn, be held accountable for their offenses and that ~~((both))~~ communities, families, and the juvenile courts carry out their functions consistent with this intent. To effectuate these policies, the legislature declares the following to be equally important purposes of this chapter:

(a) Protect the citizenry from criminal behavior;

(b) Provide for determining whether accused juveniles have committed offenses as defined by this chapter;

(c) Make the juvenile offender accountable for his or her criminal behavior;

(d) Provide for punishment commensurate with the age, crime, and criminal history of the juvenile offender;

(e) Provide due process for juveniles alleged to have committed an offense;

(f) Promote equitable treatment of juveniles and their families without regard to race, ethnicity, gender, creed, or religion;

(g) Provide necessary treatment, supervision, and custody for juvenile offenders;

~~((g))~~ (h) Provide for the handling of juvenile offenders by communities whenever consistent with public safety;

~~((h))~~ (i) Provide for restitution to victims of crime;

~~((i))~~ (j) Develop effective standards and goals for the operation, funding, and evaluation of all components of the juvenile justice system and related services at the state and local levels; ~~((and~~

~~((j))~~ (k) Provide for a clear policy to determine what types of offenders shall receive punishment, treatment, or both, and to determine the jurisdictional limitations of the courts, institutions, and community services; and

(l) Encourage the parents, guardian, or custodian of the juvenile to actively participate in the juvenile justice process.

**Sec. 11.** RCW 13.40.020 and 1995 c 395 s 2 and 1995 c 134 s 1 are each reenacted and amended to read as follows:

For the purposes of this chapter:

(1) "Serious offender" means a person fifteen years of age or older who has committed an offense which if committed by an adult would be:

(a) A class A felony, or an attempt to commit a class A felony;

(b) Manslaughter in the first degree; or

(c) Assault in the second degree, extortion in the first degree, child molestation in the second degree, kidnapping in the second degree, robbery in the second degree, residential burglary, or burglary in the second degree, where such offenses include the infliction of bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator is armed with a deadly weapon;

(2) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community service may be performed through public or private organizations or through work crews;

(3) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred adjudication pursuant to RCW 13.40.125. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225

RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

- (a) Community-based sanctions;
- (b) Community-based rehabilitation;
- (c) Monitoring and reporting requirements;
- (d) Posting of a probation bond (~~imposed pursuant to RCW 13.40.0357~~) as provided in RCW 13.40.054;
- (4) Community-based sanctions may include one or more of the following:

- (a) A fine, not to exceed one hundred dollars;
- (b) Community service not to exceed one hundred fifty hours of service;
- (5) "Community-based rehabilitation" means one or more of the following: Attendance of information classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

- (6) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

- (7) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

- (8) "Court", when used without further qualification, means the juvenile court judge(s) or commissioner(s);

- (9) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

- (a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

- (b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication shall not be considered part of the respondent's criminal history;

- (10) "Department" means the department of social and health services;

- (11) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

- (12) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, or other entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

- (13) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

- (14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110 or who is otherwise under adult criminal court jurisdiction pursuant to RCW 13.04.030;

- (15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

- (16) "Manifest injustice" means a disposition that would (~~either~~) impose an excessive penalty on the juvenile (~~or~~) would impose a serious, and clear danger to society in light of the purposes of this chapter, or would fail to support the juvenile's need for sex offender treatment;

- (17) "Middle offender" means a person who has committed an offense and who is neither a minor or first offender nor a serious offender;

- (18) "Minor or first offender" means a person whose current offense(s) and criminal history fall entirely within one of the following categories:

- (a) Four misdemeanors;
- (b) Two misdemeanors and one gross misdemeanor;
- (c) One misdemeanor and two gross misdemeanors; and
- (d) Three gross misdemeanors.

For purposes of this definition, current violations shall be counted as misdemeanors;

- (19) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

- (20) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

- (21) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense if the offense is a sex offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

- (22) "Secretary" means the secretary of the department of social and health services. "Assistant secretary" means the assistant secretary for juvenile rehabilitation for the department;

- (23) "Services" mean services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

- (24) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

- (25) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

- (26) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(27) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

(28) "Violent offense" means a violent offense as defined in RCW 9.94A.030;

(29) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

(30) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case.

**Sec. 12.** RCW 13.40.025 and 1995 c 269 s 302 are each amended to read as follows:

(1) There is established a juvenile disposition standards commission to propose disposition standards to the legislature in accordance with RCW 13.40.030 and perform the other responsibilities set forth in this chapter.

(2) The commission shall be composed of the secretary or the secretary's designee and the following nine members appointed by the governor, subject to confirmation by the senate: (a) A superior court judge; (b) a prosecuting attorney or deputy prosecuting attorney; (c) a law enforcement officer; (d) an administrator of juvenile court services; (e) a public defender actively practicing in juvenile court; (f) a county legislative official or county executive; and (g) three other persons who have demonstrated significant interest in the adjudication and disposition of juvenile offenders. In making the appointments, the governor shall seek the recommendations of the association of superior court judges in respect to the member who is a superior court judge; of Washington prosecutors in respect to the prosecuting attorney or deputy prosecuting attorney member; of the Washington association of sheriffs and police chiefs in respect to the member who is a law enforcement officer; of juvenile court administrators in respect to the member who is a juvenile court administrator; and of the state bar association in respect to the public defender member; and of the Washington association of counties in respect to the member who is either a county legislative official or county executive.

(3) The secretary or the secretary's designee shall serve as chairman of the commission.

(4) The secretary shall serve on the commission during the secretary's tenure as secretary of the department. The term of the remaining members of the commission shall be three years. The initial terms shall be determined by lot conducted at the commission's first meeting as follows: (a) Four members shall serve a two-year term; and (b) four members shall serve a three-year term. In the event of a vacancy, the appointing authority shall designate a new member to complete the remainder of the unexpired term.

(5) Commission members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Members shall be compensated in accordance with RCW 43.03.240.

(6) The commission shall cease to exist on June 30, ((1997)) 1996, and its powers and duties shall be transferred to the sentencing guidelines commission established under RCW 9.94A.040.

**Sec. 13.** RCW 13.40.027 and 1993 c 415 s 9 are each amended to read as follows:

(1) It is the responsibility of the sentencing guidelines commission to: (a)(i) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally, (ii) specifically review the guidelines relating to the confinement of minor and first offenders as well as the use of diversion, and (iii) review the application of current and proposed juvenile sentencing standards and guidelines for potential adverse impacts on the sentencing outcomes of racial and ethnic minority youth; (b) solicit the comments and suggestions of the juvenile justice community concerning disposition standards; and (c) make recommendations to the legislature regarding revisions or modifications of the disposition standards in accordance with RCW 13.40.030. The evaluations shall be submitted to the legislature on December 1 of each even-numbered year ~~((thereafter))~~.

(2) It is the responsibility of the department to: (a) Provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders; and (b) ~~((at the request of the commission, provide technical and administrative assistance to the commission in the performance of its responsibilities; and (c))~~ provide the commission and legislature with recommendations for modification of the disposition standards. The office of the administrator for the courts shall provide the commission with available data on diversion and dispositions of juvenile offenders under chapter 13.40 RCW.

**Sec. 14.** RCW 13.40.030 and 1989 c 407 s 3 are each amended to read as follows:

~~((1))~~ ~~((a))~~ The ~~((juvenile disposition standards))~~ sentencing guidelines commission shall recommend to the legislature no later than ~~((November 1st of each year))~~ July 1, 1997, disposition standards for all offenses. The standards shall establish, in accordance with the purposes of this chapter, ranges which may include terms of confinement and/or community supervision established on the basis of a youth's age, the instant offense, and the history and seriousness of previous offenses, but in no case may the period of confinement and supervision exceed that to which an adult may be subjected for the same offense(s). Standards recommended for offenders listed in RCW 13.40.020(1) shall include a range of confinement which may not be less than thirty days. No standard range may include a period of confinement which includes both more than thirty, and thirty or less, days. Disposition standards recommended by the commission shall provide that in all cases where a youth is sentenced to a term of confinement in excess of thirty days the department may impose an additional period of parole ~~((not to exceed eighteen months))~~. Standards of confinement which may be proposed may relate only to the length of the proposed terms and not to the nature of the security to be imposed. ~~((In developing recommended disposition standards, the commission shall consider the capacity of the state juvenile facilities and the projected impact of the proposed standards on that capacity.~~

~~((b))~~ The secretary shall submit guidelines pertaining to the nature of the security to be imposed on youth placed in his or her custody based on the age, offense(s), and criminal history of the juvenile offender. Such guidelines shall be submitted to the legislature for its review no later than November 1st of each year. At the same time the secretary shall submit a report on security at juvenile facilities during the preceding year. The report shall include the number of escapes from each juvenile facility, the most serious offense for which each escapee had been confined, the number and nature of offenses found to have been committed by juveniles while on escape status, the number of authorized leaves granted, the number of failures to comply with leave requirements, the number and nature of offenses committed while on leave, and the number and nature of offenses committed by juveniles while in the community on minimum security status; to the extent this information is available to the secretary. The department shall include security status definitions in the security guidelines it submits to the legislature pursuant to this section.

~~((2))~~ ~~((In developing recommendations for the permissible ranges of confinement under this section the commission shall be subject to the following limitations:~~

~~((a))~~ Where the maximum term in the range is ninety days or less, the minimum term in the range may be no less than fifty percent of the maximum term in the range;

~~((b))~~ Where the maximum term in the range is greater than ninety days but not greater than one year, the minimum term in the range may be no less than seventy-five percent of the maximum term in the range; and

~~((c))~~ Where the maximum term in the range is more than one year, the minimum term in the range may be no less than eighty percent of the maximum term in the range.) The commission's recommendations for new disposition standards shall result in a simplified disposition system. In setting the new standards, the commission shall focus on the need to protect public safety by emphasizing punishment, deterrence, and confinement for violent and repeat offenders. The seriousness of the offense shall be the most important factor in determining the length of confinement, while the offender's age and criminal history shall count as contributing factors. The commission shall consider whether juveniles prosecuted under the juvenile justice system for committing violent, sex, or repeated property offenses should be automatically prosecuted as adults when their term of confinement under the adult sentencing system is longer than their term of confinement

under the juvenile system. The commission shall consider the option of allowing the prosecutor to determine in which system the juvenile should be prosecuted based on the anticipated length of confinement in both systems if the court imposes an exceptional sentence for manifest injustice above the standard range as requested by the prosecutor. The commission shall increase judicial flexibility and discretion by broadening standard ranges of confinement. The commission shall provide for the use of basic training camp programs. Alternatives to total confinement shall be considered for nonviolent offenders. The commission must also study the feasibility of creating a disposition option allowing a court to order minor/first or middle offenders into inpatient substance abuse treatment. To determine the feasibility of that option, the commission must review the number of existing beds and funding available through private, county, state, or federal resources, criteria for eligibility for funding, competing avenues of access to those beds, the current system's method of prioritizing the needs for limited bed space, the average length of stay in inpatient treatment, the costs of that treatment, and the cost effectiveness of inpatient treatment compared to outpatient treatment.

In setting new standards, the commission must also recommend disposition and institutional options for serious or chronic offenders between the ages of fifteen and twenty-five who currently must either be released from juvenile court jurisdiction at age twenty-one or who are prosecuted as adults because the juvenile system is inadequate to address the seriousness of their crimes, their rehabilitation needs, or public safety. One option must include development of a youthful offender disposition option that combines adult criminal sentencing guidelines and juvenile disposition standards and addresses: (a) Whether youthful offenders would be under jurisdiction of the department of corrections or the department of social and health services; (b) whether current age restrictions on juvenile court jurisdiction would be modified; and (c) whether the department of social and health services or the department of corrections would provide institutional and community correctional services. The option must also recommend an implementation timeline and plan, identify funding and capital construction or improvement options to provide separate facilities for youthful offenders, and identify short and long-term fiscal impacts.

In developing the new standards, the commission must review disposition options in other states and consult with interested parties including superior court judges, prosecutors, defense attorneys, juvenile court administrators, victims advocates, the department of corrections and the department of social and health services, and members of the legislature.

**NEW SECTION. Sec. 15.** A new section is added to chapter 13.40 RCW to read as follows:

The secretary shall submit a report on security at juvenile facilities during the preceding year. The report shall include the number of escapes from each juvenile facility, the most serious offense for which each escapee had been confined, the number and nature of offenses found to have been committed by juveniles while on escape status, the number of authorized leaves granted, the number of failures to comply with leave requirements, the number and nature of offenses committed while on leave, and the number and nature of offenses committed by juveniles while in the community on minimum security status; to the extent this information is available to the secretary. The department shall include security status definitions in the report it submits to the legislature pursuant to this section. The report shall be submitted no later than December 15th of each year.

**Sec. 16.** RCW 13.40.0357 and 1995 c 395 s 3 are each amended to read as follows:

SCHEDULE A  
DESCRIPTION AND OFFENSE CATEGORY

JUVENILE

JUVENILE DISPOSITION  
DISPOSITION CATEGORY FOR ATTEMPT,  
OFFENSE BAILJUMP, CONSPIRACY,  
CATEGORY DESCRIPTION (RCW CITATION) OR SOLICITATION

**Arson and Malicious Mischief**

- A Arson 1 (9A.48.020) B+
- B Arson 2 (9A.48.030) C
- C Reckless Burning 1 (9A.48.040) D
- D Reckless Burning 2 (9A.48.050) E
- B Malicious Mischief 1 (9A.48.070) C
- C Malicious Mischief 2 (9A.48.080) D
- D Malicious Mischief 3 (< \$50 is  
E class) (9A.48.090) E
- E Tampering with Fire Alarm  
Apparatus (9.40.100) E
- A Possession of Incendiary Device  
(9.40.120) B+

**Assault and Other Crimes  
Involving Physical Harm**

- A Assault 1 (9A.36.011) B+
- B+ Assault 2 (9A.36.021) C+
- C+ Assault 3 (9A.36.031) D+
- D+ Assault 4 (9A.36.041) E
- B+ Reckless Endangerment 1 (9A.36.045) C+
- D+ Reckless Endangerment  
(9A.36.050) E
- C+ Promoting Suicide Attempt  
(9A.36.060) D+
- D+ Coercion (9A.36.070) E
- C+ Custodial Assault (9A.36.100) D+

**Burglary and Trespass**

- B+ Burglary 1 (9A.52.020) C+
- B Residential Burglary (9A.52.025) C
- B Burglary 2 (9A.52.030) C
- D Burglary Tools (Possession of)  
(9A.52.060) E
- D Criminal Trespass 1 (9A.52.070) E
- E Criminal Trespass 2 (9A.52.080) E

D Vehicle Prowling (9A.52.100) E

### Drugs

- E Possession/Consumption of Alcohol (66.44.270) E
- C Illegally Obtaining Legend Drug (69.41.020) D
- C+ Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030) D+
- E Possession of Legend Drug (69.41.030) E
- B+ Violation of Uniform Controlled Substances Act - Narcotic Sale (69.50.401(a)(1)(i)) B+
- C Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(a)(1)(ii)) C
- E Possession of Marihuana < 40 grams (69.50.401(e)) E
- C Fraudulently Obtaining Controlled Substance (69.50.403) C
- C+ Sale of Controlled Substance for Profit (69.50.410) C+
- E Unlawful Inhalation (9.47A.020) E
- B Violation of Uniform Controlled Substances Act - Narcotic Counterfeit Substances (69.50.401(b)(1)(i)) B
- C Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.401(b)(1) (ii), (iii), (iv)) C
- C Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(d)) C
- C Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(c)) C

### Firearms and Weapons

- E Carrying Loaded Pistol Without Permit (9.41.050) E
- C Possession of Firearms by Minor (< 18) (9.41.040(1)((~~e~~))(b)(iv)) C
- D+ Possession of Dangerous Weapon (9.41.250) E
- D Intimidating Another Person by use of Weapon (9.41.270) E

### Homicide

- A+ Murder 1 (9A.32.030) A
- A+ Murder 2 (9A.32.050) B+
- B+ Manslaughter 1 (9A.32.060) C+
- C+ Manslaughter 2 (9A.32.070) D+
- B+ Vehicular Homicide (46.61.520) C+

### Kidnapping

- A Kidnap 1 (9A.40.020) B+
- B+ Kidnap 2 (9A.40.030) C+
- C+ Unlawful Imprisonment (9A.40.040) D+

### Obstructing Governmental Operation

- E Obstructing a Law Enforcement Officer (9A.76.020) E
- E Resisting Arrest (9A.76.040) E
- B Introducing Contraband 1 (9A.76.140) C
- C Introducing Contraband 2 (9A.76.150) D
- E Introducing Contraband 3 (9A.76.160) E
- B+ Intimidating a Public Servant (9A.76.180) C+

B+ Intimidating a Witness  
(9A.72.110) C+

**Public Disturbance**

C+ Riot with Weapon (9A.84.010) D+  
D+ Riot Without Weapon  
(9A.84.010) E  
E Failure to Disperse (9A.84.020) E  
E Disorderly Conduct (9A.84.030) E

**Sex Crimes**

A Rape 1 (9A.44.040) B+  
A- Rape 2 (9A.44.050) B+  
C+ Rape 3 (9A.44.060) D+  
A- Rape of a Child 1 (9A.44.073) B+  
B Rape of a Child 2 (9A.44.076) C+  
B Incest 1 (9A.64.020(1)) C  
C Incest 2 (9A.64.020(2)) D  
D+ Indecent Exposure  
(Victim < 14) (9A.88.010) E  
E Indecent Exposure  
(Victim 14 or over) (9A.88.010) E  
B+ Promoting Prostitution 1  
(9A.88.070) C+  
C+ Promoting Prostitution 2  
(9A.88.080) D+  
E O & A (Prostitution) (9A.88.030) E  
B+ Indecent Liberties (9A.44.100) C+  
B+ Child Molestation 1 (9A.44.083) C+  
C+ Child Molestation 2 (9A.44.086) C  
C Failure to Register  
(For Class A Felony) (9A.44.130) D  
D Failure to Register  
(For Class B Felony or Less)  
(9A.44.130) E

**Theft, Robbery, Extortion, and Forgery**

B Theft 1 (9A.56.030) C  
C Theft 2 (9A.56.040) D  
D Theft 3 (9A.56.050) E  
B Theft of a Firearm (9A.56.300) C  
B Theft of Livestock (9A.56.080) C  
C Forgery (9A.60.020) D  
A Robbery 1 (9A.56.200) B+  
B+ Robbery 2 (9A.56.210) C+  
B+ Extortion 1 (9A.56.120) C+  
C+ Extortion 2 (9A.56.130) D+  
B Possession of Stolen Property 1  
(9A.56.150) C  
C Possession of Stolen Property 2  
(9A.56.160) D  
D Possession of Stolen Property 3  
(9A.56.170) E  
C Taking Motor Vehicle Without  
Owner's Permission (9A.56.070) D

**Motor Vehicle Related Crimes**

E Driving Without a License  
(46.20.021) E  
C Hit and Run - Injury  
(46.52.020(4)) D  
D Hit and Run-Attended  
(46.52.020(5)) E  
E Hit and Run-Unattended  
(46.52.010) E  
C Vehicular Assault (46.61.522) D  
C Attempting to Elude Pursuing  
Police Vehicle (46.61.024) D  
E Reckless Driving (46.61.500) E  
D Driving While Under the Influence  
(46.61.502 and 46.61.504) E  
D Vehicle Prowling (9A.52.100) E  
C Taking Motor Vehicle Without  
Owner's Permission (9A.56.070) D

**Other**

B Bomb Threat (9.61.160) C

- C Escape 1<sup>1</sup> (9A.76.110) C
- C Escape 2<sup>1</sup> (9A.76.120) C
- D Escape 3 (9A.76.130) E
- C Stalking (Repeat) (9A.46.110) D
- D Stalking (1st Time) (9A.46.110) E
- E Obscene, Harassing, Etc.,  
Phone Calls (9.61.230) E
- A Other Offense Equivalent to an  
Adult Class A Felony B+
- B Other Offense Equivalent to an  
Adult Class B Felony C
- C Other Offense Equivalent to an  
Adult Class C Felony D
- D Other Offense Equivalent to an  
Adult Gross Misdemeanor E
- E Other Offense Equivalent to an  
Adult Misdemeanor E
- V Violation of Order of Restitution,  
Community Supervision, or  
Confinement<sup>2</sup> (13.40.200)<sup>(2)</sup> V

<sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

- 1st escape or attempted escape during 12-month period - 4 weeks confinement
- 2nd escape or attempted escape during 12-month period - 8 weeks confinement
- 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

<sup>2</sup>If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

#### SCHEDULE B PRIOR OFFENSE INCREASE FACTOR

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

#### TIME SPAN

OFFENSE	0-12	13-24	25 Months
CATEGORY	Months	Months	or More
A+	.9	.9	.9
A	.9	.8	.6
A-	.9	.8	.5
B+	.9	.7	.4
B	.9	.6	.3
C+	.6	.3	.2
C	.5	.2	.2
D+	.3	.2	.1
D	.2	.1	.1
E	.1	.1	.1

Prior history - Any offense in which a diversion agreement or counsel and release form was signed, or any offense which has been adjudicated by court to be correct prior to the commission of the current offense(s).

#### SCHEDULE C CURRENT OFFENSE POINTS

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

#### AGE

OFFENSE 12 &	Under 13	14	15	16	17
CATEGORY					

A+	STANDARD RANGE 180-224 WEEKS					
A	250	300	350	375	375	375
A-	150	150	150	200	200	200
B+	110	110	120	130	140	150
B	45	45	50	50	57	57
C+	44	44	49	49	55	55
C	40	40	45	45	50	50
D+	16	18	20	22	24	26
D	14	16	18	20	22	24
E	4	4	4	6	8	10

JUVENILE SENTENCING STANDARDS  
SCHEDULE D-1

This schedule may only be used for minor/first offenders. After the determination is made that a youth is a minor/first offender, the court has the discretion to select sentencing option A((~~τ~~)) or B((~~τ~~ or ~~€~~)).

MINOR/FIRST OFFENDER

OPTION A  
STANDARD RANGE

Community

Community Service  
Points Supervision Hours Fine

~~((1-9 0-3 months and/or 0-8 and/or 0-\$10  
10-19 0-3 months and/or 0-8 and/or 0-\$10  
20-29 0-3 months and/or 0-16 and/or 0-\$10  
30-39 0-3 months and/or 8-24 and/or 0-\$25  
40-49 3-6 months and/or 16-32 and/or 0-\$25  
50-59 3-6 months and/or 24-40 and/or 0-\$25  
60-69 6-9 months and/or 32-48 and/or 0-\$50  
70-79 6-9 months and/or 40-56 and/or 0-\$50  
80-89 9-12 months and/or 48-64 and/or 10-\$100  
90-109 9-12 months and/or 56-72 and/or 10-\$100))  
1-109 0-12 months and/or 0-150 and/or 0-\$100~~

~~((OR~~

~~OPTION B  
STATUTORY OPTION~~

~~0-12 Months Community Supervision  
0-150 Hours Community Service  
0-100 Fine))  
Posting of a Probation Bond~~

~~((A term of community supervision with a maximum of 150 hours, \$100.00 fine, and 12 months supervision.))~~

OR

OPTION ((C)) B

MANIFEST INJUSTICE

When a term of community supervision would effectuate a manifest injustice, another disposition may be imposed. When a judge imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term and the provisions of ((RCW 13.40.030(2))) section 31 of this act shall be used to determine the range.

JUVENILE SENTENCING STANDARDS  
SCHEDULE D-2

This schedule may only be used for middle offenders. After the determination is made that a youth is a middle offender, the court has the discretion to select sentencing option A, B, or C.

MIDDLE OFFENDER

OPTION A  
STANDARD RANGE

Community

Community Service Confinement  
Points Supervision Hours Fine Days ((Weeks))

~~((1-9 0-3 months and/or 0-8 and/or 0-\$10 and/or 0  
10-19 0-3 months and/or 0-8 and/or 0-\$10 and/or 0  
20-29 0-3 months and/or 0-16 and/or 0-\$10 and/or 0  
30-39 0-3 months and/or 8-24 and/or 0-\$25 and/or 2-4  
40-49 3-6 months and/or 16-32 and/or 0-\$25 and/or 2-4  
50-59 3-6 months and/or 24-40 and/or 0-\$25 and/or 5-10  
60-69 6-9 months and/or 32-48 and/or 0-\$50 and/or 5-10  
70-79 6-9 months and/or 40-56 and/or 0-\$50 and/or 10-20  
80-89 9-12 months and/or 48-64 and/or 0-\$100 and/or 10-20  
90-109 9-12 months and/or 56-72 and/or 0-\$100 and/or 15-30))  
1-109 0-12 months and/or 0-150 and/or 0-\$100 and/or 0-30~~

Weeks

110-129 8-12  
130-149 13-16  
150-199 21-28  
200-249 30-40  
250-299 52-65  
300-374 80-100  
375+ 103-129

Middle offenders with 110 points or more do not have to be committed to the department. They may be assigned community supervision under option B.

For all determinate dispositions of up to 30 days confinement for middle offenders with fewer than 110 points, the court shall state its reasons in writing why confinement is used.

All A+ offenses 180-224 weeks

OR

OPTION B  
STATUTORY OPTION  
OFFENDERS WITH 110 POINTS OR MORE

~~((0-12 Months Community Supervision  
0-150 Hours Community Service  
0-100 Fine  
Posting of a Probation Bond))~~

If the offender has ~~((less than))~~ 110 points or more, the court may impose ~~((a determinate disposition of community supervision and/or up to 30 days confinement; in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150))~~ an option B disposition as provided in RCW 13.40.160(4)(b).

~~((If the middle offender has 110 points or more, the court may impose a disposition under option A and may suspend the disposition on the condition that the offender serve up to thirty days of confinement and follow all conditions of community supervision. If the offender fails to comply with the terms of community supervision, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order execution of the disposition. If the court imposes confinement for offenders with 110 points or more, the court shall state either aggravating or mitigating factors set forth in RCW 13.40.150.))~~

OR

OPTION C  
MANIFEST INJUSTICE  
ALL MIDDLE OFFENDERS

If the court determines that a disposition under A or B would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term and the provisions of ~~((RCW 13.40.030(2)))~~ section 31 of this act shall be used to determine the range.

JUVENILE SENTENCING STANDARDS  
SCHEDULE D-3

This schedule may only be used for serious offenders. After the determination is made that a youth is a serious offender, the court has the discretion to select sentencing option A or B.

SERIOUS OFFENDER  
OPTION A  
STANDARD RANGE

Points	Institution Time
0-129	8-12 weeks
130-149	13-16 weeks
150-199	21-28 weeks
200-249	30-40 weeks
250-299	52-65 weeks
300-374	80-100 weeks
375+	103-129 weeks
All A+	
Offenses	180-224 weeks

OR

OPTION B  
MANIFEST INJUSTICE

A disposition outside the standard range shall be determined and shall be comprised of confinement or community supervision including posting a probation bond or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term, and the provisions of ~~((RCW 13.40.030(2)))~~ section 31 of this act shall be used to determine the range.

**Sec. 17.** RCW 13.40.045 and 1994 sp.s. c 7 s 518 are each amended to read as follows:

The secretary, assistant secretary, or the secretary's designee shall issue arrest warrants for juveniles who escape from department residential custody or abscond from parole supervision or fail to meet conditions of parole. These arrest warrants shall authorize any law enforcement, probation and parole, or peace officer of this state, or any other state where the juvenile is located, to arrest the juvenile and to place the juvenile in physical custody pending the juvenile's return to confinement in a state juvenile rehabilitation facility.

**Sec. 18.** RCW 13.40.050 and 1995 c 395 s 5 are each amended to read as follows:

(1) When a juvenile taken into custody is held in detention:

(a) An information, a community supervision modification or termination of diversion petition, or a parole modification petition shall be filed within seventy-two hours, Saturdays, Sundays, and holidays excluded, or the juvenile shall be released; and

(b) A detention hearing, a community supervision modification or termination of diversion petition, or a parole modification petition shall be held within seventy-two hours, Saturdays, Sundays, and holidays excluded, from the time of filing the information or petition, to determine whether continued detention is necessary under RCW 13.40.040.

(2) Notice of the detention hearing, stating the time, place, and purpose of the hearing, ~~((and))~~ stating the right to counsel, and requiring attendance, shall be given to the parent, guardian, or custodian if such person can be found and shall also be given to the juvenile if over twelve years of age.

(3) At the commencement of the detention hearing, the court shall advise the parties of their rights under this chapter and shall appoint counsel as specified in this chapter.

(4) The court shall, based upon the allegations in the information, determine whether the case is properly before it or whether the case should be treated as a diversion case under RCW 13.40.080. If the case is not properly before the court the juvenile shall be ordered released.

(5) Notwithstanding a determination that the case is properly before the court and that probable cause exists, a juvenile shall at the detention hearing be ordered released on the juvenile's personal recognizance pending further hearing unless the court finds detention is necessary under RCW 13.40.040 ~~((as now or hereafter amended))~~.

(6) If detention is not necessary under RCW 13.40.040, ~~((as now or hereafter amended,))~~ the court shall impose the most appropriate of the following conditions or, if necessary, any combination of the following conditions:

(a) Place the juvenile in the custody of a designated person agreeing to supervise such juvenile;

(b) Place restrictions on the travel of the juvenile during the period of release;

(c) Require the juvenile to report regularly to and remain under the supervision of the juvenile court;

(d) Impose any condition other than detention deemed reasonably necessary to assure appearance as required;

(e) Require that the juvenile return to detention during specified hours; or

(f) Require the juvenile to post a probation bond set by the court under terms and conditions as provided in RCW 13.40.040(4).

(7) If the parent, guardian, or custodian of the juvenile in detention is available, the court shall consult with them prior to a determination to further detain or release the juvenile or treat the case as a diversion case under RCW 13.40.080.

(8) If the parent, guardian, or custodian notified as provided in this section fails without reasonable cause to appear, that person may be proceeded against as for contempt of court for failing to appear.

**Sec. 19.** RCW 13.40.060 and 1989 c 71 s 1 are each amended to read as follows:

(1) All actions under this chapter shall be commenced and tried in the county where any element of the offense was committed except as otherwise specially provided by statute. In cases in which diversion is provided by statute, venue is in the county in which the juvenile resides or in the county in which any element of the offense was committed.

(2) For juveniles whose standard range disposition would include confinement in excess of thirty days, the case and copies of all legal and social documents pertaining thereto may in the discretion of the court be transferred to the county where the juvenile resides for a disposition hearing. All costs and arrangements for care and transportation of the juvenile in custody shall be the responsibility of the receiving county as of the date of the transfer of the juvenile to such county, unless the counties otherwise agree.

(3) The case and copies of all legal and social documents pertaining thereto may in the discretion of the court be transferred to the county in which the juvenile resides for supervision and enforcement of the disposition order. The court of the receiving county has jurisdiction to modify and enforce the disposition order.

(4) The court upon motion of any party or upon its own motion may, at any time, transfer a proceeding to another juvenile court when there is reason to believe that an impartial proceeding cannot be held in the county in which the proceeding was begun.

**Sec. 20.** RCW 13.40.080 and 1994 sp.s. c 7 s 544 are each amended to read as follows:

(1) A diversion agreement shall be a contract between a juvenile accused of an offense and a diversionary unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it. Such agreements shall be entered into as expeditiously as possible.

(2) A diversion agreement shall be limited to one or more of the following:

(a) Community service not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Restitution limited to the amount of actual loss incurred by the victim, and to an amount the juvenile has the means or potential means to pay. The diversion contract must specify the full amount of restitution due even if the juvenile does not have the means or potential to pay the full amount;

(c) Attendance at (~~up to ten hours of~~) counseling and/or (~~up to twenty hours of~~) educational or informational sessions at a community agency for a specified period of time as determined by the diversion unit. The educational or informational sessions may include sessions relating to respect for self, others, and authority; victim awareness; accountability; self-worth; responsibility; work ethics; good citizenship; and life skills. For purposes of this section, "community agency" may also mean a community-based nonprofit organization, if approved by the diversion unit. The state shall not be liable for costs resulting from the diversionary unit exercising the option to permit diversion agreements to mandate attendance at (~~up to ten hours of~~) counseling and/or (~~up to twenty hours of~~) educational or informational sessions;

(d) A fine, not to exceed one hundred dollars. In determining the amount of the fine, the diversion unit shall consider only the juvenile's financial resources and whether the juvenile has the means to pay the fine. The diversion unit shall not consider the financial resources of the juvenile's parents, guardian, or custodian in determining the fine to be imposed; and

(e) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas.

(3) In assessing periods of community service to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall consult with the juvenile's custodial parent or parents or guardian and victims who have contacted the diversionary unit and, to the extent possible, involve members of the community. Such members of the community shall meet with the juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the juvenile in carrying out its terms.

(4) A diversion agreement may not exceed a period of six months and may include a period extending beyond the eighteenth birthday of the divertee. Any restitution assessed during its term may not exceed an amount which the juvenile could be reasonably expected to pay during this period. If additional time is necessary for the juvenile to complete restitution to the victim, the time period limitations of this subsection may be extended by an additional six months.

(5) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

(6) Divertees and potential divertees shall be afforded due process in all contacts with a diversionary unit regardless of whether the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written diversion agreement shall be executed stating all conditions in clearly understandable language;

(b) Violation of the terms of the agreement shall be the only grounds for termination;

(c) No divertee may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded

by:

(i) Written notice of alleged violations of the conditions of the diversion program; and

(ii) Disclosure of all evidence to be offered against the divertee;

(d) The hearing shall be conducted by the juvenile court and shall include:

(i) Opportunity to be heard in person and to present evidence;

(ii) The right to confront and cross-examine all adverse witnesses;

(iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and

(iv) Demonstration by evidence that the divertee has substantially violated the terms of his or her diversion agreement.

(e) The prosecutor may file an information on the offense for which the divertee was diverted:

(i) In juvenile court if the divertee is under eighteen years of age; or

(ii) In superior court or the appropriate court of limited jurisdiction if the divertee is eighteen years of age or older.

(7) The diversion unit shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during diversion unit hearings or negotiations.

(8) The diversion unit shall be responsible for advising a divertee of his or her rights as provided in this chapter.

(9) The diversion unit may refer a juvenile to community-based counseling or treatment programs.

(10) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews mean all interviews regarding the diversion agreement process.

The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(9). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the diversionary unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

(11) When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

- (a) The fact that a charge or charges were made;
- (b) The fact that a diversion agreement was entered into;
- (c) The juvenile's obligations under such agreement;
- (d) Whether the alleged offender performed his or her obligations under such agreement; and
- (e) The facts of the alleged offense.

(12) A diversionary unit may refuse to enter into a diversion agreement with a juvenile. When a diversionary unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversionary unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement.

(13) A diversionary unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a diversion agreement. A diversion unit's authority to counsel and release a juvenile under this subsection shall include the authority to refer the juvenile to community-based counseling or treatment programs. Any juvenile released under this subsection shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(9). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language. A juvenile determined to be eligible by a diversionary unit for release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit.

(14) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the divertee's eighteenth birthday.

(15) If a fine required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the divertee and with the concurrence of the diversion unit to convert an unpaid fine into community service. The modification of the diversion agreement shall be in writing and signed by the divertee and the diversion unit. The number of hours of community service in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

(16) Fines imposed under this section shall be collected and paid into the county general fund in accordance with procedures established by the juvenile court administrator under RCW 13.04.040 and may be used only for juvenile services. In the expenditure of funds for juvenile services, there shall be a maintenance of effort whereby counties exhaust existing resources before using amounts collected under this section.

**Sec. 21.** RCW 13.40.110 and 1990 c 3 s 303 are each amended to read as follows:

(1) The prosecutor, respondent, or the court on its own motion may, before a hearing on the information on its merits, file a motion requesting the court to transfer the respondent for adult criminal prosecution and the matter shall be set for a hearing on the question of declining jurisdiction. Unless waived by the court, the parties, and their counsel, a decline hearing shall be held where:

- (a) The respondent is fifteen, sixteen, or seventeen years of age and the information alleges a class A felony or an attempt, solicitation, or conspiracy to commit a class A felony; ~~((or))~~
- (b) The respondent is seventeen years of age and the information alleges assault in the second degree, extortion in the first degree, indecent liberties, child molestation in the second degree, kidnapping in the second degree, or robbery in the second degree; or
- (c) The information alleges an escape by the respondent and the respondent is serving a minimum juvenile sentence to age twenty-one.

(2) The court after a decline hearing may order the case transferred for adult criminal prosecution upon a finding that the declination would be in the best interest of the juvenile or the public. The court shall consider the relevant reports, facts, opinions, and arguments presented by the parties and their counsel.

(3) When the respondent is transferred for criminal prosecution or retained for prosecution in juvenile court, the court shall set forth in writing its finding which shall be supported by relevant facts and opinions produced at the hearing.

(4) If the court finds that declination of jurisdiction is appropriate it may, in lieu of transferring the respondent for adult criminal prosecution, classify the offender as a youthful offender and retain the offender in juvenile court. The court may classify an offender as a youthful offender only if he or she is under fifteen years of age and the standard range that the offender could receive if remanded for adult criminal prosecution exceeds incarceration past the age of twenty-one.

**NEW SECTION. Sec. 22.** A new section is added to chapter 13.40 RCW to read as follows:

At an adjudicatory hearing, a person classified as a youthful offender under RCW 13.40.110(4) is entitled to all the rights that by court rule, statute, and the state and federal constitutions are guaranteed to an offender who is similarly charged in adult court.

**NEW SECTION. Sec. 23.** A new section is added to chapter 13.40 RCW to read as follows:

(1) At a disposition hearing, the court shall impose both an adult and a juvenile sentence on a person classified as a youthful offender under RCW 13.40.110(4). The adult sentence shall be determined according to the sentencing reform act, chapter 9.94A RCW. The adult sentence shall be suspended conditioned upon the youthful offender's compliance with the conditions and terms of the juvenile sentence. The juvenile sentence shall be confinement with the department until age twenty-one.

(2) The court may, on application by the department, remand the youthful offender to the department of corrections to begin serving the offender's adult sentence if, at any time while the offender is serving the offender's juvenile sentence, the offender: Refuses to meaningfully participate in rehabilitative programs made available to the offender by the department; reoffends; or constitutes a serious threat to the physical safety of others. The offender may also be remanded to the department of corrections to begin serving the offender's adult sentence if the department petitions and the court finds that the offender is not likely to benefit from the services the department has to offer.

(3) Unless previously remanded to the department of corrections to begin serving the offender's adult sentence, the youthful offender shall, no sooner than three months before the offender's twenty-first birthday, appear before the sentencing court to determine compliance with the juvenile sentence.

(4) After the hearing the court shall remand the youthful offender to the department of corrections to begin serving the offender's adult sentence unless the sentencing court finds by a preponderance of evidence that the offender:

- (a) Has meaningfully participated in the rehabilitative programs made available by the department;
- (b) Is not likely to reoffend upon release; and
- (c) Does not pose a serious threat to the physical safety of others.

If the court makes these findings by a preponderance of evidence, then it shall release the youthful offender from the suspended adult sentence.

(5) When the juvenile is released from the suspended adult sentence the court shall, as a condition of that release, order the offender to serve twenty-four months of community placement to be supervised by the department of corrections. The court shall order conditions of community placement as provided for in RCW 9.94A.120(8). All provisions of chapter 9.94A RCW dealing with community placement shall be applicable to these offenders.

(6) Only the youthful offender's adult sentence shall be considered when determining under chapter 9.94A RCW an appropriate sentence for future adult offenses.

**NEW SECTION. Sec. 24.** A new section is added to chapter 13.40 RCW to read as follows:

If at any time a person classified as a youthful offender under RCW 13.40.110(4) is remanded to begin serving an adult sentence, the youthful offender shall be given credit for all incarceration time served on the juvenile sentence.

**Sec. 25.** RCW 13.40.120 and 1981 c 299 s 9 are each amended to read as follows:

All hearings may be conducted at any time or place within the limits of the judicial district, and such cases may not be heard in conjunction with other business of any other division of the superior court. The court, if possible, shall hold hearings during nonstandard hours and take such other actions as are necessary to facilitate parental participation.

**Sec. 26.** RCW 13.40.125 and 1995 c 395 s 6 are each amended to read as follows:

(1) Upon motion at least fourteen days before commencement of trial, the juvenile court has the power, after consulting the juvenile's custodial parent or parents or guardian and with the consent of the juvenile, to continue the case for ~~((adjudication))~~ disposition for a period not to exceed one year from the date ~~((the motion is granted))~~ of entry of a plea of guilty or a finding of guilt following a hearing under subsection (5) of this section. The court may continue the case for an additional one-year period for good cause.

(2) Any juvenile granted a deferral of ~~((adjudication))~~ disposition under this section shall be placed under community supervision. The court may impose any conditions of supervision that it deems appropriate including posting a probation bond. Payment of restitution, as provided in RCW 13.40.190 shall also be a condition of community supervision under this section.

(3) Upon full compliance with conditions of supervision, the respondent's adjudication shall be vacated and the court shall dismiss the case with prejudice.

(4) If the juvenile fails to comply with the terms of supervision, the court shall enter an order of ~~((adjudication and proceed to))~~ disposition. The juvenile's lack of compliance shall be determined by the judge upon written motion by the prosecutor or the juvenile's juvenile court community supervision counselor. A parent who signed for a probation bond or deposited cash may notify the counselor if the juvenile fails to comply with the bond or conditions of supervision. The counselor shall notify the court and surety. A surety shall notify the

court of the juvenile's failure to comply with the probation bond. The state shall bear the burden to prove by a preponderance of the evidence that the juvenile has failed to comply with the terms of community supervision.

(5) If the juvenile agrees to a deferral of ~~((adjudication))~~ disposition, the juvenile shall waive all rights:

- (a) To a speedy trial and disposition;
- (b) To call and confront witnesses; and
- (c) To a hearing on the record. The adjudicatory hearing shall be limited to a reading of the court's record.

(6) A juvenile is not eligible for a deferred ~~((adjudication))~~ disposition if:

- (a) The juvenile's current offense is a sex or violent offense;
- (b) The juvenile's criminal history includes any felony;
- (c) The juvenile has a prior deferred ~~((adjudication))~~ disposition; or
- (d) The juvenile has had more than two diversions.

**Sec. 27.** RCW 13.40.130 and 1981 c 299 s 10 are each amended to read as follows:

(1) The respondent shall be advised of the allegations in the information and shall be required to plead guilty or not guilty to the allegation(s). The state or the respondent may make preliminary motions up to the time of the plea.

(2) If the respondent pleads guilty, the court may proceed with disposition or may continue the case for a dispositional hearing. If the respondent denies guilt, an adjudicatory hearing date shall be set. The court shall notify the parent, guardian, or custodian who has custody of any juvenile described in the charging document of the date, time, and place of the dispositional or adjudicatory hearing, and require attendance.

(3) At the adjudicatory hearing it shall be the burden of the prosecution to prove the allegations of the information beyond a reasonable doubt.

(4) The court shall record its findings of fact and shall enter its decision upon the record. Such findings shall set forth the evidence relied upon by the court in reaching its decision.

(5) If the respondent is found not guilty he or she shall be released from detention.

(6) If the respondent is found guilty the court may immediately proceed to disposition or may continue the case for a dispositional hearing. Notice of the time and place of the continued hearing may be given in open court. If notice is not given in open court to a party, the party and the parent, guardian, or custodian who has custody of the juvenile shall be notified by mail of the time and place of the continued hearing.

(7) The court following an adjudicatory hearing may request that a predisposition study be prepared to aid the court in its evaluation of the matters relevant to disposition of the case.

(8) The disposition hearing shall be held within fourteen days after the adjudicatory hearing or plea of guilty unless good cause is shown for further delay, or within twenty-one days if the juvenile is not held in a detention facility, unless good cause is shown for further delay.

(9) In sentencing an offender, the court shall use the disposition standards in effect on the date of the offense.

(10) If the parent, guardian, or custodian notified as provided in this section fails without reasonable cause to appear, that person may be proceeded against as for contempt of court for failing to appear.

NEW SECTION. **Sec. 28.** A new section is added to chapter 13.40 RCW to read as follows:

#### RECOMMENDED PROSECUTING STANDARDS FOR CHARGING AND PLEA DISPOSITIONS

**INTRODUCTION:** These standards are intended solely for the guidance of prosecutors in the state of Washington. They are not intended to, do not, and may not be relied upon to create a right or benefit, substantive or procedural, enforceable at law by a party in litigation with the state.

Evidentiary sufficiency. (1) Decision not to prosecute.

**STANDARD:** A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question, or would result in decreased respect for the law. The decision not to prosecute or divert shall not be influenced by the race, gender, religion, or creed of the suspect.

**GUIDELINES/COMMENTARY:**

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) Contrary to Legislative Intent - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) Antiquated Statute - It may be proper to decline to charge where the statute in question is antiquated in that:

- (i) It has not been enforced for many years; and
- (ii) Most members of society act as if it were no longer in existence; and
- (iii) It serves no deterrent or protective purpose in today's society; and
- (iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) De Minimis Violation - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) Confinement on Other Charges - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

- (i) Conviction of the new offense would not merit any additional direct or collateral punishment;
- (ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and
- (iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

- (i) Conviction of the new offense would not merit any additional direct or collateral punishment;
- (ii) Conviction in the pending prosecution is imminent;
- (iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and
- (iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) High Disproportionate Cost of Prosecution - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. The reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question, or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

- (i) Assault cases where the victim has suffered little or no injury;
- (ii) Crimes against property, not involving violence, where no major loss was suffered;
- (iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused. The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder. With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and 9A.64.020 the prosecutor should avoid pre-filing agreements or diversions intended to place the accused in a program of treatment or counseling, so that treatment, if determined to be beneficial, can be proved pursuant to RCW 13.40.160(5).

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

The categorization of crimes for these charging standards shall be the same as found in RCW 9.94A.440(2).

The decision to prosecute or use diversion shall not be influenced by the race, gender, religion, or creed of the respondent.

Selection of Charges/Degree of Charge

(1) The prosecutor should file charges which adequately describe the nature of the respondent's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

- (a) Will significantly enhance the strength of the state's case at trial; or

- (b) Will result in restitution to all victims.
- (2) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:
  - (a) Charging a higher degree;
  - (b) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a respondent's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

The selection of charges and/or the degree of the charge shall not be influenced by the race, gender, religion, or creed of the respondent.

#### GUIDELINES/COMMENTARY:

##### Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

- (1) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;
- (2) The completion of necessary laboratory tests; and
- (3) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

##### Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

- (1) Probable cause exists to believe the suspect is guilty; and
- (2) The suspect presents a danger to the community or is likely to flee if not apprehended; or
- (3) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception that the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

##### Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

- (1) Polygraph testing;
- (2) Hypnosis;
- (3) Electronic surveillance;
- (4) Use of informants.

##### Prefiling Discussions with Defendant

Discussions with the defendant or his or her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

#### PLEA DISPOSITIONS:

##### Standard

(1) Except as provided in subsection (2) of this section, a respondent will normally be expected to plead guilty to the charge or charges which adequately describe the nature of his or her criminal conduct or go to trial.

(2) In certain circumstances, a plea agreement with a respondent in exchange for a plea of guilty to a charge or charges that may not fully describe the nature of his or her criminal conduct may be necessary and in the public interest. Such situations may include the following:

- (a) Evidentiary problems which make conviction of the original charges doubtful;
- (b) The respondent's willingness to cooperate in the investigation or prosecution of others whose criminal conduct is more serious or represents a greater public threat;
- (c) A request by the victim when it is not the result of pressure from the respondent;
- (d) The discovery of facts which mitigate the seriousness of the respondent's conduct;
- (e) The correction of errors in the initial charging decision;
- (f) The respondent's history with respect to criminal activity;
- (g) The nature and seriousness of the offense or offenses charged;
- (h) The probable effect of witnesses.

(3) No plea agreement shall be influenced by the race, gender, religion, or creed of the respondent. This includes but is not limited to the prosecutor's decision to utilize such disposition alternatives as "Option B," the Special Sex Offender Disposition Alternative, and manifest injustice.

**DISPOSITION RECOMMENDATIONS:**

**Standard**

The prosecutor may reach an agreement regarding disposition recommendations.

The prosecutor shall not agree to withhold relevant information from the court concerning the plea agreement.

**Sec. 29.** RCW 13.40.150 and 1995 c 268 s 5 are each amended to read as follows:

(1) In disposition hearings all relevant and material evidence, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value, even though such evidence may not be admissible in a hearing on the information. The youth or the youth's counsel and the prosecuting attorney shall be afforded an opportunity to examine and controvert written reports so received and to cross-examine individuals making reports when such individuals are reasonably available, but sources of confidential information need not be disclosed. The prosecutor and counsel for the juvenile may submit recommendations for disposition.

(2) For purposes of disposition:

- (a) Violations which are current offenses count as misdemeanors;
- (b) Violations may not count as part of the offender's criminal history;
- (c) In no event may a disposition for a violation include confinement.

(3) Before entering a dispositional order as to a respondent found to have committed an offense, the court shall hold a disposition hearing, at which the court shall:

- (a) Consider the facts supporting the allegations of criminal conduct by the respondent;
- (b) Consider information and arguments offered by parties and their counsel;
- (c) Consider any predisposition reports;
- (d) Consult with the respondent's parent, guardian, or custodian on the appropriateness of dispositional options under consideration and afford the respondent and the respondent's parent, guardian, or custodian an opportunity to speak in the respondent's behalf;
- (e) Allow the victim or a representative of the victim and an investigative law enforcement officer to speak;
- (f) Determine the amount of restitution owing to the victim, if any;
- (g) Determine whether the respondent is a serious offender, a middle offender, or a minor or first offender;
- (h) Consider whether or not any of the following mitigating factors exist:
  - (i) The respondent's conduct neither caused nor threatened serious bodily injury or the respondent did not contemplate that his or her conduct would cause or threaten serious bodily injury;
  - (ii) The respondent acted under strong and immediate provocation;
  - (iii) The respondent was suffering from a mental or physical condition that significantly reduced his or her culpability for the offense though failing to establish a defense;
  - (iv) Prior to his or her detection, the respondent compensated or made a good faith attempt to compensate the victim for the injury or loss sustained; and
  - (v) There has been at least one year between the respondent's current offense and any prior criminal offense;
- (i) Consider whether or not any of the following aggravating factors exist:
  - (i) In the commission of the offense, or in flight therefrom, the respondent inflicted or attempted to inflict serious bodily injury to another;
  - (ii) The offense was committed in an especially heinous, cruel, or depraved manner;
  - (iii) The victim or victims were particularly vulnerable;
  - (iv) The respondent has a recent criminal history or has failed to comply with conditions of a recent dispositional order or diversion agreement;
  - (v) The current offense included a finding of sexual motivation pursuant to RCW 13.40.135;
  - (vi) The respondent was the leader of a criminal enterprise involving several persons; ~~(and)~~
  - (vii) There are other complaints which have resulted in diversion or a finding or plea of guilty but which are not included as criminal history; and
  - (viii) The respondent is a sex offender eligible for the special sex offender disposition alternative under RCW 13.40.160(5) and the court finds that a longer disposition is necessary to provide an incentive to comply with the terms of the disposition.

(4) The following factors may not be considered in determining the punishment to be imposed:

- (a) The sex of the respondent;
- (b) The race or color of the respondent or the respondent's family;
- (c) The creed or religion of the respondent or the respondent's family;
- (d) The economic or social class of the respondent or the respondent's family; and

(e) Factors indicating that the respondent may be or is a dependent child within the meaning of this chapter.

(5) A court may not commit a juvenile to a state institution solely because of the lack of facilities, including treatment facilities, existing in the community.

**Sec. 30.** RCW 13.40.160 and 1995 c 395 s 7 are each amended to read as follows:

(1) When the respondent is found to be a serious offender, the court shall commit the offender to the department for the standard range of disposition for the offense, as indicated in option A of schedule D-3, RCW 13.40.0357 except as provided in subsections (5) and (6) of this section.

If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option B of schedule D-3, RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of ~~((RCW 13.40.030(2)))~~ section 31 of this act shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230 by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230.

(2) Where the respondent is found to be a minor or first offender, the court shall order that the respondent serve a term of community supervision as indicated in option A ~~((or option B))~~ of schedule D-1, RCW 13.40.0357 except as provided in subsections (5) and (6) of this section. If the court determines that a disposition of community supervision would effectuate a manifest injustice the court may impose another disposition under option ~~((C))~~ (B) of schedule D-1, RCW 13.40.0357. Except as provided in subsection (5) of this section, a disposition other than a community supervision may be imposed only after the court enters reasons upon which it bases its conclusions that imposition of community supervision would effectuate a manifest injustice. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of ~~((RCW 13.40.030(2)))~~ section 31 of this act shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

Except for disposition of community supervision or a disposition imposed pursuant to subsection (5) of this section, a disposition may be appealed as provided in RCW 13.40.230 by the state or the respondent. A disposition of community supervision or a disposition imposed pursuant to subsection (5) of this section may not be appealed under RCW 13.40.230.

(3) Where a respondent is found to have committed an offense for which the respondent declined to enter into a diversion agreement, the court shall impose a term of community supervision limited to the conditions allowed in a diversion agreement as provided in RCW 13.40.080(2).

(4) If a respondent is found to be a middle offender:

(a) The court shall impose a determinate disposition within the standard range~~((s))~~ for such offense, as indicated in option A of schedule D-2, RCW 13.40.0357 except as provided in subsections (5) and (6) of this section. If the standard range includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement; or

~~((If the middle offender has less than 110 points, the court shall impose a determinate disposition of community supervision and/or up to thirty days confinement, as indicated in option B of schedule D-2, RCW 13.40.0357 in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150.))~~ (i) If the middle offender has 110 points or more, the court may impose a disposition under option A and may suspend the disposition and impose a determinate disposition of community supervision for a period of up to one year or the maximum term allowed by the standard range whichever is longer, on the condition that the offender serve up to thirty days of confinement and follow all conditions of community supervision. If confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150. If the offender violates any condition of the disposition including conditions of a probation bond, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspension and order execution of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked; or

(ii) If the respondent is a middle offender with 110 points or more the court may impose the special disposition option under section 32 of this act.

(c) Only if the court concludes, and enters reasons for its conclusions, that disposition as provided in subsection (4)(a) or (b) of this section would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term, and the provisions of ~~((RCW 13.40.030(2)))~~ section 31 of this act shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

(d) A disposition pursuant to subsection (4)(c) of this section is appealable under RCW 13.40.230 by the state or the respondent. A disposition pursuant to subsection (4) (a) or (b) of this section is not appealable under RCW 13.40.230.

(5) When a serious, middle, or minor first offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment.

The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of problems in addition to alleged deviant behaviors, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community.

(a) A proposed treatment plan shall be provided and shall include, at a minimum:

- ~~((a))~~(i) Frequency and type of contact between the offender and therapist;
- (ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;
- (iv) Anticipated length of treatment; and
- (v) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, ~~((and))~~ or if the court concludes, and enters reasons for its conclusion, that such disposition would effectuate a manifest injustice, the court shall impose a disposition pursuant to option B of schedule D-1, option C of schedule D-2, or option B of schedule D-3 as appropriate.

For either a standard range disposition or a manifest injustice disposition the court may suspend the execution of the disposition and place the offender on community supervision for up to two years.

(b) As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following:

- ~~((b))~~(i) Devote time to a specific education, employment, or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change;
- (iii) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment;
- (iv) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court;
- (v) Report as directed to the court and a probation counselor;
- (vi) Pay all court-ordered legal financial obligations, perform community service, or any combination thereof;
- (vii) Make restitution to the victim for the cost of any counseling reasonably related to the offense; or
- (viii) Comply with the conditions of any court-ordered probation bond.

The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

Except as provided in this subsection (5), after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW. A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (5) and the rules adopted by the department of health.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition or the court may impose a penalty of up to thirty days' confinement for violating conditions of the disposition. The court may order both execution of the disposition and up to thirty days' confinement for the violation of the conditions of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(6) RCW 13.40.193 shall govern the disposition of any juvenile adjudicated of possessing a firearm in violation of RCW 9.41.040(1)((e))~~(b)(iv)~~ or any crime in which a special finding is entered that the juvenile was armed with a firearm.

(7) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(8) Except as provided for in subsection (4)(b) or (5) of this section or RCW 13.40.125, the court shall not suspend or defer the imposition or the execution of the disposition.

(9) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

**NEW SECTION. Sec. 31.** A new section is added to chapter 13.40 RCW to read as follows:

When the court finds a manifest injustice, imposes a sentence of confinement exceeding thirty days, and sets the maximum term, the department shall determine the range subject to the following limitations:

(1) When the maximum term in the range is ninety days or less, the minimum term in the range may be no less than fifty percent of the maximum term in the range;

(2) When the maximum term in the range is greater than ninety days but not greater than one year, the minimum term in the range may be no less than seventy-five percent of the maximum term in the range; and

(3) When the maximum term in the range is more than one year, the minimum term in the range may be no less than eighty percent of the maximum term in the range.

**NEW SECTION. Sec. 32.** A new section is added to chapter 13.40 RCW to read as follows:

(1) When a middle offender with one hundred ten points or more is found to have committed an offense that is not a violent or sex offense, the court, on its own motion or the motion of the state or the respondent if the evidence shows that the offender may be chemically dependent, may order an examination by a chemical dependency counselor from a chemical dependency treatment facility approved under chapter 70.96A RCW to determine if the youth is chemically dependent and amenable to treatment.

(2) The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of drug-alcohol problems and previous treatment attempts, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the examiner's information.

(3) The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

(a) Whether inpatient and/or outpatient treatment is recommended;

(b) Availability of appropriate treatment;

(c) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;

(d) Anticipated length of treatment;

(e) Recommended crime-related prohibitions; and

(f) Whether the respondent is amenable to treatment.

(4) The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any examination ordered under this subsection (4) or subsection (1) of this section unless the court finds that the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost.

(5)(a) After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this chemical dependent disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section.

(b) If the court determines that this chemical dependent disposition alternative is appropriate, then the court shall impose the standard range for the offense, suspend execution of the disposition, and place the offender on community supervision for up to one year. As a condition of the suspended disposition, the court shall require the offender to undergo available outpatient drug/alcohol treatment and/or inpatient drug/alcohol treatment. For purposes of this section, the sum of confinement time and inpatient treatment may not exceed ninety

days. As a condition of the suspended disposition, the court may impose conditions of community supervision and other sanctions, including up to thirty days of confinement, one hundred fifty hours of community service, and payment of legal financial obligations and restitution.

(6) The drug/alcohol treatment provider shall submit monthly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the sentence. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

(7) For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(8) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(9) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

**Sec. 33.** RCW 13.40.190 and 1995 c 33 s 5 are each amended to read as follows:

(1) In its dispositional order, the court shall require the respondent to make restitution to any persons who have suffered loss or damage as a result of the offense committed by the respondent. In addition, restitution may be ordered for loss or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses ~~((which, pursuant to))~~ that, under a plea agreement, are not prosecuted. The payment of restitution shall be in addition to any punishment ~~((which))~~ that is imposed ~~((pursuant to))~~ under the other provisions of this chapter. The court may determine the amount, terms, and conditions of the restitution including a payment plan extending up to ten years if the court determines that the respondent does not have the means to make full restitution over a shorter period. Restitution may include the costs of counseling reasonably related to the offense. If the respondent participated in the crime with another person or other persons, all ~~((such))~~ the participants ~~((shall be))~~ are jointly and severally responsible for the payment of restitution. For the purposes of this section, the respondent shall remain under the court's jurisdiction for a maximum term of ten years after the respondent's eighteenth birthday. The court may not require the respondent to pay full or partial restitution if the respondent reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay ~~((such))~~ the restitution over a ten-year period. In cases where an offender has been committed to the department for a period of confinement exceeding fifteen weeks, restitution may be waived. In all cases, the court must indicate the full amount of restitution due, and the amount, if any, the respondent is required to pay.

(2) Regardless of the provisions of subsection (1) of this section, the court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the court within one year of entry of the disposition order for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the court shall hold a restitution hearing and shall enter a restitution order.

(3) If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments.

(4) A respondent under obligation to pay restitution may petition the court for modification of the restitution order.

**Sec. 34.** RCW 13.40.210 and 1994 sp.s. c 77 s 527 are each amended to read as follows:

~~(1) ((The secretary shall, except in the case of a juvenile committed by a court to a term of confinement in a state institution outside the appropriate standard range for the offense(s) for which the juvenile was found to be guilty established pursuant to RCW 13.40.030, set a release or discharge date for each juvenile committed to its custody. The release or discharge date shall be within the prescribed range to which a juvenile has been committed except as provided in RCW 13.40.320 concerning offenders the department determines are eligible for the juvenile offender basic training camp program. Such dates shall be determined prior to the expiration of sixty percent of a juvenile's minimum term of confinement included within the prescribed range to which the juvenile has been committed.))~~ (a) When a juvenile is committed to a term of confinement in a state institution, the secretary shall review the sentencing court's finding of the rehabilitative goals to be achieved by the juvenile during the term of confinement. The department shall provide rehabilitative resources, including but not limited to education, vocational training, substance abuse treatment, and counseling, to permit the juvenile to achieve these rehabilitative goals.

(b) After expiration of no more than sixty percent of the juvenile's commitment range, the department shall provide a report containing an evaluation of the juvenile's behavior and performance during commitment. This report shall specifically describe the juvenile's progress toward achieving the designated rehabilitative goals.

(c) The department shall provide this report to the committing court. The court, after considering the department's report, shall determine a release or discharge date for the juvenile, which date shall fall on or before expiration of the original term of commitment. If a substantial change in the juvenile's behavior occurs after the setting of the release or discharge date, the department may submit an updated report to the committing court. The committing court may change the release or discharge date based upon the updated report. Nothing in this subsection requires the court to hold a hearing in setting the release or discharge date.

(d) Nothing in this section entitles a juvenile to release prior to the expiration of the term of confinement imposed by the court.

(e) The department shall establish by rule standards of good behavior, good performance, and progress toward rehabilitative goals.

(f) After the court determines a release date, the court shall notify the secretary by mail, and the secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter. Days spent in the custody of the department shall be tolled by any period of time during which a juvenile has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee.

(2) The secretary shall monitor the average daily population of the state's juvenile residential facilities. When the secretary concludes that in-residence population of residential facilities exceeds one hundred five percent of the rated bed capacity specified in statute, or in absence of such specification, as specified by the department in rule, the secretary may recommend reductions to the governor. On certification by the governor that the recommended reductions are necessary, the secretary has authority to administratively release a sufficient number of offenders to reduce in-residence population to one hundred percent of rated bed capacity. The secretary shall release those offenders who have served the greatest proportion of their sentence. However, the secretary may deny release in a particular case at the request of an offender, or if the secretary finds that there is no responsible custodian, as determined by the department, to whom to release the offender, or if the release of the offender would pose a clear danger to society. The department shall notify the committing court of the release at the time of release if any such early releases have occurred as a result of excessive in-residence population. In no event shall an offender adjudicated of a violent offense be granted release under the provisions of this subsection.

(3) Following the juvenile's release under subsection (1) of this section, the secretary may require the juvenile to comply with a program of parole to be administered by the department in his or her community which shall last no longer than eighteen months, except that in the case of a juvenile sentenced for rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, or indecent liberties with forcible compulsion, the period of parole shall be twenty-four months and, in the discretion of the secretary, may be up to thirty-six months when the secretary believes that an additional period of parole is necessary and appropriate in the interests of public safety or to meet the ongoing needs of the juvenile. A parole program is mandatory for offenders released under subsection (2) of this section. The secretary shall, for the period of parole, facilitate the juvenile's reintegration into his or her community and to further this goal shall require the juvenile to refrain from possessing a firearm or using a deadly weapon and refrain from committing new offenses and may require the juvenile to: (a) Undergo available medical ~~((or))~~ psychiatric ~~((treatment))~~, drug and alcohol, mental health, and other offense-related treatment services; (b) report as directed to a parole officer and/or designee; (c) pursue a course of study ~~((or))~~ vocational training, or employment; ~~((and))~~ (d) notify the parole officer of the current address where he or she resides; (e) be present at a particular address during specified hours; (f) remain within prescribed geographical boundaries ~~((and notify the department of any change in his or her address))~~; (g) submit to electronic monitoring; (h) refrain from using illegal drugs and alcohol, and submit to random urinalysis when requested by the assigned parole officer; and (i) refrain from contact with specific individuals or a specified class of individuals. After termination of the parole period, the juvenile shall be discharged from the department's supervision.

(4)(a) The department may also modify parole for violation thereof. If, after affording a juvenile all of the due process rights to which he or she would be entitled if the juvenile were an adult, the secretary finds that a juvenile has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (i) Continued supervision under the same conditions previously imposed; (ii) intensified supervision with increased reporting requirements; (iii) additional conditions of supervision authorized by this chapter; (iv) except as provided in (a)(v) of this subsection, imposition of a period of confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days or weeks spent under supervision; and (v) the secretary may order any of the conditions or may return the offender to confinement ~~((in an institution))~~ for the remainder of the sentence range if the offense for which the offender was sentenced is rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, indecent liberties with forcible compulsion, or a sex offense that is also a serious violent offense as defined by RCW 9.94A.030.

(b) If the department finds that any juvenile in a program of parole has possessed a firearm or used a deadly weapon during the program of parole, the department shall modify the parole under (a) of this subsection and confine the juvenile for at least thirty days. Confinement shall be in a facility operated by or pursuant to a contract with the state or any county.

(5) A parole officer of the department of social and health services shall have the power to arrest a juvenile under his or her supervision on the same grounds as a law enforcement officer would be authorized to arrest the person.

(6) If so requested and approved under chapter 13.06 RCW, the secretary shall permit a county or group of counties to perform functions under subsections (3) through (5) of this section.

**Sec. 35.** RCW 13.50.010 and 1994 sp.s. c 7 s 541 are each amended to read as follows:

(1) For purposes of this chapter:

(a) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the department of social and health services and its contracting agencies, schools; and, in addition, persons or public or private agencies having children committed to their custody;

(b) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders;

(c) "Social file" means the juvenile court file containing the records and reports of the probation counselor;

(d) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information. Any information in records maintained by the department of social and health services relating to a petition filed pursuant to chapter 13.34 RCW that is found by the court, upon proof presented, to be false or inaccurate shall be corrected or expunged from such records by the agency;

(b) An agency shall take reasonable steps to assure the security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment. The court may also permit inspection by or release to individuals or agencies, including juvenile justice advisory committees of county law and justice councils, engaged in legitimate research for educational, scientific, or public purposes. The court may also permit inspection of, or release of information from, records which have been sealed pursuant to RCW 13.50.050(11). The court shall release to the sentencing guidelines commission records needed for its research and data-gathering functions under RCW 9.94A.040, 13.40.027, 13.40.030, and other statutes. Access to records or information for research purposes shall be permitted only if the anonymity of all persons mentioned in the records or information will be preserved. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) Juvenile detention facilities shall release records to the juvenile disposition standards commission under RCW 13.40.025 upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission.

**Sec. 36.** RCW 13.50.050 and 1992 c 188 s 7 are each amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (11) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section, RCW 13.50.010, 13.40.215, and 4.24.550.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Except as provided in RCW 4.24.550, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(8) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(9) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

(10) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection (24) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(11) The court shall grant the motion to seal records made pursuant to subsection (10) of this section if it finds that:

(a) Two years have elapsed from the later of: (i) Final discharge of the person from the supervision of any agency charged with supervising juvenile offenders; or (ii) from the entry of a court order relating to the commission of a juvenile offense or a criminal offense;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense; and

(c) No proceeding is pending seeking the formation of a diversion agreement with that person.

(12) The person making a motion pursuant to subsection (10) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

(13) If the court grants the motion to seal made pursuant to subsection (10) of this section, it shall, subject to subsection (24) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(14) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection (24) of this section.

(15) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any conviction for any adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW for any juvenile adjudication of guilt for a class A offense, a violent offense, or a sex offense as defined in RCW 9.94A.030.

(16) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person who is the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection (24) of this section, order the destruction of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(17) The court may grant the motion to destroy records made pursuant to subsection (16) of this section if it finds:

(a) The person making the motion is at least twenty-three years of age;

(b) The person has not subsequently been convicted of a felony;

(c) No proceeding is pending against that person seeking the conviction of a criminal offense; and

(d) The person has never been found guilty of a serious offense.

(18) A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted, subject to subsection (24) of this section, if the court finds that two years have elapsed since completion of the diversion agreement.

(19) If the court grants the motion to destroy records made pursuant to subsection (16) or (18) of this section, it shall, subject to subsection (24) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

(20) The person making the motion pursuant to subsection (16) or (18) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

(21) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

(22) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

(23) Any juvenile justice or care agency may, subject to the limitations in subsection (24) of this section and subparagraphs (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

(24) No identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior.

(25) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault.

**NEW SECTION. Sec. 37.** A new section is added to chapter 28A.225 RCW to read as follows:

References to juvenile court in this chapter mean, in addition to the juvenile court of the superior court, courts of limited jurisdiction that have acquired jurisdiction pursuant to RCW 13.04.030(1)(e)(iv) or section 9 of this act over juveniles who violate the provisions of this chapter. If a court of limited jurisdiction has jurisdiction over juveniles who violate this chapter, that court also has jurisdiction over parents charged with violations of this chapter.

**Sec. 38.** RCW 35.20.030 and 1993 c 83 s 3 are each amended to read as follows:

The municipal court shall have jurisdiction to try violations of all city ordinances and all other actions brought to enforce or recover license penalties or forfeitures declared or given by any such ordinances. It is empowered to forfeit cash bail or bail bonds and issue execution thereon, to hear and determine all causes, civil or criminal, arising under such ordinances, and to pronounce judgment in accordance therewith: PROVIDED, That for a violation of the criminal provisions of an ordinance no greater punishment shall be imposed than a fine of five thousand dollars or imprisonment in the city jail not to exceed one year, or both such fine and imprisonment, but the punishment for any criminal ordinance shall be the same as the punishment provided in state law for the same crime. The municipal court shall also have jurisdiction over juvenile offenses prosecuted pursuant to chapter 13.40 RCW if the court has acquired jurisdiction pursuant to RCW 13.04.030(1)(e)(iv) or section 9 of this act. All civil and criminal proceedings in municipal court, and judgments rendered therein, shall be subject to review in the superior court by writ of review or on appeal: PROVIDED, That an appeal from the court's determination or order in a traffic infraction proceeding may be taken only in accordance with RCW 46.63.090(5). Costs in civil and criminal cases may be taxed as provided in district courts.

**Sec. 39.** RCW 72.09.300 and 1994 sp.s. c 7 s 542 are each amended to read as follows:

(1) Every county legislative authority shall by resolution or ordinance establish a local law and justice council. The county legislative authority shall determine the size and composition of the council, which shall include the county sheriff and a representative of the municipal police departments within the county, the county prosecutor and a representative of the municipal prosecutors within the county, a representative of the city legislative authorities within the county, a representative of the county's superior, juvenile, district, and municipal courts, the county jail administrator, the county clerk, the county risk manager, and the secretary of corrections. Officials designated may appoint representatives.

(2) A combination of counties may establish a local law and justice council by intergovernmental agreement. The agreement shall comply with the requirements of this section.

(3) The local law and justice council shall develop a local law and justice plan for the county. The council shall design the elements and scope of the plan, subject to final approval by the county legislative authority. The general intent of the plan shall include seeking means to maximize local resources including personnel and facilities, reduce duplication of services, and share resources between

local and state government in order to accomplish local efficiencies without diminishing effectiveness. The plan shall also include a section on jail management. This section may include the following elements:

- (a) A description of current jail conditions, including whether the jail is overcrowded;
- (b) A description of potential alternatives to incarceration;
- (c) A description of current jail resources;
- (d) A description of the jail population as it presently exists and how it is projected to change in the future;
- (e) A description of projected future resource requirements;
- (f) A proposed action plan, which shall include recommendations to maximize resources, maximize the use of intermediate sanctions, minimize overcrowding, avoid duplication of services, and effectively manage the jail and the offender population;
- (g) A list of proposed advisory jail standards and methods to effect periodic quality assurance inspections of the jail;
- (h) A proposed plan to collect, synthesize, and disseminate technical information concerning local criminal justice activities, facilities, and procedures;
- (i) A description of existing and potential services for offenders including employment services, substance abuse treatment, mental health services, and housing referral services.

(4) The council may propose other elements of the plan, which shall be subject to review and approval by the county legislative authority, prior to their inclusion into the plan.

(5) The county legislative authority may request technical assistance in developing or implementing the plan from other units or agencies of state or local government, which shall include the department, the office of financial management, and the Washington association of sheriffs and police chiefs.

(6) Upon receiving a request for assistance from a county, the department may provide the requested assistance.

(7) The secretary may adopt rules for the submittal, review, and approval of all requests for assistance made to the department.

The secretary may also appoint an advisory committee of local and state government officials to recommend policies and procedures relating to the state and local correctional systems and to assist the department in providing technical assistance to local governments. The committee shall include representatives of the county sheriffs, the police chiefs, the county prosecuting attorneys, the county and city legislative authorities, and the jail administrators. The secretary may contract with other state and local agencies and provide funding in order to provide the assistance requested by counties.

(8) The department shall establish a base level of state correctional services, which shall be determined and distributed in a consistent manner state-wide. The department's contributions to any local government, approved pursuant to this section, shall not operate to reduce this base level of services.

(9) The council shall establish an advisory committee on juvenile justice proportionality. The council shall appoint the county juvenile court administrator and at least five citizens as advisory committee members. The citizen advisory committee members shall be representative of the county's ethnic and geographic diversity. The advisory committee members shall serve two-year terms and may be reappointed. The duties of the advisory committee include:

(a) Monitoring and reporting to the ((juvenile disposition standards)) sentencing guidelines commission on the proportionality, effectiveness, and cultural relevance of:

(i) The rehabilitative services offered by county and state institutions to juvenile offenders; and

(ii) The rehabilitative services offered in conjunction with diversions, deferred dispositions, community supervision, and parole;

(b) Reviewing citizen complaints regarding bias or disproportionality in that county's juvenile justice system;

(c) By September 1 of each year, beginning with 1995, submit to the ((juvenile disposition standards)) sentencing guidelines commission a report summarizing the advisory committee's findings under (a) and (b) of this subsection.

**NEW SECTION. Sec. 40.** Sections 2, 5 through 9, 11, 16, 20 through 24, 29, 30, 32, 33, 37, and 38 of this act apply only to offenses committed on or after the effective date of this section.

**NEW SECTION. Sec. 41.** (1) Sections 13 and 14 of this act shall take effect June 30, 1996.

(2) Sections 1 through 3, 5 through 12, and 15 through 40 of this act shall take effect July 1, 1996.

(3) Section 4 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

**Sec. 42.** 1995 c 269 s 3603 (uncodified) is amended to read as follows:

Section 301 of this act shall take effect June 30, ((1997)) 1996.

**NEW SECTION. Sec. 43.** Sections 9, 37, and 38 of this act shall expire June 30, 1998.

**NEW SECTION. Sec. 44.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 45.** If specific funding for the purposes of section 34 of this act, referencing section 34 of this act by bill and section number, is not provided by June 30, 1996, in the omnibus appropriations act, section 34 of this act shall be null and void."

On motion of Senator Long, the following amendment to the Committee on Ways and Means striking amendment was adopted:

On page 22, after line 14 of the amendment, insert the following:

"NEW SECTION. Sec. 8. A new section is added to chapter 9A.44 RCW to read as follows:

(1) A person is guilty of rape of a child in the fourth degree when the person has sexual intercourse with another who is at least sixteen years old but less than eighteen years old and not married to the perpetrator and the perpetrator is at least ten years older than the victim.

(2) Rape of a child in the fourth degree is a gross misdemeanor.

NEW SECTION. Sec. 9. A new section is added to chapter 9A.44 RCW to read as follows:

(1) A person is guilty of child molestation in the fourth degree when the person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another who is at least sixteen years old but less than eighteen years old and not married to the perpetrator and the perpetrator is at least ten years older than the victim.

(2) Child molestation in the fourth degree is a gross misdemeanor.

NEW SECTION. Sec. 10. A new section is added to chapter 9A.44 RCW to read as follows:

In a prosecution under sections 8 or 9 of this act, it is an affirmative defense that the defendant must prove by a preponderance of the evidence, that the defendant did not know that the minor was sixteen or seventeen years of age."

Renumber the sections consecutively and correct any internal references accordingly.

#### MOTION

On motion of Senator Smith, the following amendments to the Committee on Ways and Means striking amendment were considered simultaneously and were adopted:

On page 44, after line 15 of the amendment, insert the following:

"A minor/first offender receiving an option A disposition may also be required to serve 0-10 days in confinement. The court may suspend the confinement on the condition that the offender comply with the terms of community supervision."

On page 68, line 5 of the amendment, after "section." insert "A minor/first offender receiving an option A disposition may also be required to serve 0-10 days in confinement. The court may suspend the confinement on the condition that the offender comply with the terms of community supervision."

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Engrossed Second Substitute House Bill No. 2219.

The committee striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Smith, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 5.60.060, 9.94A.040, 9.94A.060, 9.94A.130, 9.94A.390, 13.40.010, 13.40.025, 13.40.027, 13.40.030, 13.40.0357, 13.40.045, 13.40.050, 13.40.060, 13.40.080, 13.40.110, 13.40.120, 13.40.125, 13.40.130, 13.40.150, 13.40.160, 13.40.190, 13.40.210, 13.50.010, 13.50.050, 35.20.030, and 72.09.300; amending 1995 c 269 s 3603 (uncodified); reenacting and amending RCW 9.94A.030, 9.94A.360, 13.04.030, and 13.40.020; adding a new section to chapter 13.04 RCW; adding new sections to chapter 13.40 RCW; adding a new section to chapter 28A.225 RCW; creating new sections; prescribing penalties; providing effective dates; providing an expiration date; and declaring an emergency."

On page 90, line 31 of the title amendment, after "13.40.020;" insert "adding new sections to chapter 9A.44 RCW;"

On motion of Senator Smith, the rules were suspended, Engrossed Second Substitute House Bill No. 2219, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Sheldon, Senator Snyder was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 2219, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2219, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator McDonald - 1.

Excused: Senator Snyder - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2219, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

FOURTH SUBSTITUTE HOUSE BILL NO. 2009, by House Committee on Appropriations (originally sponsored by Representatives Casada, Huff, Campbell, Clements, Goldsmith, Elliot, Pelesky, Backlund, Reams, Smith, Delvin, Blanton and Beeksma)

Eliminating the state energy office.

The bill was read the second time.

## MOTION

Senator Sutherland moved that the following Committee on Energy, Telecommunications and Utilities amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds responsibilities of state government need to be limited to core services in support of public safety and welfare. Services provided by the Washington state energy office are primarily advisory and can be eliminated. The legislature further finds a need to redefine the state's role in energy-related regulatory functions. The state may be better served by allowing regulatory functions to be performed by other appropriate entities, simplifying state government while maintaining core services. Further, it is the intent of the legislature that the state continue to receive oil overcharge restitution funds for our citizens while every effort is being made to maximize federal funds available for energy conservation purposes.

## PART I FUNCTIONS OF THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

**NEW SECTION. Sec. 101.** A new section is added to chapter 43.330 RCW to read as follows:

(1) All powers, duties, and functions of the state energy office relating to energy resource policy and planning and energy facility siting are transferred to the department of community, trade, and economic development. All references to the director or the state energy office in the Revised Code of Washington shall be construed to mean the director or the department of community, trade, and economic development when referring to the functions transferred in this section.

The director shall appoint an assistant director for energy policy, and energy policy staff shall have no additional responsibilities beyond activities concerning energy policy.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the state energy office pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of community, trade, and economic development. All cabinets, furniture, office equipment, software, data base, motor vehicles, and other tangible property employed by the state energy office in carrying out the powers, functions, and duties transferred shall be made available to the department of community, trade, and economic development.

(b) Any appropriations made to the state energy office for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the department of community, trade, and economic development.

(c) Whenever any question arises as to the transfer of any funds, books, documents, records, papers, files, software, data base, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the state energy office engaged in performing the powers, functions, and duties pertaining to the energy facility site evaluation council are transferred to the jurisdiction of the department of community, trade, and economic development. All employees engaged in energy facility site evaluation council duties classified under chapter 41.06 RCW, the state civil service law, are

assigned to the department of community, trade, and economic development to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the state energy office pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of community, trade, and economic development. All existing contracts and obligations shall remain in full force and shall be performed by the department of community, trade, and economic development.

(5) The transfer of the powers, duties, and functions of the state energy office does not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of the office of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation.

(7) The department of community, trade, and economic development shall direct the closure of the financial records of the state energy office.

(8) Responsibility for implementing energy education, applied research, and technology transfer programs rests with Washington State University. The department of community, trade, and economic development shall provide Washington State University available existing and future oil overcharge restitution and federal energy block funding for a minimum period of five years to carry out energy programs under an interagency agreement with the department of community, trade, and economic development. The interagency agreement shall also outline the working relationship between the department of community, trade, and economic development and Washington State University as it pertains to the relationship between energy policy development and public outreach. Nothing in chapter . . . ., Laws of 1996 (this act) prohibits Washington State University from seeking grant, contract, or fee-for-service funding for energy or related programs directly from other entities.

**Sec. 102.** RCW 43.21F.025 and 1994 c 207 s 2 are each amended to read as follows:

(1) "Energy" means petroleum or other liquid fuels; natural or synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear material; electricity; solar radiation; geothermal resources; hydropower; organic waste products; wind; tidal activity; any other substance or process used to produce heat, light, or motion; or the savings from nongeneration technologies, including conservation or improved efficiency in the usage of any of the sources described in this subsection;

(2) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, joint operating agency, or any other entity, public or private, however organized;

(3) "Director" means the director of the ~~((state energy office))~~ department of community, trade, and economic development;

(4) ~~((("Office" means the Washington state energy office))~~ "Assistant director" means the assistant director of the department of community, trade, and economic development responsible for energy policy activities;

(5) "Department" means the department of community, trade, and economic development;

~~((5))~~ (6) "Distributor" means any person, private corporation, partnership, individual proprietorship, utility, including investor-owned utilities, municipal utility, public utility district, joint operating agency, or cooperative, which engages in or is authorized to engage in the activity of generating, transmitting, or distributing energy in this state; and

~~((6))~~ (7) "State energy strategy" means the document and energy policy direction developed under section 1, chapter 201, Laws of 1991 including any related appendices.

**Sec. 103.** RCW 43.21F.045 and 1994 c 207 s 4 are each amended to read as follows:

~~((The energy office shall have the following duties:~~

~~(1) The office shall))~~ (1) The department shall supervise and administer energy-related activities as specified in section 101 of this act and shall advise the governor and the legislature with respect to energy matters affecting the state.

(2) In addition to other powers and duties granted to the department, the department shall have the following powers and duties:

(a) Prepare and update contingency plans for implementation in the event of energy shortages or emergencies. The plans shall conform to chapter 43.21G RCW and shall include procedures for determining when these shortages or emergencies exist, the state officers and agencies to participate in the determination, and actions to be taken by various agencies and officers of state government in order to reduce hardship and maintain the general welfare during these emergencies. The ~~((office))~~ department shall coordinate the activities undertaken pursuant to this subsection with other persons. The components of plans that require legislation for their implementation shall be presented to the legislature in the form of proposed legislation at the earliest practicable date. The ~~((office))~~ department shall report to the governor and the legislature on probable, imminent, and existing energy shortages, and shall administer energy allocation and curtailment programs in accordance with chapter 43.21G RCW.

~~((2) The office shall))~~ (b) Establish and maintain a central repository in state government for collection of existing data on energy resources, including:

~~((a))~~ (i) Supply, demand, costs, utilization technology, projections, and forecasts;

~~((b))~~ (ii) Comparative costs of alternative energy sources, uses, and applications; and  
~~((e))~~ (iii) Inventory data on energy research projects in the state conducted under public and/or private auspices, and the results thereof.

~~((3) The office shall)~~ (c) Coordinate federal energy programs appropriate for state-level implementation, carry out such energy programs as are assigned to it by the governor or the legislature, and monitor federally funded local energy programs as required by federal or state regulations.

~~((4) The office shall)~~ (d) Develop energy policy recommendations for consideration by the governor and the legislature.

~~((5) The office shall)~~ (e) Provide assistance, space, and other support as may be necessary for the activities of the state's two representatives to the Pacific northwest electric power and conservation planning council. To the extent consistent with federal law, the ~~(office)~~ director shall request that Washington's council members request the administrator of the Bonneville power administration to reimburse the state for the expenses associated with the support as provided in the Pacific Northwest Electric Power Planning and Conservation Act (P.L. 96-501).

~~((6) The office shall)~~ (f) Cooperate with state agencies, other governmental units, and private interests in the prioritization and implementation of the state energy strategy elements and on other energy matters.

~~((7) The office shall represent the interests of the state in the siting, construction, and operation of nuclear waste storage and disposal facilities.~~

~~((8) The office shall)~~ (g) Serve as the official state agency responsible for coordinating implementation of the state energy strategy.

~~((9))~~ (h) No later than December 1, 1982, and by December 1st of each even-numbered year thereafter, ~~(the office shall)~~ prepare and transmit to the governor and the appropriate committees of the legislature a report on the implementation of the state energy strategy and other important energy issues, as appropriate.

~~((10) The office shall)~~ (i) Provide support for increasing cost-effective energy conservation, including assisting in the removal of impediments to timely implementation.

~~((11) The office shall)~~ (j) Provide support for the development of cost-effective energy resources including assisting in the removal of impediments to timely construction.

~~((12) The office shall)~~ (k) Adopt rules, under chapter 34.05 RCW, necessary to carry out the powers and duties enumerated in this chapter.

~~((13) The office shall)~~ (l) Provide administrative assistance, space, and other support as may be necessary for the activities of the energy facility site evaluation council, as provided for in RCW 80.50.030.

(m) Appoint staff as may be needed to administer energy policy functions and manage energy facility site evaluation council activities. These employees are exempt from the provisions of chapter 41.06 RCW.

(3) To the extent the powers and duties set out under this section relate to energy education, applied research, and technology transfer programs they are transferred to Washington State University.

(4) To the extent the powers and duties set out under this section relate to energy efficiency in public buildings they are transferred to the department of general administration.

**Sec. 104.** RCW 43.21F.055 and 1981 c 295 s 5 are each amended to read as follows:

The ~~(office)~~ department shall not intervene in any regulatory proceeding before the Washington utilities and transportation commission or proceedings of utilities not regulated by the commission. Nothing in this chapter abrogates or diminishes the functions, powers, or duties of the energy facility site evaluation council pursuant to chapter 80.50 RCW, the utilities and transportation commission pursuant to Title 80 RCW, or other state or local agencies established by law.

The ~~(office)~~ department shall avoid duplication of activity with other state agencies and officers and other persons.

**Sec. 105.** RCW 43.21F.060 and 1981 c 295 s 6 are each amended to read as follows:

In addition to the duties prescribed in RCW 43.21F.045, the ~~(energy office)~~ department shall have the authority to:

(1) Obtain all necessary and existing information from energy producers, suppliers, and consumers, doing business within the state of Washington, from political subdivisions in this state, or any person as may be necessary to carry out the provisions of ~~(this)~~ chapter 43.21G RCW: PROVIDED, That if the information is available in reports made to another state agency, the ~~(office)~~ department shall obtain it from that agency: PROVIDED FURTHER, That, to the maximum extent practicable, informational requests to energy companies regulated by the utilities and transportation commission shall be channeled through the commission and shall be accepted in the format normally used by the companies. Such information may include but not be limited to:

- (a) Sales volume;
- (b) Forecasts of energy requirements; and
- (c) Energy costs.

Notwithstanding any other provision of law to the contrary, information furnished under this subsection shall be confidential and maintained as such, if so requested by the person providing the information, if the information is proprietary.

It shall be unlawful to disclose such information except as hereinafter provided. A violation shall be punishable, upon conviction, by a fine of not more than one thousand dollars for each offense. In addition, any person who wilfully or with criminal negligence, as defined in RCW 9A.08.010, discloses confidential information in violation of this subsection may be subject to removal from office or immediate dismissal from public employment notwithstanding any other provision of law to the contrary.

Nothing in this subsection prohibits the use of confidential information to prepare statistics or other general data for publication when it is so presented as to prevent identification of particular persons or sources of confidential information.

(2) Receive and expend funds obtained from the federal government or other sources by means of contracts, grants, awards, payments for services, and other devices in support of the duties enumerated in this chapter.

**Sec. 106.** RCW 43.21F.090 and 1994 c 207 s 5 are each amended to read as follows:

The ~~((office))~~ department shall review the state energy strategy as developed under section 1, chapter 201, Laws of 1991, periodically with the guidance of an advisory committee. For each review, an advisory committee shall be established with a membership resembling as closely as possible the original energy strategy advisory committee specified under section 1, chapter 201, Laws of 1991. Upon completion of a public hearing regarding the advisory committee's advice and recommendations for revisions to the energy strategy, a written report shall be conveyed by the ~~((office))~~ department to the governor and the appropriate legislative committees. Any advisory committee established under this section shall be dissolved within three months after their written report is conveyed.

**Sec. 107.** RCW 43.140.050 and 1981 c 158 s 5 are each amended to read as follows:

The state treasurer shall be responsible for distribution of funds to the county of origin. Each county's share of rentals and royalties from a lease including lands in more than one county shall be computed on the basis of the ratio that the acreage within each county has to the total acreage in the lease. ~~((The Washington state energy office or its statutory successor))~~ Washington State University shall obtain the necessary information to make the distribution of funds on such a basis.

**Sec. 108.** RCW 80.50.030 and 1994 c 264 s 75 and 1994 c 154 s 315 are each reenacted and amended to read as follows:

(1) There is created and established the energy facility site evaluation council.

(2)(a) The chairman of the council shall be appointed by the governor with the advice and consent of the senate, shall have a vote on matters before the council, shall serve for a term coextensive with the term of the governor, and is removable for cause. The chairman may designate a member of the council to serve as acting chairman in the event of the chairman's absence. The chairman is a "state employee" for the purposes of chapter 42.52 RCW. As applicable, when attending meetings of the council, members may receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060, and are eligible for compensation under RCW ~~((43.03.240))~~ 43.03.250.

(b) The chairman or a designee shall execute all official documents, contracts, and other materials on behalf of the council. The Washington state ~~((energy office))~~ department of community, trade, and economic development shall provide all administrative and staff support for the council. The director of the ~~((energy office))~~ department of community, trade, and economic development has supervisory authority over the staff of the council and shall employ such personnel as are necessary to implement this chapter. Not more than three such employees may be exempt from chapter 41.06 RCW.

(3) The council shall consist of the directors, administrators, or their designees, of the following departments, agencies, commissions, and committees or their statutory successors:

- (a) Department of ecology;
- (b) Department of fish and wildlife;
- (c) ~~((Parks and recreation commission;~~
- ~~((d))~~ Department of health;
- ~~((e))~~ ~~State energy office;~~
- ~~((f))~~ (d) Military department;
- (e) Department of community, trade, and economic development;
- ~~((g))~~ (f) Utilities and transportation commission;
- ~~((h))~~ ~~Office of financial management;~~
- ~~((i))~~ (g) Department of natural resources;
- ~~((j))~~ (h) Department of agriculture;
- ~~((k))~~ (i) Department of transportation.

(4) The appropriate county legislative authority of every county wherein an application for a proposed site is filed shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the county which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site;

(5) The city legislative authority of every city within whose corporate limits an energy plant is proposed to be located shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times

as the council considers the proposed site for the city which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.

(6) For any port district wherein an application for a proposed port facility is filed subject to this chapter, the port district shall appoint a member or designee as a nonvoting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the port district which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site. The provisions of this subsection shall not apply if the port district is the applicant, either singly or in partnership or association with any other person.

**Sec. 109.** RCW 41.06.070 and 1995 c 163 s 1 are each amended to read as follows:

(1) The provisions of this chapter do not apply to:

(a) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature;

(b) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(c) Officers, academic personnel, and employees of technical colleges;

(d) The officers of the Washington state patrol;

(e) Elective officers of the state;

(f) The chief executive officer of each agency;

(g) In the departments of employment security and social and health services, the director and the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his or her confidential secretary, and his or her statutory assistant directors;

(h) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(i) All members of such boards, commissions, or committees;

(ii) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: The secretary of the board, commission, or committee; the chief executive officer of the board, commission, or committee; and the confidential secretary of the chief executive officer of the board, commission, or committee;

(iii) If the members of the board, commission, or committee serve on a full-time basis: The chief executive officer or administrative officer as designated by the board, commission, or committee; and a confidential secretary to the chair of the board, commission, or committee;

(iv) If all members of the board, commission, or committee serve ex officio: The chief executive officer; and the confidential secretary of such chief executive officer;

(i) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(j) Assistant attorneys general;

(k) Commissioned and enlisted personnel in the military service of the state;

(l) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the Washington personnel resources board;

(m) The public printer or to any employees of or positions in the state printing plant;

(n) Officers and employees of the Washington state fruit commission;

(o) Officers and employees of the Washington state apple advertising commission;

(p) Officers and employees of the Washington state dairy products commission;

(q) Officers and employees of the Washington tree fruit research commission;

(r) Officers and employees of the Washington state beef commission;

(s) Officers and employees of any commission formed under chapter 15.66 RCW;

(t) Officers and employees of the state wheat commission formed under chapter 15.63 RCW;

(u) Officers and employees of agricultural commissions formed under chapter 15.65 RCW;

(v) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;

(w) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(x) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;

(y) All employees of the marine employees' commission;

(z) Up to a total of five senior staff positions of the western library network under chapter 27.26 RCW responsible for formulating policy or for directing program management of a major administrative unit. This subsection (1)(z) shall expire on June 30, 1997;

(aa) Staff employed by the department of community, trade, and economic development to administer energy policy functions and manage energy site evaluation council activities under RCW 43.21F.045(2)(m);

(bb) Staff employed by Washington State University to administer energy education, applied research, and technology transfer programs under RCW 43.21F.045 as provided in section 201(5) of this act.

(2) The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(a) Members of the governing board of each institution of higher education and related boards, all presidents, vice-presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairs; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington;

(b) Student, part-time, or temporary employees, and part-time professional consultants, as defined by the Washington personnel resources board, employed by institutions of higher education and related boards;

(c) The governing board of each institution, and related boards, may also exempt from this chapter classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training as determined by the board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the board under this provision;

(d) Printing craft employees in the department of printing at the University of Washington.

(3) In addition to the exemptions specifically provided by this chapter, the Washington personnel resources board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the Washington personnel resources board stating the reasons for requesting such exemptions. The Washington personnel resources board shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the board determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the Washington personnel resources board shall grant the request and such determination shall be final as to any decision made before July 1, 1993. The total number of additional exemptions permitted under this subsection shall not exceed one percent of the number of employees in the classified service not including employees of institutions of higher education and related boards for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The Washington personnel resources board shall report to each regular session of the legislature during an odd-numbered year all exemptions granted under subsections (1) (w) and (x) and (2) of this section, together with the reasons for such exemptions.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (1) (j) through (v) and (2) of this section, shall be determined by the Washington personnel resources board.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

## **PART II FUNCTIONS OF WASHINGTON STATE UNIVERSITY**

NEW SECTION. Sec. 201. A new section is added to chapter 28B.30 RCW to read as follows:

(1) All powers, duties, and functions of the state energy office under RCW 43.21F.045 relating to implementing energy education, applied research, and technology transfer programs shall be transferred to Washington State University.

(2) The specific programs transferred to Washington State University shall include but not be limited to the following: Renewable energy, energy software, industrial energy efficiency, education and information, energy ideas clearinghouse, and telecommunications.

(3)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the state energy office pertaining to the powers, functions, and duties transferred shall be delivered to the custody of Washington State University. All cabinets, furniture, office equipment, software, data base, motor vehicles, and other tangible property employed by the state energy office in carrying out the powers, functions, and duties transferred shall be made available to Washington State University.

(b) Any appropriations made to, any other funds provided to, or any grants made to or contracts with the state energy office for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to Washington State University.

(c) Whenever any question arises as to the transfer of any funds, books, documents, records, papers, files, software, data base, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, an arbitrator mutually agreed upon by the parties in dispute shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(d) All rules and all pending business before the state energy office pertaining to the powers, functions, and duties transferred shall be continued and acted upon by Washington State University. All existing contracts, grants, and obligations, excluding personnel contracts and obligations, shall remain in full force and shall be assigned to and performed by Washington State University.

(e) The transfer of the powers, duties, and functions of the state energy office does not affect the validity of any act performed before the effective date of this section.

(f) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of the office of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation.

(4) Washington State University shall enter into an interagency agreement with the department of community, trade, and economic development regarding the relationship between policy development and public outreach. The department of community, trade, and economic development shall provide Washington State University available existing and future oil overcharge restitution and federal energy block funding for a minimum period of five years to carry out energy programs. Nothing in chapter . . . , Laws of 1996 (this act) prohibits Washington State University from seeking grant funding for energy-related programs directly from other entities.

(5) Washington State University shall select and appoint existing state energy office employees to positions to perform the duties and functions transferred. Employees appointed by Washington State University are exempt from the provisions of chapter 41.06 RCW unless otherwise designated by the institution. Any future vacant or new positions will be filled using Washington State University's standard hiring procedures.

**NEW SECTION. Sec. 202.** A new section is added to chapter 28B.30 RCW to read as follows:

In addition to the powers and duties transferred, Washington State University shall have the authority to establish administrative units as may be necessary to coordinate either energy education or energy program delivery programs, or both, and to revise, restructure, redirect, or eliminate programs transferred to Washington State University based on available funding or to better serve the people and businesses of Washington state.

### **PART III FUNCTIONS OF THE DEPARTMENT OF TRANSPORTATION**

**NEW SECTION. Sec. 301.** A new section is added to chapter 47.01 RCW to read as follows:

(1) All powers, duties, and functions of the state energy office pertaining to the commute trip reduction program are transferred to the department of transportation. All references to the director or the state energy office in the Revised Code of Washington shall be construed to mean the secretary or the department of transportation when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the state energy office pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of transportation. All cabinets, furniture, office equipment, software, data base, motor vehicles, and other tangible property employed by the state energy office in carrying out the powers, functions, and duties transferred shall be made available to the department of transportation. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of transportation.

(b) Any appropriations made to the state energy office for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the department of transportation.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the state energy office engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the department of transportation. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of transportation to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the state energy office pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of transportation. All existing contracts and obligations, excluding personnel contracts and obligations, shall remain in full force and shall be performed by the department of transportation.

(5) The transfer of the powers, duties, functions, and personnel of the state energy office shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) The department of transportation shall report to the legislature by December 1, 1996, on the effects of this section.

#### **PART IV FUNCTIONS OF THE DEPARTMENT OF GENERAL ADMINISTRATION**

**NEW SECTION. Sec. 401.** A new section is added to chapter 43.19 RCW to read as follows:

(1) All powers, duties, and functions of the state energy office pertaining to energy efficiency in public buildings are transferred to the department of general administration. All references to the director or the state energy office in the Revised Code of Washington shall be construed to mean the director or the department of general administration when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the state energy office pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of general administration. All cabinets, furniture, office equipment, software, data base, motor vehicles, and other tangible property employed by the state energy office in carrying out the powers, functions, and duties transferred shall be made available to the department of general administration. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of general administration.

(b) Any appropriations made to the state energy office for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the department of general administration.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) Within funds available, employees of the state energy office whose primary responsibility is performing the powers, functions, and duties pertaining to energy efficiency in public buildings are transferred to the jurisdiction of the department of general administration. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of general administration to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the state energy office pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of general administration. All existing contracts and obligations, excluding personnel contracts and obligations, shall remain in full force and shall be performed by the department of general administration.

(5) The transfer of the powers, duties, functions, and personnel of the state energy office shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

**Sec. 402.** RCW 39.35.030 and 1994 c 242 s 1 are each amended to read as follows:

For the purposes of this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) "Public agency" means every state office, officer, board, commission, committee, bureau, department, and all political subdivisions of the state.

(2) (~~"Office" means the Washington state energy office.~~) "Department" means the state department of general administration.

(3) "Major facility" means any publicly owned or leased building having twenty-five thousand square feet or more of usable floor space.

(4) "Initial cost" means the moneys required for the capital construction or renovation of a major facility.

(5) "Renovation" means additions, alterations, or repairs within any twelve-month period which exceed fifty percent of the value of a major facility and which will affect any energy system.

(6) "Economic life" means the projected or anticipated useful life of a major facility as expressed by a term of years.

(7) "Life-cycle cost" means the initial cost and cost of operation of a major facility over its economic life. This shall be calculated as the initial cost plus the operation, maintenance, and energy costs over its economic life, reflecting anticipated increases in these costs discounted to present value at the current rate for borrowing public funds, as determined by the office of financial management. The energy cost projections used shall be those provided by the ~~((state energy office))~~ department. The ~~((office))~~ department shall update these projections at least every two years.

(8) "Life-cycle cost analysis" includes, but is not limited to, the following elements:

- (a) The coordination and positioning of a major facility on its physical site;
- (b) The amount and type of fenestration employed in a major facility;
- (c) The amount of insulation incorporated into the design of a major facility;
- (d) The variable occupancy and operating conditions of a major facility; and
- (e) An energy-consumption analysis of a major facility.

(9) "Energy systems" means all utilities, including, but not limited to, heating, air-conditioning, ventilating, lighting, and the supplying of domestic hot water.

(10) "Energy-consumption analysis" means the evaluation of all energy systems and components by demand and type of energy including the internal energy load imposed on a major facility by its occupants, equipment, and components, and the external energy load imposed on a major facility by the climatic conditions of its location. An energy-consumption analysis of the operation of energy systems of a major facility shall include, but not be limited to, the following elements:

- (a) The comparison of three or more system alternatives, at least one of which shall include renewable energy systems;
- (b) The simulation of each system over the entire range of operation of such facility for a year's operating period; and
- (c) The evaluation of the energy consumption of component equipment in each system considering the operation of such components at other than full or rated outputs.

The energy-consumption analysis shall be prepared by a professional engineer or licensed architect who may use computers or such other methods as are capable of producing predictable results.

(11) "Renewable energy systems" means methods of facility design and construction and types of equipment for the utilization of renewable energy sources including, but not limited to, hydroelectric power, active or passive solar space heating or cooling, domestic solar water heating, windmills, waste heat, biomass and/or refuse-derived fuels, photovoltaic devices, and geothermal energy.

(12) "Cogeneration" means the sequential generation of two or more forms of energy from a common fuel or energy source. Where these forms are electricity and thermal energy, then the operating and efficiency standards established by 18 C.F.R. Sec. 292.205 and the definitions established by 18 C.F.R. 292.202 (c) through (m) as of July 28, 1991, shall apply.

(13) "Selected buildings" means educational, office, residential care, and correctional facilities that are designed to comply with the design standards analyzed and recommended by the ~~((office))~~ department.

(14) "Design standards" means the heating, air-conditioning, ventilating, and renewable resource systems identified, analyzed, and recommended by the ~~((office))~~ department as providing an efficient energy system or systems based on the economic life of the selected buildings.

**Sec. 403.** RCW 39.35.050 and 1994 c 242 s 3 are each amended to read as follows:

The ~~((office))~~ department, in consultation with affected public agencies, shall develop and issue guidelines for administering this chapter. The purpose of the guidelines is to define a procedure and method for performance of life-cycle cost analysis to promote the selection of low-life-cycle cost alternatives. At a minimum, the guidelines must contain provisions that:

- (1) Address energy considerations during the planning phase of the project;
- (2) Identify energy components and system alternatives including renewable energy systems and cogeneration applications prior to commencing the energy consumption analysis;
- (3) Identify simplified methods to assure the lowest life-cycle cost alternatives for selected buildings with between twenty-five thousand and one hundred thousand square feet of usable floor area;
- (4) Establish times during the design process for preparation, review, and approval or disapproval of the life-cycle cost analysis;
- (5) Specify the assumptions to be used for escalation and inflation rates, equipment service lives, economic building lives, and maintenance costs;
- (6) Determine life-cycle cost analysis format and submittal requirements to meet the provisions of chapter 201, Laws of 1991;
- (7) Provide for review and approval of life-cycle cost analysis.

**Sec. 404.** RCW 39.35.060 and 1991 c 201 s 16 are each amended to read as follows:

The ~~((energy office))~~ department may impose fees upon affected public agencies for the review of life-cycle cost analyses. The fees shall be deposited in the energy efficiency services account established in RCW 39.35C.110. The purpose of the fees is to recover the costs by the ~~((office))~~ department for review of the analyses. The ~~((office))~~ department shall set fees at a level necessary to recover all of its costs related to increasing the energy efficiency of state-supported new construction. The fees shall not exceed one-tenth of one percent of the total cost of any project or exceed two thousand dollars for any project unless mutually agreed to. The ~~((office))~~ department shall provide detailed calculation ensuring that the energy savings resulting from its review of life-cycle cost analysis justify the costs of performing that review.

**Sec. 405.** RCW 39.35C.010 and 1991 c 201 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Cogeneration" means the sequential generation of two or more forms of energy from a common fuel or energy source. If these forms are electricity and thermal energy, then the operating and efficiency standards established by 18 C.F.R. Sec. 292.205 and the definitions established by 18 C.F.R. Sec. 292.202 (c) through (m) apply.

(2) "Conservation" means reduced energy consumption or energy cost, or increased efficiency in the use of energy, and activities, measures, or equipment designed to achieve such results, but does not include thermal or electric energy production from cogeneration.

(3) "Cost-effective" means that the present value to a state agency or school district of the energy reasonably expected to be saved or produced by a facility, activity, measure, or piece of equipment over its useful life, including any compensation received from a utility or the Bonneville power administration, is greater than the net present value of the costs of implementing, maintaining, and operating such facility, activity, measure, or piece of equipment over its useful life, when discounted at the cost of public borrowing.

(4) "Energy" means energy as defined in RCW 43.21F.025(1).

(5) "Energy efficiency project" means a conservation or cogeneration project.

(6) "Energy efficiency services" means assistance furnished by the ~~((energy office))~~ department to state agencies and school districts in identifying, evaluating, and implementing energy efficiency projects.

(7) ~~((("Energy office" means the Washington state energy office.))~~ "Department" means the state department of general administration.

(8) "Performance-based contracting" means contracts for which payment is conditional on achieving contractually specified energy savings.

(9) "Public agency" means every state office, officer, board, commission, committee, bureau, department, and all political subdivisions of the state.

(10) "Public facility" means a building or structure, or a group of buildings or structures at a single site, owned by a state agency or school district.

~~((10))~~ (11) "State agency" means every state office or department, whether elective or appointive, state institutions of higher education, and all boards, commissions, or divisions of state government, however designated.

~~((11))~~ (12) "State facility" means a building or structure, or a group of buildings or structures at a single site, owned by a state agency.

~~((12))~~ (13) "Utility" means privately or publicly owned electric and gas utilities, electric cooperatives and mutuals, whether located within or without Washington state.

~~((13))~~ (14) "Local utility" means the utility or utilities in whose service territory a public facility is located.

**Sec. 406.** RCW 39.35C.020 and 1991 c 201 s 3 are each amended to read as follows:

(1) Each state agency and school district shall implement cost-effective conservation improvements and maintain efficient operation of its facilities in order to minimize energy consumption and related environmental impacts and reduce operating costs.

(2) The ~~((energy office))~~ department shall assist state agencies and school districts in identifying, evaluating, and implementing cost-effective conservation projects at their facilities. The assistance shall include the following:

(a) Notifying state agencies and school districts of their responsibilities under this chapter;

(b) Apprising state agencies and school districts of opportunities to develop and finance such projects;

(c) Providing technical and analytical support, including procurement of performance-based contracting services;

(d) Reviewing verification procedures for energy savings; and

(e) Assisting in the structuring and arranging of financing for cost-effective conservation projects.

(3) Conservation projects implemented under this chapter shall have appropriate levels of monitoring to verify the performance and measure the energy savings over the life of the project. The ~~((energy office))~~ department shall solicit involvement in program planning and implementation from utilities and other energy conservation suppliers, especially those that have demonstrated experience in performance-based energy programs.

(4) The ~~((energy office))~~ department shall comply with the requirements of chapter 39.80 RCW when contracting for architectural or engineering services.

(5) The ~~((energy office))~~ department shall recover any costs and expenses it incurs in providing assistance pursuant to this section, including reimbursement from third parties participating in conservation projects. The ~~((energy office))~~ department shall enter into a written agreement with the ~~((state agency or school district))~~ public agency for the recovery of costs.

**Sec. 407.** RCW 39.35C.030 and 1991 c 201 s 4 are each amended to read as follows:

(1) The ~~((energy office))~~ department shall consult with the local utilities to develop priorities for energy conservation projects pursuant to this chapter, cooperate where possible with existing utility programs, and consult with the local utilities prior to implementing projects in their service territory.

(2) A local utility shall be offered the initial opportunity to participate in the development of conservation projects in the following manner:

(a) Before initiating projects in a local utility service territory, the ~~((energy office))~~ department shall notify the local utility in writing, on an annual basis, of public facilities in the local utility's service territory at which the ~~((energy office))~~ department anticipates cost-effective conservation projects will be developed.

(b) Within sixty days of receipt of this notification, the local utility may express interest in these projects by submitting to the ~~((energy office))~~ department a written description of the role the local utility is willing to perform in developing and acquiring the conservation at these facilities. This role may include any local utility conservation programs which would be available to the public facility, any competitive bidding or solicitation process which the local utility will be undertaking in accordance with the rules of the utilities and transportation commission or the public utility district, municipal utility, cooperative, or mutual governing body for which the public facility would be eligible, or any other role the local utility may be willing to perform.

(c) Upon receipt of the written description from the local utility, the ~~((energy office))~~ department shall, through discussions with the local utility, and with involvement from state agencies and school districts responsible for the public facilities, develop a plan for coordinated delivery of conservation services and financing or make a determination of whether to participate in the local utility's competitive bidding or solicitation process. The plan shall identify the local utility in roles that the local utility is willing to perform and that are consistent with the provisions of RCW 39.35C.040(2) (d) and (e).

**Sec. 408.** RCW 39.35C.040 and 1991 c 201 s 5 are each amended to read as follows:

(1) It is the intent of this chapter that the state, state agencies, and school districts are compensated fairly for the energy savings provided to utilities and be allowed to participate on an equal basis in any utility conservation program, bidding, or solicitation process. State agencies and school districts shall not receive preferential treatment. For the purposes of this section, any type of compensation from a utility or the Bonneville power administration intended to achieve reductions or efficiencies in energy use which are cost-effective to the utility or the Bonneville power administration shall be regarded as a sale of energy savings. Such compensation may include credits to the energy bill, low or no interest loans, rebates, or payment per unit of energy saved. The ~~((energy office))~~ department shall, in coordination with utilities, the Bonneville power administration, state agencies, and school districts, facilitate the sale of energy savings at public facilities including participation in any competitive bidding or solicitation which has been agreed to by the state agency or school district. Energy savings may only be sold to local utilities or, under conditions specified in this section, to the Bonneville power administration. The ~~((energy office))~~ department shall not attempt to sell energy savings occurring in one utility service territory to a different utility. Nothing in this chapter mandates that utilities purchase the energy savings.

(2) To ensure an equitable allocation of benefits to the state, state agencies, and school districts, the following conditions shall apply to transactions between utilities or the Bonneville power administration and state agencies or school districts for sales of energy savings:

(a) A transaction shall be approved by both ~~((the energy office and))~~ the state agency or school district and the department.

(b) The ~~((energy office and the))~~ state agency or school district and the department shall work together throughout the planning and negotiation process for such transactions unless the ~~((energy office))~~ department determines that its participation will not further the purposes of this section.

(c) Before making a decision under (d) of this subsection, the ~~((energy office))~~ department shall review the proposed transaction for its technical and economic feasibility, the adequacy and reasonableness of procedures proposed for verification of project or program performance, the degree of certainty of benefits to the state, state agency, or school district, the degree of risk assumed by the state or school district, the benefits offered to the state, state agency, or school district and such other factors as the ~~((energy office))~~ department determines to be prudent.

(d) The ~~((energy office))~~ department shall approve a transaction unless it finds, pursuant to the review in (c) of this subsection, that the transaction would not result in an equitable allocation of costs and benefits to the state, state agency, or school district, in which case the transaction shall be disapproved.

(e) In addition to the requirements of (c) and (d) of this subsection, in areas in which the Bonneville power administration has a program for the purchase of energy savings at public facilities, the ~~((energy office))~~ department shall approve the transaction unless the local utility cannot offer a benefit substantially equivalent to that offered by the Bonneville power administration, in which case the transaction shall be disapproved. In determining whether the local utility can offer a substantially equivalent benefit, the ~~((energy office))~~ department shall

consider the net present value of the payment for energy savings; any goods, services, or financial assistance provided by the local utility; and any risks borne by the local utility. Any direct negative financial impact on a nongrowing, local utility shall be considered.

(3) Any party to a potential transaction may, within thirty days of any decision to disapprove a transaction made pursuant to subsection (2) (c), (d), or (e) of this section, request an independent reviewer who is mutually agreeable to all parties to the transaction to review the decision. The parties shall within thirty days of selection submit to the independent reviewer documentation supporting their positions. The independent reviewer shall render advice regarding the validity of the disapproval within an additional thirty days.

**Sec. 409.** RCW 39.35C.050 and 1991 c 201 s 6 are each amended to read as follows:

In addition to any other authorities conferred by law:

(1) The ~~((energy office))~~ department, with the consent of the state agency or school district responsible for a facility, a state or regional university acting independently, and any other state agency acting through the department of general administration or as otherwise authorized by law, may:

(a) Develop and finance conservation at public facilities in accordance with express provisions of this chapter;

(b) Contract for energy services, including performance-based contracts;

(c) Contract to sell energy savings from a conservation project at public facilities to local utilities or the Bonneville power administration.

(2) A state or regional university acting independently, and any other state agency acting through the department of general administration or as otherwise authorized by law, may undertake procurements for third-party development of conservation at its facilities.

(3) A school district may:

(a) Develop and finance conservation at school district facilities;

(b) Contract for energy services, including performance-based contracts at school district facilities; and

(c) Contract to sell energy savings from energy conservation projects at school district facilities to local utilities or the Bonneville power administration directly or to local utilities or the Bonneville power administration through third parties.

(4) In exercising the authority granted by subsections (1), (2), and (3) of this section, a school district or state agency must comply with the provisions of RCW 39.35C.040.

**Sec. 410.** RCW 39.35C.060 and 1991 c 201 s 7 are each amended to read as follows:

~~(1) ((The energy office, in accordance with RCW 43.21F.060(2)) may use appropriated moneys to make loans to school districts to provide all or part of the financing for conservation projects. The energy office shall determine the eligibility of such projects for conservation loans and the terms of such loans. If loans are from moneys appropriated from bond proceeds, the repayments of the loans shall be sufficient to pay, when due, the principal and interest on the bonds and shall be paid to the energy efficiency construction account established in RCW 39.35C.100. To the extent that a school district applies the proceeds of such loans to a modernization or new construction project, such proceeds shall be considered a portion of the school district's share of the costs of such project.~~

~~(2))~~ State agencies may use financing contracts under chapter 39.94 RCW to provide all or part of the funding for conservation projects. The ~~((energy office))~~ department shall determine the eligibility of such projects for financing contracts. The repayments of the financing contracts shall be sufficient to pay, when due, the principal and interest on the contracts.

**Sec. 411.** RCW 39.35C.070 and 1991 c 201 s 8 are each amended to read as follows:

(1) Consistent with the region's need to develop cost-effective, high efficiency electric energy resources, the state shall investigate and, if appropriate, pursue development of cost-effective opportunities for cogeneration in existing or new state facilities.

(2) To assist state agencies in identifying, evaluating, and developing potential cogeneration projects at their facilities, the ~~((energy office))~~ department shall notify state agencies of their responsibilities under this chapter; apprise them of opportunities to develop and finance such projects; and provide technical and analytical support. The ~~((energy office))~~ department shall recover costs for such assistance through written agreements, including reimbursement from third parties participating in such projects, for any costs and expenses incurred in providing such assistance.

(3)(a) The ~~((energy office))~~ department shall identify priorities for cogeneration projects at state facilities, and, where such projects are initially deemed desirable by the ~~((energy office))~~ department and the appropriate state agency, the ~~((energy office))~~ department shall notify the local utility serving the state facility of its intent to conduct a feasibility study at such facility. The ~~((energy office))~~ department shall consult with the local utility and provide the local utility an opportunity to participate in the development of the feasibility study for the state facility it serves.

(b) If the local utility has an interest in participating in the feasibility study, it shall notify the ~~((energy office))~~ department and the state agency whose facility or facilities it serves within sixty days of receipt of notification pursuant to (a) of this subsection as to the nature and scope of its desired participation. The ~~((energy office))~~ department, state agency, and local utility shall negotiate the responsibilities, if any, of each in conducting the feasibility study, and these responsibilities shall be specified in a written agreement.

(c) If a local utility identifies a potential cogeneration project at a state facility for which it intends to conduct a feasibility study, it shall notify the ~~((energy office))~~ department and the appropriate state agency. The ~~((energy office))~~ department, state agency, and local utility shall negotiate the responsibilities, if any, of each in conducting the feasibility study, and these responsibilities shall be specified in a written

agreement. Nothing in this section shall preclude a local utility from conducting an independent assessment of a potential cogeneration project at a state facility.

(d) Agreements written pursuant to (a) and (b) of this subsection shall include a provision for the recovery of costs incurred by a local utility in performing a feasibility study in the event such utility does not participate in the development of the cogeneration project. If the local utility does participate in the cogeneration project through energy purchase, project development or ownership, recovery of the utility's costs may be deferred or provided for through negotiation on agreements for energy purchase, project development or ownership.

(e) If the local utility declines participation in the feasibility study, the ~~((energy office))~~ department and the state agency may receive and solicit proposals to conduct the feasibility study from other parties. Participation of these other parties shall also be secured and defined by a written agreement which may include the provision for reimbursement of costs incurred in the formulation of the feasibility study.

(4) The feasibility study shall include consideration of regional and local utility needs for power, the consistency of the proposed cogeneration project with the state energy strategy, the cost and certainty of fuel supplies, the value of electricity produced, the capability of the state agency to own and/or operate such facilities, the capability of utilities or third parties to own and/or operate such facilities, requirements for and costs of standby sources of power, costs associated with interconnection with the local electric utility's transmission system, the capability of the local electric utility to wheel electricity generated by the facility, costs associated with obtaining wheeling services, potential financial risks and losses to the state and/or state agency, measures to mitigate the financial risk to the state and/or state agency, and benefits to the state and to the state agency from a range of design configurations, ownership, and operation options.

(5) Based upon the findings of the feasibility study, the ~~((energy office))~~ department and the state agency shall determine whether a cogeneration project will be cost-effective and whether development of a cogeneration project should be pursued. This determination shall be made in consultation with the local utility or, if the local utility had not participated in the development of the feasibility study, with any third party that may have participated in the development of the feasibility study.

(a) Recognizing the local utility's expertise, knowledge, and ownership and operation of the local utility systems, the ~~((energy office))~~ department and the state agency shall have the authority to negotiate directly with the local utility for the purpose of entering into a sole source contract to develop, own, and/or operate the cogeneration facility. The contract may also include provisions for the purchase of electricity or thermal energy from the cogeneration facility, the acquisition of a fuel source, and any financial considerations which may accrue to the state from ownership and/or operation of the cogeneration facility by the local utility.

(b) The ~~((energy office))~~ department may enter into contracts through competitive negotiation under this subsection for the development, ownership, and/or operation of a cogeneration facility. In determining an acceptable bid, the ~~((energy office))~~ department and the state agency may consider such factors as technical knowledge, experience, management, staff, or schedule, as may be necessary to achieve economical construction or operation of the project. The selection of a developer or operator of a cogeneration facility shall be made in accordance with procedures for competitive bidding under chapter 43.19 RCW.

(c) The ~~((energy office))~~ department shall comply with the requirements of chapter 39.80 RCW when contracting for architectural or engineering services.

(6)(a) The state may own and/or operate a cogeneration project at a state facility. However, unless the cogeneration project is determined to be cost-effective, based on the findings of the feasibility study, the ~~((energy office))~~ department and state agency shall not pursue development of the project as a state-owned facility. If the project is found to be cost-effective, and the ~~((energy office))~~ department and the state agency agree development of the cogeneration project should be pursued as a state-owned and/or operated facility, the ~~((energy office))~~ department shall assist the state agency in the preparation of a finance and development plan for the cogeneration project. Any such plan shall fully account for and specify all costs to the state for developing and/or operating the cogeneration facility.

(b) It is the general intent of this chapter that cogeneration projects developed and owned by the state will be sized to the projected thermal energy load of the state facility over the useful life of the project. The principal purpose and use of such projects is to supply thermal energy to a state facility and not primarily to develop generating capacity for the sale of electricity. For state-owned projects with electricity production in excess of projected thermal requirements, the ~~((energy office))~~ department shall seek and obtain legislative appropriation and approval for development. Nothing in chapter 201, Laws of 1991 shall be construed to authorize any state agency to sell electricity or thermal energy on a retail basis.

(7) When a cogeneration facility will be developed, owned, and/or operated by a state agency or third party other than the local serving utility, the ~~((energy office))~~ department and the state agency shall negotiate a written agreement with the local utility. Elements of such an agreement shall include provisions to ensure system safety, provisions to ensure reliability of any interconnected operations equipment necessary for parallel operation and switching equipment capable of isolating the generation facility, the provision of and reimbursement for standby services, if required, and the provision of and reimbursement for wheeling electricity, if the provision of such has been agreed to by the local utility.

(8) The state may develop and own a thermal energy distribution system associated with a cogeneration project for the principal purpose of distributing thermal energy at the state facility. If thermal energy is to be sold outside the state facility, the state may only sell the thermal energy to a utility.

**Sec. 412.** RCW 39.35C.080 and 1991 c 201 s 9 are each amended to read as follows:

It is the intention of chapter 201, Laws of 1991 that the state and its agencies are compensated fairly for the energy provided to utilities from cogeneration at state facilities. Such compensation may include revenues from sales of electricity or thermal energy to utilities, lease of state properties, and value of thermal energy provided to the facility. It is also the intent of chapter 201, Laws of 1991 that the state and its agencies be accorded the opportunity to compete on a fair and reasonable basis to fulfill a utility's new resource acquisition needs when selling the energy produced from cogeneration projects at state facilities through energy purchase agreements.

(1)(a) The ~~((energy office))~~ department and state agencies may participate in any utility request for resource proposal process, as either established under the rules and regulations of the utilities and transportation commission, or by the governing board of a public utility district, municipal utility, cooperative, or mutual.

(b) If a local utility does not have a request for resource proposal pending, the energy office or a state agency may negotiate an equitable and mutually beneficial energy purchase agreement with that utility.

(2) To ensure an equitable allocation of benefits to the state and its agencies, the following conditions shall apply to energy purchase agreements negotiated between utilities and state agencies:

(a) An energy purchase agreement shall be approved by both the ~~((energy office))~~ department and the affected state agency.

(b) The ~~((energy office))~~ department and the state agency shall work together throughout the planning and negotiation process for energy purchase agreements, unless the ~~((energy office))~~ department determines that its participation will not further the purposes of this section.

(c) Before approving an energy purchase agreement, the ~~((energy office))~~ department shall review the proposed agreement for its technical and economic feasibility, the degree of certainty of benefits, the degree of financial risk assumed by the state and/or the state agency, the benefits offered to the state and/or state agency, and other such factors as the ~~((energy office))~~ department deems prudent. The ~~((energy office))~~ department shall approve an energy purchase agreement unless it finds that such an agreement would not result in an equitable allocation of costs and benefits, in which case the transaction shall be disapproved.

(3)(a) The state or state agency shall comply with and shall be bound by applicable avoided cost schedules, electric power wheeling charges, interconnection requirements, utility tariffs, and regulatory provisions to the same extent it would be required to comply and would be bound if it were a private citizen. The state shall neither seek regulatory advantage, nor change regulations, regulatory policy, process, or decisions to its advantage as a seller of cogenerated energy. Nothing contained in chapter 201, Laws of 1991 shall be construed to mandate or require public or private utilities to wheel electric energy resources within or beyond their service territories. Nothing in chapter 201, Laws of 1991 authorizes any state agency or school district to make any sale of energy or waste heat as defined by RCW 80.62.020(9) beyond the explicit provisions of chapter 201, Laws of 1991. Nothing contained in chapter 201, Laws of 1991 requires a utility to purchase energy from the state or a state agency or enter into any agreement in connection with a cogeneration facility.

(b) The state shall neither construct, nor be party to an agreement for developing a cogeneration project at a state facility for the purpose of supplying its own electrical needs, unless it can show that such an arrangement would be in the economic interest of the state taking into account the cost of (i) interconnection requirements, as specified by the local electric utility, (ii) standby charges, as may be required by the local electric utility, and (iii) the current price of electricity offered by the local electric utility. If the local electric utility can demonstrate that the cogeneration project may place an undue burden on the electric utility, the ~~((energy office))~~ department or the state agency shall attempt to negotiate a mutually beneficial agreement that would minimize the burden upon the ratepayers of the local electric utility.

(4) Any party to an energy purchase agreement may, within thirty days of any decision made pursuant to subsection (2)(c) of this section to disapprove the agreement made pursuant to this section, request an independent reviewer who is mutually agreeable to all parties to review the decision. The parties shall within thirty days of selection submit to the independent reviewer documentation supporting their positions. The independent reviewer shall render advice regarding the validity of the disapproval within an additional thirty days.

**Sec. 413.** RCW 39.35C.090 and 1991 c 201 s 10 are each amended to read as follows:

In addition to any other authorities conferred by law:

(1) The ~~((energy office))~~ department, with the consent of the state agency responsible for a facility, a state or regional university acting independently, and any other state agency acting through the department of general administration or as otherwise authorized by law, may:

(a) Contract to sell electric energy generated at state facilities to a utility; and

(b) Contract to sell thermal energy produced at state facilities to a utility.

(2) A state or regional university acting independently, and any other state agency acting through the department of general administration or as otherwise authorized by law, may:

(a) Acquire, install, permit, construct, own, operate, and maintain cogeneration and facility heating and cooling measures or equipment, or both, at its facilities;

(b) Lease state property for the installation and operation of cogeneration and facility heating and cooling equipment at its facilities;

(c) Contract to purchase all or part of the electric or thermal output of cogeneration plants at its facilities;

(d) Contract to purchase or otherwise acquire fuel or other energy sources needed to operate cogeneration plants at its facilities; and

(e) Undertake procurements for third-party development of cogeneration projects at its facilities, with successful bidders to be selected based on the responsible bid, including nonprice elements listed in RCW 43.19.1911, that offers the greatest net achievable benefits to the state and its agencies.

(3) After July 28, 1991, a state agency shall consult with the ~~((energy office))~~ department prior to exercising any authority granted by this section.

(4) In exercising the authority granted by subsections (1) and (2) of this section, a state agency must comply with the provisions of RCW 39.35C.080.

**Sec. 414.** RCW 39.35C.100 and 1991 c 201 s 11 are each amended to read as follows:

(1) The energy efficiency construction account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation and only for the following purposes:

(a) Construction of energy efficiency projects, including project evaluation and verification of benefits, project design, project development, project construction, and project administration.

(b) Payment of principal and interest and other costs required under bond covenant on bonds issued for the purpose of (a) of this subsection.

(2) Sources for this account may include:

(a) General obligation and revenue bond proceeds appropriated by the legislature;

(b) Loan repayments under RCW 39.35C.060 sufficient to pay principal and interest obligations; and

(c) Funding from federal, state, and local agencies.

~~((3) The energy office shall establish criteria for approving energy efficiency projects to be financed from moneys disbursed from this account. The criteria shall include cost effectiveness, reliability of energy systems, and environmental costs or benefits. The energy office shall ensure that the criteria are applied with professional standards for engineering and review.))~~

**Sec. 415.** RCW 39.35C.110 and 1991 c 201 s 12 are each amended to read as follows:

(1) The energy efficiency services account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only ~~((a))~~ for the ~~((energy office))~~ department to provide energy efficiency services to ~~((state agencies and school districts))~~ public agencies including review of life-cycle cost analyses ~~((and (b) for transfer by the legislature to the state general fund))~~.

(2) All receipts from the following source(s) shall be deposited into the account:

~~((a))~~ Project fees charged under this section and RCW 39.35C.020, 39.35C.070, and 39.35.060~~((;~~

~~(b) After payment of any principal and interest obligations, moneys from repayments of loans under RCW 39.35C.060;~~

~~(c) Revenue from sales of energy generated or saved at public facilities under this chapter, except those retained by state agencies and school districts under RCW 39.35C.120; and~~

~~(d) Payments by utilities and federal power marketing agencies under this chapter, except those retained by state agencies and school districts under RCW 39.35C.120)).~~

(3) The ~~((energy office))~~ department may accept moneys and make deposits to the account from federal, state, or local government agencies.

~~((4) Within one hundred eighty days after July 28, 1991, the energy office shall adopt rules establishing criteria and procedures for setting a fee schedule, establishing working capital requirements, and receiving deposits for this account.))~~

**Sec. 416.** RCW 39.35C.130 and 1991 c 201 s 17 are each amended to read as follows:

The ~~((energy office))~~ department may adopt rules to implement RCW 39.35C.020 through 39.35C.040, 39.35C.070, 39.35C.080, ~~((39.35C.120,))~~ and 39.35.050.

## PART V TECHNICAL CORRECTIONS

**Sec. 501.** RCW 19.27.190 and 1990 c 2 s 7 are each amended to read as follows:

(1)(a) Not later than January 1, 1991, the state building code council, in consultation with the ~~((state energy office))~~ department of community, trade, and economic development, shall establish interim requirements for the maintenance of indoor air quality in newly constructed residential buildings. In establishing the interim requirements, the council shall take into consideration differences in heating fuels and heating system types. These requirements shall be in effect July 1, 1991, through June 30, 1993.

(b) The interim requirements for new electrically space heated residential buildings shall include ventilation standards which provide for mechanical ventilation in areas of the residence where water vapor or cooking odors are produced. The ventilation shall be exhausted to the outside of the structure. The ventilation standards shall further provide for the capacity to supply outside air to each bedroom

and the main living area through dedicated supply air inlet locations in walls, or in an equivalent manner. At least one exhaust fan in the home shall be controlled by a dehumidistat or clock timer to ensure that sufficient whole house ventilation is regularly provided as needed.

(c)(i) For new single family residences with electric space heating systems, zero lot line homes, each unit in a duplex, and each attached housing unit in a planned unit development, the ventilation standards shall include fifty cubic feet per minute of effective installed ventilation capacity in each bathroom and one hundred cubic feet per minute of effective installed ventilation capacity in each kitchen.

(ii) For other new residential units with electric space heating systems the ventilation standards may be satisfied by the installation of two exhaust fans with a combined effective installed ventilation capacity of two hundred cubic feet per minute.

(iii) Effective installed ventilation capacity means the capability to deliver the specified ventilation rates for the actual design of the ventilation system. Natural ventilation and infiltration shall not be considered acceptable substitutes for mechanical ventilation.

(d) For new residential buildings that are space heated with other than electric space heating systems, the interim standards shall be designed to result in indoor air quality equivalent to that achieved with the interim ventilation standards for electric space heated homes.

(e) The interim requirements for all newly constructed residential buildings shall include standards for indoor air quality pollutant source control, including the following requirements: All structural panel components of the residence shall comply with appropriate standards for the emission of formaldehyde; the back-drafting of combustion by-products from combustion appliances shall be minimized through the use of dampers, vents, outside combustion air sources, or other appropriate technologies; and, in areas of the state where monitored data indicate action is necessary to inhibit indoor radon gas concentrations from exceeding appropriate health standards, entry of radon gas into homes shall be minimized through appropriate foundation construction measures.

(2) No later than January 1, 1993, the state building code council, in consultation with the (~~state energy office~~) department of community, trade, and economic development, shall establish final requirements for the maintenance of indoor air quality in newly constructed residences to be in effect beginning July 1, 1993. For new electrically space heated residential buildings, these requirements shall maintain indoor air quality equivalent to that provided by the mechanical ventilation and indoor air pollutant source control requirements included in the February 7, 1989, Bonneville power administration record of decision for the environmental impact statement on new energy efficient homes programs (DOE/EIS-0127F) built with electric space heating. In residential units other than single family, zero lot line, duplexes, and attached housing units in planned unit developments, ventilation requirements may be satisfied by the installation of two exhaust fans with a combined effective installed ventilation capacity of two hundred cubic feet per minute. For new residential buildings that are space heated with other than electric space heating systems, the standards shall be designed to result in indoor air quality equivalent to that achieved with the ventilation and source control standards for electric space heated homes. In establishing the final requirements, the council shall take into consideration differences in heating fuels and heating system types.

**Sec. 502.** RCW 19.27A.020 and 1994 c 226 s 1 are each amended to read as follows:

(1) No later than January 1, 1991, the state building code council shall promulgate rules to be known as the Washington state energy code as part of the state building code.

(2) The council shall follow the legislature's standards set forth in this section to promulgate rules to be known as the Washington state energy code. The Washington state energy code shall be designed to require new buildings to meet a certain level of energy efficiency, but allow flexibility in building design, construction, and heating equipment efficiencies within that framework. The Washington state energy code shall be designed to allow space heating equipment efficiency to offset or substitute for building envelope thermal performance.

(3) The Washington state energy code shall take into account regional climatic conditions. Climate zone 1 shall include all counties not included in climate zone 2. Climate zone 2 includes: Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman counties.

(4) The Washington state energy code for residential buildings shall require:

(a) New residential buildings that are space heated with electric resistance heating systems to achieve energy use equivalent to that used in typical buildings constructed with:

(i) Ceilings insulated to a level of R-38. The code shall contain an exception which permits single rafter or joist vaulted ceilings insulated to a level of R-30 (R value includes insulation only);

(ii) In zone 1, walls insulated to a level of R-19 (R value includes insulation only), or constructed with two by four members, R-13 insulation batts, R-3.2 insulated sheathing, and other normal assembly components; in zone 2 walls insulated to a level of R-24 (R value includes insulation only), or constructed with two by six members, R-22 insulation batts, R-3.2 insulated sheathing, and other normal construction assembly components; for the purpose of determining equivalent thermal performance, the wall U-value shall be 0.058 in zone 1 and 0.044 in zone 2;

(iii) Below grade walls, insulated on the interior side, to a level of R-19 or, if insulated on the exterior side, to a level of R-10 in zone 1 and R-12 in zone 2 (R value includes insulation only);

(iv) Floors over unheated spaces insulated to a level of R-30 (R value includes insulation only);

(v) Slab on grade floors insulated to a level of R-10 at the perimeter;

(vi) Double glazed windows with values not more than U-0.4;

(vii) In zone 1 the glazing area may be up to twenty-one percent of floor area and in zone 2 the glazing area may be up to seventeen percent of floor area where consideration of the thermal resistance values for other building components and solar heat gains through the glazing result in thermal performance equivalent to that achieved with thermal resistance values for other components determined in accordance with the equivalent thermal performance criteria of (a) of this subsection and glazing area equal to fifteen percent of the floor area. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent of the floor area; and

(viii) Exterior doors insulated to a level of R-5; or an exterior wood door with a thermal resistance value of less than R-5 and values for other components determined in accordance with the equivalent thermal performance criteria of (a) of this subsection.

(b) New residential buildings which are space-heated with all other forms of space heating to achieve energy use equivalent to that used in typical buildings constructed with:

(i) Ceilings insulated to a level of R-30 in zone 1 and R-38 in zone 2 the code shall contain an exception which permits single rafter or joist vaulted ceilings insulated to a level of R-30 (R value includes insulation only);

(ii) Walls insulated to a level of R-19 (R value includes insulation only), or constructed with two by four members, R-13 insulation batts, R-3.2 insulated sheathing, and other normal assembly components;

(iii) Below grade walls, insulated on the interior side, to a level of R-19 or, if insulated on the exterior side, to a level of R-10 in zone 1 and R-12 in zone 2 (R value includes insulation only);

(iv) Floors over unheated spaces insulated to a level of R-19 in zone 1 and R-30 in zone 2 (R value includes insulation only);

(v) Slab on grade floors insulated to a level of R-10 at the perimeter;

(vi) Heat pumps with a minimum heating season performance factor (HSPF) of 6.8 or with all other energy sources with a minimum annual fuel utilization efficiency (AFUE) of seventy-eight percent;

(vii) Double glazed windows with values not more than U-0.65 in zone 1 and U-0.60 in zone 2. The state building code council, in consultation with the ~~((state energy office))~~ department of community, trade, and economic development, shall review these U-values, and, if economically justified for consumers, shall amend the Washington state energy code to improve the U-values by December 1, 1993. The amendment shall not take effect until July 1, 1994; and

(viii) In zone 1, the maximum glazing area shall be twenty-one percent of the floor area. In zone 2 the maximum glazing area shall be seventeen percent of the floor area. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent of the floor area.

(c) The requirements of (b)(ii) of this subsection do not apply to residences with log or solid timber walls with a minimum average thickness of three and one-half inches and with space heat other than electric resistance.

(d) The state building code council may approve an energy code for pilot projects of residential construction that use innovative energy efficiency technologies intended to result in savings that are greater than those realized in the levels specified in this section.

(5) U-values for glazing shall be determined using the area weighted average of all glazing in the building. U-values for vertical glazing shall be determined, certified, and labeled in accordance with the appropriate national fenestration rating council (NFRC) standard, as determined and adopted by the state building code council. Certification of U-values shall be conducted by a certified, independent agency licensed by the NFRC. The state building code council may develop and adopt alternative methods of determining, certifying, and labeling U-values for vertical glazing that may be used by fenestration manufacturers if determined to be appropriate by the council. The state building code council shall review and consider the adoption of the NFRC standards for determining, certifying, and labeling U-values for doors and skylights when developed and published by the NFRC. The state building code council may develop and adopt appropriate alternative methods for determining, certifying, and labeling U-values for doors and skylights. U-values for doors and skylights determined, certified, and labeled in accordance with the appropriate NFRC standard shall be acceptable for compliance with the state energy code. Sealed insulation glass, where used, shall conform to, or be in the process of being tested for, ASTM E-774-81 class A or better.

(6) The minimum state energy code for new nonresidential buildings shall be the Washington state energy code, 1986 edition, as amended.

(7)(a) Except as provided in (b) of this subsection, the Washington state energy code for residential structures shall preempt the residential energy code of each city, town, and county in the state of Washington.

(b) The state energy code for residential structures does not preempt a city, town, or county's energy code for residential structures which exceeds the requirements of the state energy code and which was adopted by the city, town, or county prior to March 1, 1990. Such cities, towns, or counties may not subsequently amend their energy code for residential structures to exceed the requirements adopted prior to March 1, 1990.

(8) The state building code council shall consult with the ~~((state energy office))~~ department of community, trade, and economic development as provided in RCW 34.05.310 prior to publication of proposed rules. The ~~((state energy office))~~ department of community, trade, and economic development shall review the proposed rules for consistency with the guidelines adopted in subsection (4) of this section. The director of the ~~((state energy office))~~ department of community, trade, and economic development shall recommend to the state building code council any changes necessary to conform the proposed rules to the requirements of this section.

(9) The state building code council shall conduct a study of county and city enforcement of energy codes in the state. In conducting the study, the council shall conduct public hearings at designated council meetings to seek input from interested individuals and organizations, and to the extent possible, hold these meetings in conjunction with adopting rules under this section. The study shall include recommendations as to how code enforcement may be improved. The findings of the study shall be submitted in a report to the legislature no later than January 1, 1991.

(10) If any electric utility providing electric service to customers in the state of Washington purchases at least one percent of its firm energy load from a federal agency, pursuant to section 5.(b)(1) of the Pacific Northwest electric power planning and conservation act (P.L. 96-501), and such utility is unable to obtain from that agency at least fifty percent of the funds for payments required by RCW 19.27A.035, the amendments to this section by chapter 2, Laws of 1990 shall be null and void, and the 1986 state energy code shall be in effect, except that a city, town, or county may enforce a local energy code with more stringent energy requirements adopted prior to March 1, 1990. This subsection shall expire June 30, 1995.

**Sec. 503.** RCW 28A.515.320 and 1991 sp.s. c 13 s 58 are each amended to read as follows:

The common school construction fund is to be used exclusively for the purpose of financing the construction of facilities for the common schools. The sources of said fund shall be: (1) Those proceeds derived from sale or appropriation of timber and other crops from school and state land other than those granted for specific purposes; (2) the interest accruing on the permanent common school fund less the allocations to the state treasurer's service account [fund] pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160 together with all rentals and other revenue derived therefrom and from land and other property devoted to the permanent common school fund; (3) all moneys received by the state from the United States under the provisions of section 191, Title 30, United States Code, Annotated, and under section 810, chapter 12, Title 16, (Conservation), United States Code, Annotated, except moneys received before June 30, 2001, and when thirty megawatts of geothermal power is certified as commercially available by the receiving utilities and the ((state energy office)) department of community, trade, and economic development, eighty percent of such moneys, under the Geothermal Steam Act of 1970 pursuant to RCW 43.140.030; and (4) such other sources as the legislature may direct. That portion of the common school construction fund derived from interest on the permanent common school fund may be used to retire such bonds as may be authorized by law for the purpose of financing the construction of facilities for the common schools.

The interest accruing on the permanent common school fund less the allocations to the state treasurer's service ((account [fund])) fund pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160 together with all rentals and other revenues accruing thereto pursuant to subsection (2) of this section prior to July 1, 1967, shall be exclusively applied to the current use of the common schools.

To the extent that the moneys in the common school construction fund are in excess of the amount necessary to allow fulfillment of the purpose of said fund, the excess shall be available for deposit to the credit of the permanent common school fund or available for the current use of the common schools, as the legislature may direct. Any money from the common school construction fund which is made available for the current use of the common schools shall be restored to the fund by appropriation, including interest income foregone, before the end of the next fiscal biennium following such use.

**Sec. 504.** RCW 42.17.2401 and 1995 c 399 s 60 and 1995 c 397 s 10 are each reenacted and amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the office of marine safety, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of community, trade, and economic development, the secretary of corrections, the director of ecology, the commissioner of employment security, the chairman of the energy facility site evaluation council, ((the director of the energy office,)) the secretary of the state finance committee, the director of financial management, the director of fish and wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community and technical colleges, state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, executive ethics board, forest practices appeals board, forest practices board, gambling commission, Washington health care facilities authority, each member of the Washington health services commission, higher education coordinating board, higher education facilities authority, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, commission on judicial conduct, legislative ethics board, liquor control board, lottery commission, marine oversight board, Pacific Northwest electric power and conservation planning council, parks and recreation commission, personnel appeals board, board of pilotage commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, public employees' benefits board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington personnel resources board, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and fish and wildlife commission.

**Sec. 505.** RCW 43.06.115 and 1995 c 399 s 61 are each amended to read as follows:

(1) The governor may, by executive order, after consultation with or notification of the executive-legislative committee on economic development created by chapter . . . (Senate Bill No. 5300), Laws of 1993, declare a community to be a "military impacted area." A "military impacted area" means a community or communities, as identified in the executive order, that experience serious social and economic hardships because of a change in defense spending by the federal government in that community or communities.

(2) If the governor executes an order under subsection (1) of this section, the governor shall establish a response team to coordinate state efforts to assist the military impacted community. The response team may include, but not be limited to, one member from each of the following agencies: (a) The department of community, trade, and economic development; (b) the department of social and health services; (c) the employment security department; (d) the state board for community and technical colleges; (e) the higher education coordinating board; and (f) the department of transportation ~~(; and (g) the Washington energy office)~~. The governor may appoint a response team coordinator. The governor shall seek to actively involve the impacted community or communities in planning and implementing a response to the crisis. The governor may seek input or assistance from the community diversification advisory committee, and the governor may establish task forces in the community or communities to assist in the coordination and delivery of services to the local community. The state and community response shall consider economic development, human service, and training needs of the community or communities impacted.

(3) The governor shall report at the beginning of the next legislative session to the legislature and the executive-legislative committee on economic development created by chapter . . . (Senate Bill No. 5300), Laws of 1993, as to the designation of a military impacted area. The report shall include recommendations regarding whether a military impacted area should become eligible for (a) funding provided by the community economic revitalization board, public facilities construction loan revolving account, Washington state development loan fund, basic health plan, the public works assistance account, department of community, trade, and economic development, employment security department, and department of transportation; (b) training for dislocated defense workers; or (c) services for dislocated defense workers.

**Sec. 506.** RCW 43.19.680 and 1986 c 325 s 2 are each amended to read as follows:

(1) Upon completion of each walk-through survey required by RCW 43.19.675, the director of general administration or the agency responsible for the facility if other than the department of general administration shall implement energy conservation maintenance and operation procedures that may be identified for any state-owned facility. These procedures shall be implemented as soon as possible but not later than twelve months after the walk-through survey.

(2) By December 31, 1981, for the capitol campus the director of general administration ~~(; in cooperation with the director of the state energy office,)~~ shall prepare and transmit to the governor and the legislature an implementation plan.

(3) By December 31, 1983, for all other state-owned facilities, the director of general administration ~~(in cooperation with the director of the state energy office)~~ shall prepare and transmit to the governor and the legislature the results of the energy consumption and walk-through surveys and a schedule for the conduct of technical assistance studies. This submission shall contain the energy conservation measures planned for installation during the ensuing biennium. Priority considerations for scheduling technical assistance studies shall include but not be limited to a facility's energy efficiency, responsible agency participation, comparative cost and type of fuels, possibility of outside funding, logistical considerations such as possible need to vacate the facility for installation of energy conservation measures, coordination with other planned facility modifications, and the total cost of a facility modification, including other work which would have to be done as a result of installing energy conservation measures. Energy conservation measure acquisitions and installations shall be scheduled to be twenty-five percent complete by June 30, 1985, or at the end of the capital budget biennium which includes that date, whichever is later, fifty-five percent complete by June 30, 1989, or at the end of the capital budget biennium which includes that date, whichever is later, eighty-five percent complete by June 30, 1993, or at the end of the capital budget biennium which includes that date, whichever is later, and fully complete by June 30, 1995, or at the end of the capital budget biennium which includes that date, whichever is later. Each state agency shall

implement energy conservation measures with a payback period of twenty-four months or less that have a positive cash flow in the same biennium.

For each biennium until all measures are installed, the director of general administration shall report to the governor and legislature installation progress, measures planned for installation during the ensuing biennium, and changes, if any, to the technical assistance study schedule. This report shall be submitted by December 31, 1984, or at the end of the following year whichever immediately precedes the capital budget adoption, and every two years thereafter until all measures are installed.

(4) The director of general administration shall adopt rules to facilitate private investment in energy conservation measures for state-owned buildings consistent with state law.

**Sec. 507.** RCW 43.21G.010 and 1981 c 295 s 11 are each amended to read as follows:

The legislature finds that energy in various forms is increasingly subject to possible shortages and supply disruptions, to the point that there may be foreseen an emergency situation, and that without the ability to institute appropriate emergency measures to regulate the production, distribution, and use of energy, a severe impact on the public health, safety, and general welfare of our state's citizens may occur. The prevention or mitigation of such energy shortages or disruptions and their effects is necessary for preservation of the public health, safety, and general welfare of the citizens of this state.

It is the intent of this chapter to:

- (1) Establish necessary emergency powers for the governor and define the situations under which such powers are to be exercised;
- (2) Provide penalties for violations of this chapter.

It is further the intent of the legislature that in developing proposed orders under the powers granted in RCW 43.21G.040 as now or hereafter amended the governor may utilize, on a temporary or ad hoc basis, the knowledge and expertise of persons experienced in the technical aspects of energy supply, distribution, or use. Such utilization shall be in addition to support received by the governor from the ((state energy office)) department of community, trade, and economic development under RCW 43.21F.045 and 43.21F.065 and from other state agencies.

**Sec. 508.** RCW 43.31.621 and 1995 c 226 s 3 are each amended to read as follows:

(1) There is established the agency rural community assistance task force. The task force shall be chaired by the rural community assistance coordinator. It shall be the responsibility of the coordinator that all directives of chapter 314, Laws of 1991 are carried out expeditiously by the agencies represented in the task force. The task force shall consist of the directors, or representatives of the directors, of the following agencies: The department of community, trade, and economic development, employment security department, department of social and health services, state board for community and technical colleges, work force training and education coordinating board, department of natural resources, department of transportation, ((state energy office,)) department of fish and wildlife, University of Washington center for international trade in forest products, department of agriculture, and department of ecology. The task force shall solicit and consider input from the rural development council in coordinating agency programs targeted to rural natural resources impacted communities. The task force may consult and enlist the assistance of the following: The higher education coordinating board, University of Washington college of forest resources, University of Washington school of fisheries, Washington State University school of forestry, Northwest policy center, state superintendent of public instruction, Washington state labor council, the Evergreen partnership, Washington state association of counties, and others as needed.

(2) The task force, in conjunction with the rural development council, shall undertake a study to determine whether additional communities and industries are impacted, or are likely to be impacted, by salmon preservation and recovery efforts. The task force shall consider possible impacts in the following industries and associated communities: Barge transportation, irrigation dependent agriculture, food processing, aluminum, charter recreational fishing, boatbuilding, and other sectors suggested by the task force. The task force shall report its findings and recommendations to the legislature by January 1996.

(3) This section shall expire June 30, 1997.

**Sec. 509.** RCW 43.88.195 and 1993 c 500 s 8 are each amended to read as follows:

After August 11, 1969, no state agency, state institution, state institution of higher education, which shall include all state universities, regional universities, The Evergreen State College, and community colleges, shall establish any new accounts or funds which are to be located outside of the state treasury: PROVIDED, That the office of financial management shall be authorized to grant permission for the establishment of such an account or fund outside of the state treasury only when the requesting agency presents compelling reasons of economy and efficiency which could not be achieved by placing such funds in the state treasury. When the director of financial management authorizes the creation of such fund or account, the director shall forthwith give written notice of the fact to the standing committees on ways and means of the house and senate: PROVIDED FURTHER, That ((the office of financial management may grant permission for the establishment of accounts outside of the state treasury for the purposes of RCW 39.35C.120.)) agencies authorized to create local accounts will utilize the services of the state treasurer's office to ensure that new or ongoing relationships with financial institutions are in concert with state-wide policies and procedures pursuant to RCW 43.88.160(1).

**Sec. 510.** RCW 43.140.040 and 1981 c 158 s 4 are each amended to read as follows:

Distribution of funds from the geothermal account of the general fund shall be subject to the following limitations:

- (1) Thirty percent to the department of natural resources for geothermal exploration and assessment;
- (2) Thirty percent to ~~((the Washington state energy office))~~ Washington State University or its statutory successor for the purpose of encouraging the development of geothermal energy; and
- (3) Forty percent to the county of origin for mitigating impacts caused by geothermal energy exploration, assessment, and development.

**Sec. 511.** RCW 43.140.050 and 1981 c 158 s 5 are each amended to read as follows:

The state treasurer shall be responsible for distribution of funds to the county of origin. Each county's share of rentals and royalties from a lease including lands in more than one county shall be computed on the basis of the ratio that the acreage within each county has to the total acreage in the lease. ~~((The Washington state energy office))~~ Washington State University or its statutory successor shall obtain the necessary information to make the distribution of funds on such a basis.

**Sec. 512.** RCW 47.06.110 and 1995 c 399 s 120 are each amended to read as follows:

The state-interest component of the state-wide multimodal transportation plan shall include a state public transportation plan that:

- (1) Articulates the state vision of an interest in public transportation and provides quantifiable objectives, including benefits indicators;
- (2) Identifies the goals for public transit and the roles of federal, state, regional, and local entities in achieving those goals;
- (3) Recommends mechanisms for coordinating state, regional, and local planning for public transportation;
- (4) Recommends mechanisms for coordinating public transportation with other transportation services and modes;
- (5) Recommends criteria, consistent with the goals identified in subsection (2) of this section and with RCW 82.44.180 (2) and (3), for existing federal authorizations administered by the department to transit agencies; and
- (6) Recommends a state-wide public transportation facilities and equipment management system as required by federal law.

In developing the state public transportation plan, the department shall involve local jurisdictions, public and private providers of transportation services, nonmotorized interests, and state agencies with an interest in public transportation, including but not limited to the departments of community, trade, and economic development, social and health services, and ecology, ~~((the state energy office,))~~ the office of the superintendent of public instruction, the office of the governor, and the office of financial management.

The department shall submit an initial report to the legislative transportation committee by December 1, 1993, and shall provide annual reports summarizing the plan's progress each year thereafter.

**Sec. 513.** RCW 70.94.527 and 1991 c 202 s 12 are each amended to read as follows:

(1) Each county with a population over one hundred fifty thousand, and each city or town within those counties containing a major employer shall, by October 1, 1992, adopt by ordinance and implement a commute trip reduction plan for all major employers. The plan shall be developed in cooperation with local transit agencies, regional transportation planning organizations as established in RCW 47.80.020, major employers, and the owners of and employers at major worksites. The plan shall be designed to achieve reductions in the proportion of single-occupant vehicle commute trips and the commute trip vehicle miles traveled per employee by employees of major public and private sector employers in the jurisdiction.

(2) All other counties, and cities and towns in those counties, may adopt and implement a commute trip reduction plan.

(3) The department of ecology may, after consultation with the ~~((state energy office))~~ department of transportation, as part of the state implementation plan for areas that do not attain the national ambient air quality standards for carbon monoxide or ozone, require municipalities other than those identified in subsection (1) of this section to adopt and implement commute trip reduction plans if the department determines that such plans are necessary for attainment of said standards.

(4) A commute trip reduction plan shall be consistent with the guidelines established under RCW 70.94.537 and shall include but is not limited to (a) goals for reductions in the proportion of single-occupant vehicle commute trips and the commute trip vehicle miles traveled per employee; (b) designation of commute trip reduction zones; (c) requirements for major public and private sector employers to implement commute trip reduction programs; (d) a commute trip reduction program for employees of the county, city, or town; (e) a review of local parking policies and ordinances as they relate to employers and major worksites and any revisions necessary to comply with commute trip reduction goals and guidelines; (f) an appeals process by which major employers, who as a result of special characteristics of their business or its locations would be unable to meet the requirements of a commute trip reduction plan, may obtain waiver or modification of those requirements; and (g) means for determining base year values of the proportion of single-occupant vehicle commute trips and the commute trip vehicle miles traveled per employee and progress toward meeting commute trip reduction plan goals on an annual basis. Goals which are established shall take into account existing transportation demand management efforts which are made by major employers. Each jurisdiction shall ensure that employers shall receive full credit for the results of transportation demand management efforts and commute trip reduction programs which have been implemented by major employers prior to the base year. The goals for miles traveled per employee for all major employers shall not be less than a fifteen percent reduction from the base year value of the commute trip reduction zone in which their worksite is located by January 1, 1995, twenty-five percent reduction from the base year values by January 1, 1997, and thirty-five percent reduction from the base year values by January 1, 1999.

(5) A county, city, or town may, as part of its commute trip reduction plan, require commute trip reduction programs for employers with ten or more full time employees at major worksites in federally designated nonattainment areas for carbon monoxide and ozone. The county, city or town shall develop the programs in cooperation with affected employers and provide technical assistance to the employers in implementing such programs.

(6) The commute trip reduction plans adopted by counties, cities, and towns under this chapter shall be consistent with and may be incorporated in applicable state or regional transportation plans and local comprehensive plans and shall be coordinated, and consistent with, the commute trip reduction plans of counties, cities, or towns with which the county, city, or town has, in part, common borders or related regional issues. Such regional issues shall include assuring consistency in the treatment of employers who have worksites subject to the requirements of this chapter in more than one jurisdiction. Counties, cities, or towns adopting commute trip reduction plans may enter into agreements through the interlocal cooperation act or by resolution or ordinance as appropriate with other jurisdictions, local transit agencies, or regional transportation planning organizations to coordinate the development and implementation of such plans. Counties, cities, or towns adopting a commute trip reduction plan shall review it annually and revise it as necessary to be consistent with applicable plans developed under RCW 36.70A.070.

(7) Each county, city, or town implementing a commute trip reduction program shall, within thirty days submit a summary of its plan along with certification of adoption to the commute trip reduction task force established under RCW 70.94.537.

(8) Each county, city, or town implementing a commute trip reduction program shall submit an annual progress report to the commute trip reduction task force established under RCW 70.94.537. The report shall be due July 1, 1994, and each July 1 thereafter through July 1, 2000. The report shall describe progress in attaining the applicable commute trip reduction goals for each commute trip reduction zone and shall highlight any problems being encountered in achieving the goals. The information shall be reported in a form established by the commute trip reduction task force.

(9) Any waivers or modifications of the requirements of a commute trip reduction plan granted by a jurisdiction shall be submitted for review to the commute trip reduction task force established under RCW 70.94.537. The commute trip reduction task force may not deny the granting of a waiver or modification of the requirements of a commute trip reduction plan by a jurisdiction but they may notify the jurisdiction of any comments or objections.

(10) Each county, city, or town implementing a commute trip reduction program shall count commute trips eliminated through work-at-home options or alternate work schedules as one and two-tenths vehicle trips eliminated for the purpose of meeting trip reduction goals.

(11) Plans implemented under this section shall not apply to commute trips for seasonal agricultural employees.

(12) Plans implemented under this section shall not apply to construction worksites when the expected duration of the construction project is less than two years.

**Sec. 514.** RCW 70.94.537 and 1995 c 399 s 188 are each amended to read as follows:

(1) A ~~((twenty-three))~~ twenty-two member state commute trip reduction task force shall be established as follows:

(a) The ~~((director of the state energy office or the director's designee who shall serve as chair;~~

~~(b) The))~~ secretary of the department of transportation or the secretary's designee who shall serve as chair;

~~((c))~~ (b) The director of the department of ecology or the director's designee;

~~((d))~~ (c) The director of the department of community, trade, and economic development or the director's designee;

~~((e))~~ (d) The director of the department of general administration or the director's designee;

~~((f))~~ (e) Three representatives from counties appointed by the governor from a list of at least six recommended by the Washington state association of counties;

~~((g))~~ (f) Three representatives from cities and towns appointed by the governor from a list of at least six recommended by the association of Washington cities;

~~((h))~~ (g) Three representatives from transit agencies appointed by the governor from a list of at least six recommended by the Washington state transit association;

~~((i))~~ (h) Six representatives of employers at or owners of major worksites in Washington appointed by the governor from a list of at least twelve recommended by the association of Washington business; and

~~((j))~~ (i) Three citizens appointed by the governor.

Members of the commute trip reduction task force shall serve without compensation but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Members appointed by the governor shall be compensated in accordance with RCW 43.03.220. The task force has all powers necessary to carry out its duties as prescribed by this chapter. The task force shall be dissolved on July 1, 2000.

(2) By March 1, 1992, the commute trip reduction task force shall establish guidelines for commute trip reduction plans. The guidelines are intended to ensure consistency in commute trip reduction plans and goals among jurisdictions while fairly taking into account differences in employment and housing density, employer size, existing and anticipated levels of transit service, special employer circumstances, and other factors the task force determines to be relevant. The guidelines shall include:

(a) Criteria for establishing commute trip reduction zones;

(b) Methods and information requirements for determining base year values of the proportion of single-occupant vehicle commute trips and the commute trip vehicle miles traveled per employee and progress toward meeting commute trip reduction plan goals;

(c) Model commute trip reduction ordinances;

(d) Methods for assuring consistency in the treatment of employers who have worksites subject to the requirements of this chapter in more than one jurisdiction;

(e) An appeals process by which major employers, who as a result of special characteristics of their business or its locations would be unable to meet the requirements of a commute trip reduction plan, may obtain a waiver or modification of those requirements and criteria for determining eligibility for waiver or modification;

(f) Methods to ensure that employers shall receive full credit for the results of transportation demand management efforts and commute trip reduction programs which have been implemented by major employers prior to the base year;

(g) Alternative commute trip reduction goals for major employers which cannot meet the goals of this chapter because of the unique nature of their business; and

(h) Alternative commute trip reduction goals for major employers whose worksites change and who contribute substantially to traffic congestion in a trip reduction zone.

(3) The task force shall assess the commute trip reduction options available to employers other than major employers and make recommendations to the legislature by October 1, 1992. The recommendations shall include the minimum size of employer who shall be required to implement trip reduction programs and the appropriate methods those employers can use to accomplish trip reduction goals.

(4) The task force shall review progress toward implementing commute trip reduction plans and programs and the costs and benefits of commute trip reduction plans and programs and shall make recommendations to the legislature by December 1, 1995, and December 1, 1999. In assessing the costs and benefits, the task force shall consider the costs of not having implemented commute trip reduction plans and programs. The task force shall examine other transportation demand management programs nationally and incorporate its findings into its recommendations to the legislature. The recommendations shall address the need for continuation, modification, or termination or any or all requirements of this chapter. The recommendations made December 1, 1995, shall include recommendations regarding extension of the requirements of this chapter to employers with fifty or more full-time employees at a single worksite who begin their regular work day between 6:00 a.m. and 9:00 a.m. on weekdays for more than twelve continuous months.

**Sec. 515.** RCW 70.94.541 and 1991 c 202 s 16 are each amended to read as follows:

(1) A technical assistance team shall be established under the direction of the (~~state energy office~~) department of transportation and include representatives of the department(~~s~~) of (~~transportation and~~) ecology. The team shall provide staff support to the commute trip reduction task force in carrying out the requirements of RCW 70.94.537 and to the department of general administration in carrying out the requirements of RCW 70.94.551.

(2) The team shall provide technical assistance to counties, cities, and towns, the department of general administration, other state agencies, and other employers in developing and implementing commute trip reduction plans and programs. The technical assistance shall include: (a) Guidance in determining base and subsequent year values of single-occupant vehicle commuting proportion and commute trip reduction vehicle miles traveled to be used in determining progress in attaining plan goals; (b) developing model plans and programs appropriate to different situations; and (c) providing consistent training and informational materials for the implementation of commute trip reduction programs. Model plans and programs, training and informational materials shall be developed in cooperation with representatives of local governments, transit agencies, and employers.

(3) In carrying out this section the (~~state energy office and~~) department of transportation may contract with state-wide associations representing cities, towns, and counties to assist cities, towns, and counties in implementing commute trip reduction plans and programs.

**Sec. 516.** RCW 70.94.551 and 1991 c 202 s 19 are each amended to read as follows:

(1) The director of general administration, with the concurrence of an interagency task force established for the purposes of this section, shall coordinate a commute trip reduction plan for state agencies which are phase 1 major employers by January 1, 1993. The task force shall include representatives of the (~~state energy office, the~~) departments of transportation and ecology and such other departments as the director of general administration determines to be necessary to be generally representative of state agencies. The state agency plan shall be consistent with the requirements of RCW 70.94.527 and 70.94.531 and shall be developed in consultation with state employees, local and regional governments, local transit agencies, the business community, and other interested groups. The plan shall consider and recommend policies applicable to all state agencies including but not limited to policies regarding parking and parking charges, employee incentives for commuting by other than single-occupant automobiles, flexible and alternative work schedules, alternative worksites, and the use of state-owned vehicles for car and van pools. The plan shall also consider the costs and benefits to state agencies of achieving commute trip reductions and consider mechanisms for funding state agency commute trip reduction programs. The department shall, within thirty days, submit a summary of its plan along with certification of adoption to the commute trip reduction task force established under RCW 70.94.537.

(2) Not more than three months after the adoption of the commute trip reduction plan, each state agency shall, for each facility which is a major employer, develop a commute trip reduction program. The program shall be designed to meet the goals of the commute trip reduction plan of the county, city, or town or, if there is no local commute trip reduction plan, the state. The program shall be consistent

with the policies of the state commute trip reduction plan and RCW 70.94.531. The agency shall submit a description of that program to the local jurisdiction implementing a commute trip reduction plan or, if there is no local commute trip reduction plan, to the department of general administration. The program shall be implemented not more than three months after submission to the department. Annual reports required in RCW 70.94.531(2)(c) shall be submitted to the local jurisdiction implementing a commute trip reduction plan and to the department of general administration. An agency which is not meeting the applicable commute trip reduction goals shall, to the extent possible, modify its program to comply with the recommendations of the local jurisdiction or the department of general administration.

(3) State agencies sharing a common location may develop and implement a joint commute trip reduction program or may delegate the development and implementation of the commute trip reduction program to the department of general administration.

(4) The department of general administration in consultation with the state technical assistance team shall review the initial commute trip reduction program of each state agency subject to the commute trip reduction plan for state agencies to determine if the program is likely to meet the applicable commute trip reduction goals and notify the agency of any deficiencies. If it is found that the program is not likely to meet the applicable commute trip reduction goals, the team will work with the agency to modify the program as necessary.

(5) For each agency subject to the state agency commute trip reduction plan, the department of general administration in consultation with the technical assistance team shall annually review progress toward meeting the applicable commute trip reduction goals. If it appears an agency is not meeting or is not likely to meet the applicable commute trip reduction goals, the team shall work with the agency to make modifications to the commute trip reduction program.

(6) The department of general administration shall submit an annual progress report for state agencies subject to the state agency commute trip reduction plan to the commute trip reduction task force established under RCW 70.94.537. The report shall be due April 1, 1993, and each April 1 through 2000. The report shall report progress in attaining the applicable commute trip reduction goals for each commute trip reduction zone and shall highlight any problems being encountered in achieving the goals. The information shall be reported in a form established by the commute trip reduction task force.

**Sec. 517.** RCW 70.94.960 and 1991 c 199 s 218 are each amended to read as follows:

The department may disburse matching grants from funds provided by the legislature from the air pollution control account, created in RCW 70.94.015, to units of local government to partially offset the additional cost of purchasing "clean fuel" and/or operating "clean-fuel vehicles" provided that such vehicles are used for public transit. Publicly owned school buses are considered public transit for the purposes of this section. The department may also disburse grants to vocational-technical institutes for the purpose of establishing programs to certify clean-fuel vehicle mechanics. The department may also distribute grants to ~~((the state energy office))~~ Washington State University for the purpose of furthering the establishment of clean fuel refueling infrastructure.

**Sec. 518.** RCW 70.120.210 and 1991 c 199 s 212 are each amended to read as follows:

By July 1, 1992, the department shall develop, in cooperation with the departments of general administration and transportation, and ~~((the state energy office))~~ Washington State University, aggressive clean-fuel performance and clean-fuel vehicle emissions specifications including clean-fuel vehicle conversion equipment. To the extent possible, such specifications shall be equivalent for all fuel types. In developing such specifications the department shall consider the requirements of the clean air act and the findings of the environmental protection agency, other states, the American petroleum institute, the gas research institute, and the motor vehicles manufacturers association.

**Sec. 519.** RCW 70.120.220 and 1991 c 199 s 215 are each amended to read as follows:

The department, in cooperation with the departments of general administration and transportation, the utilities and transportation commission, and ~~((the state energy office))~~ Washington State University, shall biennially prepare a report to the legislature starting July 1, 1992, on:

- (1) Progress of clean fuel and clean-fuel vehicle programs in reducing automotive emissions;
- (2) Recommendations for enhancing clean-fuel distribution systems;
- (3) Efforts of the state, units of local government, and the private sector to evaluate and utilize "clean fuel" or "clean-fuel vehicles"; and
- (4) Recommendations for changes in the existing program to make it more effective and, if warranted, for expansion of the program.

**Sec. 520.** RCW 80.28.260 and 1990 c 2 s 9 are each amended to read as follows:

(1) The commission shall adopt a policy allowing an incentive rate of return on investment (a) for payments made under RCW 19.27A.035 and (b) for programs that improve the efficiency of energy end use if priority is given to senior citizens and low-income citizens in the course of carrying out such programs. The incentive rate of return on investments set forth in this subsection is established by adding an increment of two percent to the rate of return on common equity permitted on the company's other investments.

(2) The commission shall consider and may adopt a policy allowing an incentive rate of return on investment in additional programs to improve the efficiency of energy end use or other incentive policies to encourage utility investment in such programs.

(3) The commission shall consider and may adopt other policies to protect a company from a reduction of short-term earnings that may be a direct result of utility programs to increase the efficiency of energy use. These policies may include allowing a periodic rate adjustment for investments in end use efficiency or allowing changes in price structure designed to produce additional new revenue.

~~((4) The commission may adopt a policy allowing the recovery of a utility's expenses incurred under RCW 19.27A.055.))~~

**Sec. 521.** RCW 82.35.020 and 1979 ex.s. c 191 s 2 are each amended to read as follows:

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

(1) "Cogeneration" means the sequential generation of electrical or mechanical power and useful heat from the same primary energy source or fuel.

(2) "Cogeneration facility" means any machinery, equipment, structure, process, or property, or any part thereof, installed or acquired for the primary purpose of cogeneration by a person or corporation other than an electric utility.

(3) "Certificate" means a cogeneration tax credit certificate granted by the department.

(4) "Cost" means only the cost of a cogeneration facility which is in addition to the cost that the applicant otherwise would incur to meet the applicant's demands for useful heat. "Cost" does not include expenditures which are offset by cost savings, including but not limited to savings resulting from early retirement of existing equipment.

(5) "Department" means the department of revenue.

(6) "Electric utility" means any person, corporation, or governmental subdivision authorized and operating under the Constitution and laws of the state of Washington which is primarily engaged in the generation or sale of electric energy.

~~((7) "Office" means the state energy office.))~~

**Sec. 522.** RCW 82.35.080 and 1979 ex.s. c 191 s 8 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the department shall revoke any certificate issued under this chapter if it finds that any of the following have occurred with respect to the certificate:

(a) The certificate was obtained by fraud or deliberate misrepresentation;

(b) The certificate was obtained through the use of inaccurate data but without any intention to commit fraud or misrepresentation;

(c) The facility was constructed or operated in violation of any provision of this chapter or provision imposed by the department as a condition of certification; or

(d) The cogeneration facility is no longer capable of being operated for the primary purpose of cogeneration.

(2) If the department finds that there are few inaccuracies under subsection (1)(b) of this section and that cumulatively they are insignificant in terms of the cost or operation of the facility or that the inaccurate data is not attributable to carelessness or negligence and its inclusion was reasonable under the circumstances, then the department may provide for the continuance of the certificate and whatever modification it considers in the public interest.

(3) Any person, firm, corporation, or organization that obtains a certificate revoked under this section shall be liable for the total amount of money saved by claiming the credits and exemptions provided under this chapter and RCW 84.36.485. The total amount of the credits shall be collected as delinquent business and occupation taxes, and the total of the exemptions shall be collected and distributed as delinquent property taxes. Interest shall accrue on the amounts of the credits and exemptions from the date the taxes were otherwise due.

(4) The ~~((office))~~ department of community, trade, and economic development shall provide technical assistance to the department in carrying out its responsibilities under this section.

**Sec. 523.** RCW 90.03.247 and 1994 c 264 s 82 are each amended to read as follows:

Whenever an application for a permit to make beneficial use of public waters is approved relating to a stream or other water body for which minimum flows or levels have been adopted and are in effect at the time of approval, the permit shall be conditioned to protect the levels or flows. No agency may establish minimum flows and levels or similar water flow or level restrictions for any stream or lake of the state other than the department of ecology whose authority to establish is exclusive, as provided in chapter 90.03 RCW and RCW 90.22.010 and 90.54.040. The provisions of other statutes, including but not limited to RCW 75.20.100 and chapter 43.21C RCW, may not be interpreted in a manner that is inconsistent with this section. In establishing such minimum flows, levels, or similar restrictions, the department shall, during all stages of development by the department of ecology of minimum flow proposals, consult with, and carefully consider the recommendations of, the department of fish and wildlife, the ~~((state energy office))~~ department of community, trade, and economic development, the department of agriculture, and representatives of the affected Indian tribes. Nothing herein shall preclude the department of fish and wildlife, the ~~((energy office))~~ department of community, trade, and economic development, or the department of agriculture from presenting its views on minimum flow needs at any public hearing or to any person or agency, and the department of fish and wildlife, the ~~((energy office))~~ department of community, trade, and economic development, and the department of agriculture are each empowered to participate in proceedings of the federal energy regulatory commission and other agencies to present its views on minimum flow needs.

**NEW SECTION. Sec. 524.** The following acts or parts of acts are each repealed:

(1) RCW 43.21F.035 and 1990 c 12 s 1 & 1981 c 295 s 3;

(2) RCW 43.21F.065 and 1987 c 330 s 502 & 1981 c 295 s 8;

(3) RCW 39.35C.120 and 1991 c 201 s 13;

(4) RCW 41.06.081 and 1981 c 295 s 10;

(5) RCW 43.41.175 and 1986 c 325 s 4; and

(6) RCW 19.27A.055 and 1990 c 2 s 6.

**PART VI  
MISCELLANEOUS**

NEW SECTION. Sec. 601. The state shall offer the following services to state employees affected by the elimination of the Washington state energy office:

- (1) Placement in the reduction in force transition pool;
- (2) Payment of one hundred fifty dollars per month per employee for health benefits purchased under the federal consolidated omnibus budget reconciliation act (COBRA) for a period not to exceed one year;
- (3) Placement in the Washington management services clearinghouse register for employees in the Washington management service;
- (4) Career transition services through the department of personnel;
- (5) Up to thirty weeks of unemployment benefits for qualifying employees; and
- (6) Dislocated worker training for employees in positions unique to the energy industry.

NEW SECTION. Sec. 602. Part headings used in this act do not constitute part of the law.

NEW SECTION. Sec. 603. This act shall take effect July 1, 1996."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Energy, Telecommunications and Utilities striking amendment to Fourth Substitute House Bill No. 2009.

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

The President declared the question before the Senate to be the roll call on the adoption of the Committee on Energy, Telecommunications and Utilities striking amendment to Fourth Substitute House Bill No. 2009.

**ROLL CALL**

The Secretary called the roll and the committee striking amendment was adopted by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, Winsley and Wojahn - 28.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Schow, Sellar, Strannigan, Swecker, West, Wood and Zarelli - 21.

**MOTIONS**

On motion of Senator Sutherland, the following title amendment was adopted:

On page 1, line 1 of the title, after "office;" strike the remainder of the title and insert "amending RCW 43.21F.025, 43.21F.045, 43.21F.055, 43.21F.060, 43.21F.090, 43.140.050, 41.06.070, 39.35.030, 39.35.050, 39.35.060, 39.35C.010, 39.35C.020, 39.35C.030, 39.35C.040, 39.35C.050, 39.35C.060, 39.35C.070, 39.35C.080, 39.35C.090, 39.35C.100, 39.35C.110, 39.35C.130, 19.27.190, 19.27A.020, 28A.515.320, 43.06.115, 43.19.680, 43.21G.010, 43.31.621, 43.88.195, 43.140.040, 43.140.050, 47.06.110, 70.94.527, 70.94.537, 70.94.541, 70.94.551, 70.94.960, 70.120.210, 70.120.220, 80.28.260, 82.35.020, 82.35.080, and 90.03.247; reenacting and amending RCW 80.50.030 and 42.17.2401; adding a new section to chapter 43.330 RCW; adding new sections to chapter 28B.30 RCW; adding a new section to chapter 47.01 RCW; adding a new section to chapter 43.19 RCW; creating new sections; repealing RCW 43.21F.035, 43.21F.065, 39.35C.120, 41.06.081, 43.41.175, and 19.27A.055; and providing an effective date."

On motion of Senator Sutherland, the rules were suspended, Fourth Substitute House Bill No. 2009, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Fourth Substitute House Bill No. 2009, as amended by the Senate.

**ROLL CALL**

The Secretary called the roll on the final passage of Fourth Substitute House Bill No. 2009, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43.

Voting nay: Senators Anderson, A., Cantu, Hochstatter, Johnson, Morton and Schow - 6.

FOURTH SUBSTITUTE HOUSE BILL NO. 2009, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

ENGROSSED HOUSE BILL NO. 2472, by Representatives Lambert, Costa, Conway and Veloria

Clarifying domestic violence provisions.

The bill was read the second time.

## MOTION

Senator Smith moved that the following Committee on Law and Justice amendment not be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.370 and 1989 c 124 s 2 are each amended to read as follows:

(1) The intersection of the column defined by the offender score and the row defined by the offense seriousness score determines the presumptive sentencing range (see RCW 9.94A.310, (Table 1)). The additional time for deadly weapon findings or for those offenses enumerated in RCW 9.94A.310(4) that were committed in a state correctional facility or county jail shall be added to the entire presumptive sentence range. The court may impose any sentence within the range that it deems appropriate. All presumptive sentence ranges are expressed in terms of total confinement.

(2) In determining any sentence, the trial court may rely on no more information than is admitted by the plea agreement, or admitted, acknowledged, or proved in a trial or at the time of sentencing. Acknowledgement includes not objecting to information stated in the presentence reports. Where the defendant disputes material facts, the court must either not consider the fact or grant an evidentiary hearing on the point. The facts shall be deemed proved at the hearing by a preponderance of the evidence. Facts that establish the elements of a more serious crime or additional crimes may not be used to go outside the presumptive sentence range except upon stipulation or when specifically provided for in RCW 9.94A.390(2) (c), (d), ~~(f)~~, and ~~((e))~~ (g).

**Sec. 2.** RCW 9.94A.390 and 1995 c 316 s 2 are each amended to read as follows:

If the sentencing court finds that an exceptional sentence outside the standard range should be imposed in accordance with RCW 9.94A.120(2), the sentence is subject to review only as provided for in RCW 9.94A.210(4).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(1) Mitigating Circumstances

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his or her conduct or to conform his or her conduct to the requirements of the law, was significantly impaired (voluntary use of drugs or alcohol is excluded).

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(2) Aggravating Circumstances

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.

(c) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

- (i) The current offense involved multiple victims or multiple incidents per victim;
- (ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;
- (iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or
- (iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(d) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) The current offense involved the manufacture of controlled substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

(e) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.127.

(f) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

(g) The current offense involved domestic violence, as defined in RCW 10.99.020 and one or more of the following was present:

(i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred in the presence of the victim's minor children under the age of eighteen years; or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

(h) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

((H)) (i) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter as expressed in RCW 9.94A.010.

**NEW SECTION. Sec. 3.** A new section is added to chapter 9A.36 RCW to read as follows:

(1) A person commits the crime of interference with the reporting of domestic violence if the person prevents or attempts to prevent a victim of or a witness to domestic violence, as defined in RCW 26.50.010, from calling a 911 emergency communication system, obtaining medical assistance, or making a report to any law enforcement official.

(2) Interference with the reporting of domestic violence is a gross misdemeanor.

**Sec. 4.** RCW 10.31.100 and 1995 c 246 s 20, 1995 c 184 s 1, and 1995 c 93 s 1 are each reenacted and amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (10) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 10.99.040(2), 10.99.050, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.44.063, chapter 26.26 RCW, or chapter 26.50 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence or ~~((excluding))~~ restraining the person from ~~((a))~~ going onto the grounds of or entering a residence, workplace, school, or day care or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) The person is sixteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that ~~((spouses, former spouses, or other persons who reside together or formerly resided together))~~ family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence between the persons involved.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

- (a) RCW 46.52.010, relating to duty on striking an unattended car or other property;
- (b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;
- (d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;
- (e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;
- (f) RCW 46.61.525, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 88.12.025 shall have the authority to arrest the person.

(6) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(7) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(8) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(9) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(10) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(11) Except as specifically provided in subsections (2), (3), (4), and (6) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(12) No police officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31.100 (2) or (8) if the police officer acts in good faith and without malice.

**Sec. 5.** RCW 10.99.020 and 1995 c 246 s 21 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Family or household members" means spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a ~~((respondent))~~ person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

(2) "Dating relationship" has the same meaning as in RCW 26.50.010.

(3) "Domestic violence" includes but is not limited to any of the following crimes when committed by one family or household member against another:

- (a) Assault in the first degree (RCW 9A.36.011);
- (b) Assault in the second degree (RCW 9A.36.021);
- (c) Assault in the third degree (RCW 9A.36.031);
- (d) Assault in the fourth degree (RCW 9A.36.041);
- (e) Reckless endangerment in the first degree (RCW 9A.36.045);
- (f) Reckless endangerment in the second degree (RCW 9A.36.050);
- (g) Coercion (RCW 9A.36.070);
- (h) Burglary in the first degree (RCW 9A.52.020);
- (i) Burglary in the second degree (RCW 9A.52.030);
- (j) Criminal trespass in the first degree (RCW 9A.52.070);
- (k) Criminal trespass in the second degree (RCW 9A.52.080);
- (l) Malicious mischief in the first degree (RCW 9A.48.070);
- (m) Malicious mischief in the second degree (RCW 9A.48.080);
- (n) Malicious mischief in the third degree (RCW 9A.48.090);
- (o) Kidnapping in the first degree (RCW 9A.40.020);
- (p) Kidnapping in the second degree (RCW 9A.40.030);
- (q) Unlawful imprisonment (RCW 9A.40.040);

(r) Violation of the provisions of a restraining order restraining the person or (~~excluding~~) restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care (RCW 26.09.300, 26.10.220, or 26.26.138);

(s) Violation of the provisions of a protection order or no-contact order restraining the person or (~~excluding~~) restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care (RCW 26.50.060, 26.50.070, 26.50.130, or 10.99.040);

(t) Rape in the first degree (RCW 9A.44.040);

(u) Rape in the second degree (RCW 9A.44.050);

(v) Residential burglary (RCW 9A.52.025); (~~and~~)

(w) Stalking (RCW 9A.46.110); and

(x) Interference with the reporting of domestic violence (section 3 of this act).

(4) "Victim" means a family or household member who has been subjected to domestic violence.

**Sec. 6.** RCW 10.99.030 and 1995 c 246 s 22 are each amended to read as follows:

(1) All training relating to the handling of domestic violence complaints by law enforcement officers shall stress enforcement of criminal laws in domestic situations, availability of community resources, and protection of the victim. Law enforcement agencies and community organizations with expertise in the issue of domestic violence shall cooperate in all aspects of such training.

(2) The criminal justice training commission shall implement by January 1, 1997, a course of instruction for the training of law enforcement officers in Washington in the handling of domestic violence complaints. The basic law enforcement curriculum of the criminal justice training commission shall include at least twenty hours of basic training instruction on the law enforcement response to domestic violence. The course of instruction, the learning and performance objectives, and the standards for the training shall be developed by the commission and focus on enforcing the criminal laws, safety of the victim, and holding the perpetrator accountable for the violence. The curriculum shall include training on the extent and prevalence of domestic violence, the importance of criminal justice intervention, techniques for responding to incidents that minimize the likelihood of officer injury and that promote victim safety, investigation and interviewing skills, evidence gathering and report writing, assistance to and services for victims and children, verification and enforcement of court orders, liability, and any additional provisions that are necessary to carry out the intention of this subsection.

(3) The criminal justice training commission shall develop and update annually an in-service training program to familiarize law enforcement officers with the domestic violence laws. The program shall include techniques for handling incidents of domestic violence that minimize the likelihood of injury to the officer and that promote the safety of all parties. The commission shall make the training program available to all law enforcement agencies in the state.

(4) Development of the training in subsections (2) and (3) of this section shall be conducted in conjunction with agencies having a primary responsibility for serving victims of domestic violence with emergency shelter and other services, and representatives to the state-wide organization providing training and education to these organizations and to the general public.

(5) The primary duty of peace officers, when responding to a domestic violence situation, is to enforce the laws allegedly violated and to protect the complaining party.

(6)(a) When a peace officer responds to a domestic violence call and has probable cause to believe that a crime has been committed, the peace officer shall exercise arrest powers with reference to the criteria in RCW 10.31.100. The officer shall notify the victim of the victim's right to initiate a criminal proceeding in all cases where the officer has not exercised arrest powers or decided to initiate criminal proceedings by citation or otherwise. The parties in such cases shall also be advised of the importance of preserving evidence.

(b) A peace officer responding to a domestic violence call shall take a complete offense report including the officer's disposition of the case.

(7) When a peace officer responds to a domestic violence call, the officer shall advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community, and giving each person immediate notice of the legal rights and remedies available. The notice shall include handing each person a copy of the following statement:

"IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county prosecuting attorney to file a criminal complaint. You also have the right to file a petition in superior, district, or municipal court requesting an order for protection from domestic abuse which could include any of the following: (a) An order restraining your abuser from further acts of abuse; (b) an order directing your abuser to leave your household; (c) an order preventing your abuser from entering your residence, school, business, or place of employment; (d) an order awarding you or the other parent custody of or visitation with your minor child or children; and (e) an order restraining your abuser from molesting or interfering with minor children in your custody. The forms you need to obtain a protection order are available in any municipal, district, or superior court.

Information about shelters and alternatives to domestic violence is available from a state-wide twenty-four-hour toll-free hotline at (include appropriate phone number). The battered women's shelter and other resources in your area are . . . . (include local information)"

(8) The peace officer may offer, arrange, or facilitate transportation for the victim to a hospital for treatment of injuries or to a place of safety or shelter.

(9) The law enforcement agency shall forward the offense report to the appropriate prosecutor within ten days of making such report if there is probable cause to believe that an offense has been committed, unless the case is under active investigation.

(10) Each law enforcement agency shall make as soon as practicable a written record and shall maintain records of all incidents of domestic violence reported to it.

(11) Records kept pursuant to subsections (6) and (10) of this section shall be made identifiable by means of a departmental code for domestic violence.

(12) Commencing January 1, 1994, records of incidents of domestic violence shall be submitted, in accordance with procedures described in this subsection, to the Washington association of sheriffs and police chiefs by all law enforcement agencies. The Washington criminal justice training commission shall amend its contract for collection of state-wide crime data with the Washington association of sheriffs and police chiefs:

(a) To include a table, in the annual report of crime in Washington produced by the Washington association of sheriffs and police chiefs pursuant to the contract, showing the total number of actual offenses and the number and percent of the offenses that are domestic violence incidents for the following crimes: (i) Criminal homicide, with subtotals for murder and nonnegligent homicide and manslaughter by negligence; (ii) forcible rape, with subtotals for rape by force and attempted forcible rape; (iii) robbery, with subtotals for firearm, knife or cutting instrument, or other dangerous weapon, and strongarm robbery; (iv) assault, with subtotals for firearm, knife or cutting instrument, other dangerous weapon, hands, feet, aggravated, and other nonaggravated assaults; (v) burglary, with subtotals for forcible entry, nonforcible unlawful entry, and attempted forcible entry; (vi) larceny theft, except motor vehicle theft; (vii) motor vehicle theft, with subtotals for autos, trucks and buses, and other vehicles; ~~((and))~~ (viii) arson; and (ix) violations of the provisions of a protection order or no contact order restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, provided that specific appropriations are subsequently made for the collection and compilation of data regarding violations of protection orders or no contact orders;

(b) To require that the table shall continue to be prepared and contained in the annual report of crime in Washington until that time as comparable or more detailed information about domestic violence incidents is available through the Washington state incident based reporting system and the information is prepared and contained in the annual report of crime in Washington; and

(c) To require that, in consultation with interested persons, the Washington association of sheriffs and police chiefs prepare and disseminate procedures to all law enforcement agencies in the state as to how the agencies shall code and report domestic violence incidents to the Washington association of sheriffs and police chiefs.

**Sec. 7.** RCW 10.99.040 and 1995 c 246 s 23 are each amended to read as follows:

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

(a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;

(b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;

(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to his or her client the victim's location; and

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence.

(2) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim. In issuing the order, the court shall consider the provisions of RCW 9.41.800. The no-contact order shall also be issued in writing as soon as possible.

(3) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended. If a no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant reimburse the providing agency for the costs of the electronic monitoring.

(4)(a) Willful violation of a court order issued under subsection (2) or (3) of this section is a gross misdemeanor. A third or subsequent conviction for willful violation of a court order issued under subsection (2) or (3) of this section is a class C felony punishable under chapter 9A.20 RCW. Upon conviction and in addition to other penalties provided by law, the court may require that the defendant submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The court also may include a requirement that the defendant pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.

(b) Any assault that is a violation of an order issued under this section and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony punishable under chapter 9A.20 RCW, and any conduct in violation of a protective order issued under this section that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony punishable under chapter 9A.20 RCW.

(c) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter 10.99 RCW and will subject a violator to arrest; any assault or reckless endangerment that is a violation of this order is a felony. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order." A certified copy of the order shall be provided to the victim. If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed. Such orders need not be entered into the computer-based criminal intelligence information system in this state which is used by law enforcement agencies to list outstanding warrants.

(5) Whenever an order prohibiting contact is issued, modified, or terminated under subsection (2) or (3) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall forthwith enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

**Sec. 8.** RCW 10.99.050 and 1991 c 301 s 5 are each amended to read as follows:

(1) When a defendant is found guilty of a crime and a condition of the sentence restricts the defendant's ability to have contact with the victim, such condition shall be recorded and a written certified copy of that order shall be provided to the victim.

(2) Willful violation of a court order issued under this section is a gross misdemeanor. A third or subsequent conviction for willful violation of a court order issued under this section is a class C felony punishable under chapter 9A.20 RCW. Any assault that is a violation of an order issued under this section and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of a protective order issued under this section that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. The written order shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 10.99 RCW and will subject a violator to arrest; any assault or reckless endangerment that is a violation of this order is a felony. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order.

(3) Whenever an order prohibiting contact is issued pursuant to this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall forthwith enter the order for one year into any computer-based criminal intelligence information system

available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

**Sec. 9.** RCW 26.09.300 and 1995 c 246 s 27 are each amended to read as follows:

(1) Whenever a restraining order is issued under this chapter, and the person to be restrained knows of the order, a violation of the provisions restricting the person from acts or threats of violence or of a provision (~~(excluding)~~) restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another is a misdemeanor.

(2) A person is deemed to have notice of a restraining order if:

(a) The person to be restrained or the person's attorney signed the order;

(b) The order recites that the person to be restrained or the person's attorney appeared in person before the court;

(c) The order was served upon the person to be restrained; or

(d) The peace officer gives the person oral or written evidence of the order by reading from it or handing to the person a certified copy of the original order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(3) A peace officer shall verify the existence of a restraining order by:

(a) Obtaining information confirming the existence and terms of the order from a law enforcement agency; or

(b) Obtaining a certified copy of the order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(4) A peace officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) A restraining order has been issued under this chapter;

(b) The respondent or person to be restrained knows of the order; and

(c) The person to be arrested has violated the terms of the order restraining the person from acts or threats of violence or (~~(excluding)~~) restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another.

(5) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule.

(6) No peace officer may be held criminally or civilly liable for making an arrest under subsection (4) of this section if the officer acts in good faith and without malice.

**Sec. 10.** RCW 26.10.220 and 1995 c 246 s 30 are each amended to read as follows:

(1) Whenever a restraining order is issued under this chapter, and the person to be restrained knows of the order, a violation of the provisions restricting the person from acts or threats of violence or of a provision (~~(excluding)~~) restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another is a misdemeanor.

(2) A person is deemed to have notice of a restraining order if:

(a) The person to be restrained or the person's attorney signed the order;

(b) The order recites that the person to be restrained or the person's attorney appeared in person before the court;

(c) The order was served upon the person to be restrained; or

(d) The peace officer gives the person oral or written evidence of the order by reading from it or handing to the person a certified copy of the original order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(3) A peace officer shall verify the existence of a restraining order by:

(a) Obtaining information confirming the existence and terms of the order from a law enforcement agency; or

(b) Obtaining a certified copy of the order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(4) A peace officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) A restraining order has been issued under this chapter;

(b) The respondent or person to be restrained knows of the order; and

(c) The person to be arrested has violated the terms of the order restraining the person from acts or threats of violence or (~~(excluding)~~) restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another.

(5) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule.

(6) No peace officer may be held criminally or civilly liable for making an arrest under subsection (4) of this section if the officer acts in good faith and without malice.

**Sec. 11.** RCW 26.26.138 and 1995 c 246 s 33 are each amended to read as follows:

(1) Whenever a restraining order is issued under this chapter, and the person to be restrained knows of the order, a violation of the provisions restricting the person from acts or threats of violence or of a provision (~~(excluding)~~) restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another is a misdemeanor.

(2) A person is deemed to have notice of a restraining order if:

(a) The person to be restrained or the person's attorney signed the order;

- (b) The order recites that the person to be restrained or the person's attorney appeared in person before the court;
  - (c) The order was served upon the person to be restrained; or
  - (d) The peace officer gives the person oral or written evidence of the order by reading from it or handing to the person a certified copy of the original order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.
- (3) A peace officer shall verify the existence of a restraining order by:
- (a) Obtaining information confirming the existence and terms of the order from a law enforcement agency; or
  - (b) Obtaining a certified copy of the order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.
- (4) A peace officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:
- (a) A restraining order has been issued under this chapter;
  - (b) The respondent or person to be restrained knows of the order; and
  - (c) The person to be arrested has violated the terms of the order restraining the person from acts or threats of violence or ~~((excluding))~~ restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another.
- (5) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule.
- (6) No peace officer may be held criminally or civilly liable for making an arrest under subsection (4) of this section if the officer acts in good faith and without malice.

**Sec. 12.** RCW 26.50.030 and 1995 c 246 s 3 are each amended to read as follows:

There shall exist an action known as a petition for an order for protection in cases of domestic violence.

(1) A petition for relief shall allege the existence of domestic violence, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought. Petitioner and respondent shall disclose the existence of any other litigation concerning the custody or residential placement of a child of the parties as set forth in RCW 26.27.090 and the existence of any other restraining, protection, or no contact orders between the parties.

(2) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties except in cases where the court realigns petitioner and respondent in accordance with RCW 26.50.060(4).

(3) Within ninety days of receipt of the master copy from the administrator for the courts, all court clerk's offices shall make available the standardized forms, instructions, and informational brochures required by RCW 26.50.035 and shall fill in and keep current specific program names and telephone numbers for community resources. Any assistance or information provided by clerks under this section does not constitute the practice of law and clerks are not responsible for incorrect information contained in a petition.

(4) No filing fee may be charged for proceedings under this section. Forms and instructional brochures shall be provided free of charge.

(5) A person is not required to post a bond to obtain relief in any proceeding under this section.

**Sec. 13.** RCW 26.50.060 and 1995 c 246 s 7 are each amended to read as follows:

(1) Upon notice and after hearing, the court may provide relief as follows:

- (a) Restrain the respondent from committing acts of domestic violence;
- (b) Exclude the respondent from the dwelling which the parties share, from the residence, workplace, or school of the petitioner, or from the day care or school of a child;

- (c) On the same basis as is provided in chapter 26.09 RCW, the court shall make residential provision with regard to minor children of the parties. However, parenting plans as specified in chapter 26.09 RCW shall not be required under this chapter;

- (d) Order the respondent to participate in batterers' treatment;

- (e) Order other relief as it deems necessary for the protection of the petitioner and other family or household members sought to be protected, including orders or directives to a peace officer, as allowed under this chapter;

- (f) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense and to reimburse the petitioner for costs incurred in bringing the action, including a reasonable attorney's fee;

- (g) Restrain the respondent from having any contact with the victim of domestic violence or the victim's children or members of the victim's household;

- (h) Require the respondent to submit to electronic monitoring. The order shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

- (i) Consider the provisions of RCW 9.41.800;

- (j) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included; and

- (k) Order use of a vehicle.

(2) If a restraining order restrains the respondent from contacting the respondent's minor children the restraint shall be for a fixed period not to exceed one year. This limitation is not applicable to orders for protection issued under chapter 26.09, 26.10, or 26.26 RCW. With regard to other relief, if the petitioner has petitioned for relief on his or her own behalf or on behalf of the petitioner's family or household members or minor children, and the court finds that the respondent is likely to resume acts of domestic violence against the petitioner or the petitioner's family or household members or minor children when the order expires, the court may either grant relief for a fixed period or enter a permanent order of protection.

If the petitioner has petitioned for relief on behalf of the respondent's minor children, the court shall advise the petitioner that if the petitioner wants to continue protection for a period beyond one year the petitioner may either petition for renewal pursuant to the provisions of this chapter or may seek relief pursuant to the provisions of chapter 26.09 or 26.26 RCW.

(3) If the court grants an order for a fixed time period, the petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal the court shall order a hearing which shall be not later than fourteen days from the date of the order. Except as provided in RCW 26.50.085, personal service shall be made on the respondent not less than five days before the hearing. If timely service cannot be made the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 26.50.085 or by mail as provided in RCW 26.50.123. If the court permits service by publication or mail, the court shall set the new hearing date not later than twenty-four days from the date of the order. If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in RCW 26.50.070. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's children or family or household members when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in this section. The court may award court costs, service fees, and reasonable attorneys' fees as provided in subsection (1)(f) of this section.

(4) In providing relief under this chapter, the court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that the original petitioner is the abuser and the original respondent is the victim of domestic violence and may issue an ex parte temporary order for protection in accordance with RCW 26.50.070 on behalf of the victim until the victim is able to prepare a petition for an order for protection in accordance with RCW 26.50.030.

(5) Except as provided in subsection (4) of this section, no order for protection shall grant relief to any party except upon notice to the respondent and hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with RCW 26.50.050.

(6) The court order shall specify the date the order expires if any. The court order shall also state whether the court issued the protection order following personal service ~~((or))~~, service by publication, or service by mail and whether the court has approved service by publication or mail of an order issued under this section.

(7) If the court declines to issue an order for protection or declines to renew an order for protection, the court shall state in writing on the order the particular reasons for the court's denial.

**Sec. 14.** RCW 26.50.070 and 1995 c 246 s 8 are each amended to read as follows:

(1) Where an application under this section alleges that irreparable injury could result from domestic violence if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary order for protection, pending a full hearing, and grant relief as the court deems proper, including an order:

(a) Restraining any party from committing acts of domestic violence;

(b) ~~((Excluding))~~ Restraining any party from going onto the grounds of or entering the dwelling ~~((shared or from the residence of the other))~~ that the parties share, from the residence, workplace, or school of the other, or from the day care or school of a child until further order of the court;

(c) Restraining any party from interfering with the other's custody of the minor children or from removing the children from the jurisdiction of the court;

(d) Restraining any party from having any contact with the victim of domestic violence or the victim's children or members of the victim's household; and

(e) Considering the provisions of RCW 9.41.800.

(2) Irreparable injury under this section includes but is not limited to situations in which the respondent has recently threatened petitioner with bodily injury or has engaged in acts of domestic violence against the petitioner.

(3) The court shall hold an ex parte hearing in person or by telephone on the day the petition is filed or on the following judicial day.

(4) An ex parte temporary order for protection shall be effective for a fixed period not to exceed fourteen days or twenty-four days if the court has permitted service by publication under RCW 26.50.085 or by mail under RCW 26.50.123. The ex parte order may be reissued. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service by publication or by mail is permitted. Except as provided in RCW 26.50.050, 26.50.085, and

26.50.123, the respondent shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing.

(5) Any order issued under this section shall contain the date and time of issuance and the expiration date and shall be entered into a state-wide judicial information system by the clerk of the court within one judicial day after issuance.

(6) If the court declines to issue an ex parte temporary order for protection the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte order of protection shall be filed with the court.

**Sec. 15.** RCW 26.50.100 and 1995 c 246 s 13 are each amended to read as follows:

(1) A copy of an order for protection granted under this chapter shall be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order.

Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order shall remain in the computer for the period stated in the order. The law enforcement agency shall only expunge from the computer-based criminal intelligence information system orders that are expired, vacated, or superseded. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(2) The information entered into the computer-based criminal intelligence information system shall include notice to law enforcement whether the order was personally served ~~((or))~~, served by publication, or served by mail.

**Sec. 16.** RCW 26.50.110 and 1995 c 246 s 14 are each amended to read as follows:

(1) Whenever an order for protection is granted under this chapter and the respondent or person to be restrained knows of the order, a violation of the restraint provisions or of a provision excluding the person from a residence, workplace, school, or day care is a gross misdemeanor. A third or subsequent conviction for violating an order for protection granted under this chapter is a class C felony punishable under chapter 9A.20 RCW. Upon conviction, and in addition to any other penalties provided by law, the court may require that the respondent submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services, and the terms under which the monitoring shall be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.

(2) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under this chapter that restrains the person or excludes the person from a residence, workplace, school, or day care, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of an order for protection shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of an order issued under this chapter and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of a protective order issued under this chapter that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) Upon the filing of an affidavit by the petitioner or any peace officer alleging that the respondent has violated an order for protection granted under this chapter, the court may issue an order to the respondent, requiring the respondent to appear and show cause within fourteen days why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

**Sec. 17.** RCW 26.50.115 and 1995 c 246 s 15 are each amended to read as follows:

(1) When the court issues an ex parte order pursuant to RCW 26.50.070 or an order of protection ~~((ordered issued))~~ pursuant to RCW 26.50.060, the court shall advise the petitioner that the respondent may not be subjected to the penalties set forth in RCW 26.50.110 for a violation of the order unless the respondent knows of the order.

(2) When a peace officer investigates a report of an alleged violation of an order for protection issued under this chapter the officer shall attempt to determine whether the respondent knew of the existence of the protection order. If the law enforcement officer determines that the respondent did not or probably did not know about the protection order and the officer is provided a current copy of the order, the officer shall serve the order on the respondent if the respondent is present. If the respondent is not present, the officer shall make reasonable efforts to serve a copy of the order on the respondent. If the officer serves the respondent with the petitioner's copy of the order, the officer shall give petitioner a receipt indicating that petitioner's copy has been served on the respondent. After the officer has served the order on the respondent, the officer shall enforce prospective compliance with the order.

(3) Presentation of an unexpired, certified copy of a protection order with proof of service is sufficient for a law enforcement officer to enforce ~~((the terms of))~~ the order regardless of the presence of the order in the law enforcement computer-based criminal intelligence information system."

The President declared the question before the Senate to be the motion by Senator Smith to not adopt the Committee on Law and Justice striking amendment to Engrossed House Bill No. 2472.

The motion by Senator Smith carried and the committee striking amendment was not adopted.

## MOTIONS

On motion of Senator Smith, the following amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 9.94A.370 and 1989 c 124 s 2 are each amended to read as follows:

(1) The intersection of the column defined by the offender score and the row defined by the offense seriousness score determines the presumptive sentencing range (see RCW 9.94A.310, (Table 1)). The additional time for deadly weapon findings or for those offenses enumerated in RCW 9.94A.310(4) that were committed in a state correctional facility or county jail shall be added to the entire presumptive sentence range. The court may impose any sentence within the range that it deems appropriate. All presumptive sentence ranges are expressed in terms of total confinement.

(2) In determining any sentence, the trial court may rely on no more information than is admitted by the plea agreement, or admitted, acknowledged, or proved in a trial or at the time of sentencing. Acknowledgement includes not objecting to information stated in the presentence reports. Where the defendant disputes material facts, the court must either not consider the fact or grant an evidentiary hearing on the point. The facts shall be deemed proved at the hearing by a preponderance of the evidence. Facts that establish the elements of a more serious crime or additional crimes may not be used to go outside the presumptive sentence range except upon stipulation or when specifically provided for in RCW 9.94A.390(2) (c), (d), ~~(f)~~, and ~~((e))~~ (g).

**Sec. 2.** RCW 9.94A.390 and 1995 c 316 s 2 are each amended to read as follows:

If the sentencing court finds that an exceptional sentence outside the standard range should be imposed in accordance with RCW 9.94A.120(2), the sentence is subject to review only as provided for in RCW 9.94A.210(4).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(1) Mitigating Circumstances

- (a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.
- (b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.
- (c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.
- (d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.
- (e) The defendant's capacity to appreciate the wrongfulness of his or her conduct or to conform his or her conduct to the requirements of the law, was significantly impaired (voluntary use of drugs or alcohol is excluded).
- (f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.
- (g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(2) Aggravating Circumstances

- (a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.
- (b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.
- (c) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

- (i) The current offense involved multiple victims or multiple incidents per victim;
- (ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;
- (iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or
- (iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(d) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

- (i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;
- (ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

- (iii) The current offense involved the manufacture of controlled substances for use by other parties;
- (iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;
- (v) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or
- (vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).
- (e) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.127.
- (f) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.
- (g) The current offense involved domestic violence, as defined in RCW 10.99.020 and one or more of the following was present:
  - (i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents over a prolonged period of time;
  - (ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or
  - (iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.
- (h) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

~~((H))~~ (i) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter as expressed in RCW 9.94A.010.

**NEW SECTION. Sec. 3.** A new section is added to chapter 9A.36 RCW to read as follows:

- (1) A person commits the crime of interfering with the reporting of domestic violence if the person:
  - (a) Commits a crime of domestic violence, as defined in RCW 10.99.020; and
  - (b) Prevents or attempts to prevent the victim of or a witness to that domestic violence crime from calling a 911 emergency communication system, obtaining medical assistance, or making a report to any law enforcement official.
- (2) Commission of a crime of domestic violence under subsection (1) of this section is a necessary element of the crime of interfering with the reporting of domestic violence.
- (3) Interference with the reporting of domestic violence is a gross misdemeanor.

**Sec. 4.** RCW 10.31.100 and 1995 c 246 s 20, 1995 c 184 s 1, and 1995 c 93 s 1 are each reenacted and amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (10) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 10.99.040(2), 10.99.050, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.44.063, chapter 26.26 RCW, or chapter 26.50 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence or ~~((excluding))~~ restraining the person from ~~((a))~~ going onto the grounds of or entering a residence, workplace, school, or day care or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) The person is sixteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that ~~((spouses, former spouses, or other persons who reside together or formerly resided together))~~ family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the

comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence between the persons involved.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

- (a) RCW 46.52.010, relating to duty on striking an unattended car or other property;
- (b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;
- (d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;
- (e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;
- (f) RCW 46.61.525, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 88.12.025 shall have the authority to arrest the person.

(6) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(7) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(8) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(9) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(10) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(11) Except as specifically provided in subsections (2), (3), (4), and (6) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(12) No police officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31.100 (2) or (8) if the police officer acts in good faith and without malice.

**Sec. 5.** RCW 10.99.020 and 1995 c 246 s 21 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Family or household members" means spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a ((respondent)) person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

(2) "Dating relationship" has the same meaning as in RCW 26.50.010.

(3) "Domestic violence" includes but is not limited to any of the following crimes when committed by one family or household member against another:

- (a) Assault in the first degree (RCW 9A.36.011);
- (b) Assault in the second degree (RCW 9A.36.021);
- (c) Assault in the third degree (RCW 9A.36.031);
- (d) Assault in the fourth degree (RCW 9A.36.041);
- (e) Reckless endangerment in the first degree (RCW 9A.36.045);
- (f) Reckless endangerment in the second degree (RCW 9A.36.050);
- (g) Coercion (RCW 9A.36.070);
- (h) Burglary in the first degree (RCW 9A.52.020);
- (i) Burglary in the second degree (RCW 9A.52.030);
- (j) Criminal trespass in the first degree (RCW 9A.52.070);

- (k) Criminal trespass in the second degree (RCW 9A.52.080);
- (l) Malicious mischief in the first degree (RCW 9A.48.070);
- (m) Malicious mischief in the second degree (RCW 9A.48.080);
- (n) Malicious mischief in the third degree (RCW 9A.48.090);
- (o) Kidnapping in the first degree (RCW 9A.40.020);
- (p) Kidnapping in the second degree (RCW 9A.40.030);
- (q) Unlawful imprisonment (RCW 9A.40.040);
- (r) Violation of the provisions of a restraining order restraining the person or ~~((excluding))~~ restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care (RCW 26.09.300, 26.10.220, or 26.26.138);
- (s) Violation of the provisions of a protection order or no-contact order restraining the person or ~~((excluding))~~ restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care (RCW 26.50.060, 26.50.070, 26.50.130, ~~((or))~~ 10.99.040, or 10.99.050);
- (t) Rape in the first degree (RCW 9A.44.040);
- (u) Rape in the second degree (RCW 9A.44.050);
- (v) Residential burglary (RCW 9A.52.025); ~~((and))~~
- (w) Stalking (RCW 9A.46.110); and
- (x) Interference with the reporting of domestic violence (section 3 of this act).

(4) "Victim" means a family or household member who has been subjected to domestic violence.

**Sec. 6.** RCW 10.99.030 and 1995 c 246 s 22 are each amended to read as follows:

(1) All training relating to the handling of domestic violence complaints by law enforcement officers shall stress enforcement of criminal laws in domestic situations, availability of community resources, and protection of the victim. Law enforcement agencies and community organizations with expertise in the issue of domestic violence shall cooperate in all aspects of such training.

(2) The criminal justice training commission shall implement by January 1, 1997, a course of instruction for the training of law enforcement officers in Washington in the handling of domestic violence complaints. The basic law enforcement curriculum of the criminal justice training commission shall include at least twenty hours of basic training instruction on the law enforcement response to domestic violence. The course of instruction, the learning and performance objectives, and the standards for the training shall be developed by the commission and focus on enforcing the criminal laws, safety of the victim, and holding the perpetrator accountable for the violence. The curriculum shall include training on the extent and prevalence of domestic violence, the importance of criminal justice intervention, techniques for responding to incidents that minimize the likelihood of officer injury and that promote victim safety, investigation and interviewing skills, evidence gathering and report writing, assistance to and services for victims and children, verification and enforcement of court orders, liability, and any additional provisions that are necessary to carry out the intention of this subsection.

(3) The criminal justice training commission shall develop and update annually an in-service training program to familiarize law enforcement officers with the domestic violence laws. The program shall include techniques for handling incidents of domestic violence that minimize the likelihood of injury to the officer and that promote the safety of all parties. The commission shall make the training program available to all law enforcement agencies in the state.

(4) Development of the training in subsections (2) and (3) of this section shall be conducted in conjunction with agencies having a primary responsibility for serving victims of domestic violence with emergency shelter and other services, and representatives to the state-wide organization providing training and education to these organizations and to the general public.

(5) The primary duty of peace officers, when responding to a domestic violence situation, is to enforce the laws allegedly violated and to protect the complaining party.

(6)(a) When a peace officer responds to a domestic violence call and has probable cause to believe that a crime has been committed, the peace officer shall exercise arrest powers with reference to the criteria in RCW 10.31.100. The officer shall notify the victim of the victim's right to initiate a criminal proceeding in all cases where the officer has not exercised arrest powers or decided to initiate criminal proceedings by citation or otherwise. The parties in such cases shall also be advised of the importance of preserving evidence.

(b) A peace officer responding to a domestic violence call shall take a complete offense report including the officer's disposition of the case.

(7) When a peace officer responds to a domestic violence call, the officer shall advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community, and giving each person immediate notice of the legal rights and remedies available. The notice shall include handing each person a copy of the following statement:

"IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county prosecuting attorney to file a criminal complaint. You also have the right to file a petition in superior, district, or municipal court requesting an order for protection from domestic abuse which could include any of the following: (a) An order restraining your abuser from further acts of abuse; (b) an order directing your abuser to leave your household; (c) an order preventing your abuser from entering your residence, school,

business, or place of employment; (d) an order awarding you or the other parent custody of or visitation with your minor child or children; and (e) an order restraining your abuser from molesting or interfering with minor children in your custody. The forms you need to obtain a protection order are available in any municipal, district, or superior court.

Information about shelters and alternatives to domestic violence is available from a state-wide twenty-four-hour toll-free hotline at (include appropriate phone number). The battered women's shelter and other resources in your area are . . . . (include local information)"

(8) The peace officer may offer, arrange, or facilitate transportation for the victim to a hospital for treatment of injuries or to a place of safety or shelter.

(9) The law enforcement agency shall forward the offense report to the appropriate prosecutor within ten days of making such report if there is probable cause to believe that an offense has been committed, unless the case is under active investigation.

(10) Each law enforcement agency shall make as soon as practicable a written record and shall maintain records of all incidents of domestic violence reported to it.

(11) Records kept pursuant to subsections (6) and (10) of this section shall be made identifiable by means of a departmental code for domestic violence.

(12) Commencing January 1, 1994, records of incidents of domestic violence shall be submitted, in accordance with procedures described in this subsection, to the Washington association of sheriffs and police chiefs by all law enforcement agencies. The Washington criminal justice training commission shall amend its contract for collection of state-wide crime data with the Washington association of sheriffs and police chiefs:

(a) To include a table, in the annual report of crime in Washington produced by the Washington association of sheriffs and police chiefs pursuant to the contract, showing the total number of actual offenses and the number and percent of the offenses that are domestic violence incidents for the following crimes: (i) Criminal homicide, with subtotals for murder and nonnegligent homicide and manslaughter by negligence; (ii) forcible rape, with subtotals for rape by force and attempted forcible rape; (iii) robbery, with subtotals for firearm, knife or cutting instrument, or other dangerous weapon, and strongarm robbery; (iv) assault, with subtotals for firearm, knife or cutting instrument, other dangerous weapon, hands, feet, aggravated, and other nonaggravated assaults; (v) burglary, with subtotals for forcible entry, nonforcible unlawful entry, and attempted forcible entry; (vi) larceny theft, except motor vehicle theft; (vii) motor vehicle theft, with subtotals for autos, trucks and buses, and other vehicles; ~~((and))~~ (viii) arson; and (ix) violations of the provisions of a protection order or no contact order restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, provided that specific appropriations are subsequently made for the collection and compilation of data regarding violations of protection orders or no contact orders;

(b) To require that the table shall continue to be prepared and contained in the annual report of crime in Washington until that time as comparable or more detailed information about domestic violence incidents is available through the Washington state incident based reporting system and the information is prepared and contained in the annual report of crime in Washington; and

(c) To require that, in consultation with interested persons, the Washington association of sheriffs and police chiefs prepare and disseminate procedures to all law enforcement agencies in the state as to how the agencies shall code and report domestic violence incidents to the Washington association of sheriffs and police chiefs.

**Sec. 7.** RCW 10.99.040 and 1995 c 246 s 23 are each amended to read as follows:

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

(a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;

(b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;

(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: **PROVIDED**, That the court may order a criminal defense attorney not to disclose to his or her client the victim's location; and

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence.

(2) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim. In issuing the order, the court shall consider the provisions of RCW 9.41.800. The no-contact order shall also be issued in writing as soon as possible.

(3) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended. If a no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which

the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant reimburse the providing agency for the costs of the electronic monitoring.

(4)(a) Willful violation of a court order issued under subsection (2) or (3) of this section is a gross misdemeanor except as provided in (b) and (c) of this subsection (4). Upon conviction and in addition to other penalties provided by law, the court may require that the defendant submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The court also may include a requirement that the defendant pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.

(b) Any assault that is a violation of an order issued under this section and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony punishable under chapter 9A.20 RCW, and any conduct in violation of a protective order issued under this section that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony punishable under chapter 9A.20 RCW.

(c) A willful violation of a court order issued under this section is a class C felony if the offender has at least two previous convictions for violating the provisions of a no-contact order issued under this chapter, a domestic violence protection order issued under chapter 26.09, 26.10, 26.26, or 26.50 RCW, or any federal or out-of-state order that is comparable to a no-contact order or protection order issued under Washington law. The previous convictions may involve the same victim or other victims specifically protected by the no-contact orders or protection orders the offender violated.

(d) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter 10.99 RCW and will subject a violator to arrest; any assault or reckless endangerment that is a violation of this order is a felony. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order." A certified copy of the order shall be provided to the victim. If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed. Such orders need not be entered into the computer-based criminal intelligence information system in this state which is used by law enforcement agencies to list outstanding warrants.

(5) Whenever an order prohibiting contact is issued, modified, or terminated under subsection (2) or (3) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall forthwith enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

**Sec. 8.** RCW 10.99.050 and 1991 c 301 s 5 are each amended to read as follows:

(1) When a defendant is found guilty of a crime and a condition of the sentence restricts the defendant's ability to have contact with the victim, such condition shall be recorded and a written certified copy of that order shall be provided to the victim.

(2) Willful violation of a court order issued under this section is a gross misdemeanor. Any assault that is a violation of an order issued under this section and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of a protective order issued under this section that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. A willful violation of a court order issued under this section is also a class C felony if the offender has at least two previous convictions for violating the provisions of a no-contact order issued under this chapter, or a domestic violence protection order issued under chapter 26.09, 26.10, 26.26, or 26.50 RCW, or any federal or out-of-state order that is comparable to a no-contact order or protection order that is issued under Washington law. The previous convictions may involve the same victim or other victims specifically protected by the no-contact orders or protection orders the offender violated.

The written order shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 10.99 RCW and will subject a violator to arrest; any assault or reckless endangerment that is a violation of this order is a felony.

(3) Whenever an order prohibiting contact is issued pursuant to this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall forthwith enter the order for one year into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

**Sec. 9.** RCW 26.09.300 and 1995 c 246 s 27 are each amended to read as follows:

(1) Whenever a restraining order is issued under this chapter, and the person to be restrained knows of the order, a violation of the provisions restricting the person from acts or threats of violence or of a provision (~~(excluding))~~ restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another is a misdemeanor.

(2) A person is deemed to have notice of a restraining order if:

(a) The person to be restrained or the person's attorney signed the order;

(b) The order recites that the person to be restrained or the person's attorney appeared in person before the court;

- (c) The order was served upon the person to be restrained; or
- (d) The peace officer gives the person oral or written evidence of the order by reading from it or handing to the person a certified copy of the original order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.
- (3) A peace officer shall verify the existence of a restraining order by:
  - (a) Obtaining information confirming the existence and terms of the order from a law enforcement agency; or
  - (b) Obtaining a certified copy of the order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.
- (4) A peace officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:
  - (a) A restraining order has been issued under this chapter;
  - (b) The respondent or person to be restrained knows of the order; and
  - (c) The person to be arrested has violated the terms of the order restraining the person from acts or threats of violence or ~~((excluding))~~ restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another.
- (5) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule.
- (6) No peace officer may be held criminally or civilly liable for making an arrest under subsection (4) of this section if the officer acts in good faith and without malice.

**Sec. 10.** RCW 26.10.220 and 1995 c 246 s 30 are each amended to read as follows:

- (1) Whenever a restraining order is issued under this chapter, and the person to be restrained knows of the order, a violation of the provisions restricting the person from acts or threats of violence or of a provision ~~((excluding))~~ restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another is a misdemeanor.
- (2) A person is deemed to have notice of a restraining order if:
  - (a) The person to be restrained or the person's attorney signed the order;
  - (b) The order recites that the person to be restrained or the person's attorney appeared in person before the court;
  - (c) The order was served upon the person to be restrained; or
  - (d) The peace officer gives the person oral or written evidence of the order by reading from it or handing to the person a certified copy of the original order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.
- (3) A peace officer shall verify the existence of a restraining order by:
  - (a) Obtaining information confirming the existence and terms of the order from a law enforcement agency; or
  - (b) Obtaining a certified copy of the order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.
- (4) A peace officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:
  - (a) A restraining order has been issued under this chapter;
  - (b) The respondent or person to be restrained knows of the order; and
  - (c) The person to be arrested has violated the terms of the order restraining the person from acts or threats of violence or ~~((excluding))~~ restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another.
- (5) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule.
- (6) No peace officer may be held criminally or civilly liable for making an arrest under subsection (4) of this section if the officer acts in good faith and without malice.

**Sec. 11.** RCW 26.26.138 and 1995 c 246 s 33 are each amended to read as follows:

- (1) Whenever a restraining order is issued under this chapter, and the person to be restrained knows of the order, a violation of the provisions restricting the person from acts or threats of violence or of a provision ~~((excluding))~~ restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another is a misdemeanor.
- (2) A person is deemed to have notice of a restraining order if:
  - (a) The person to be restrained or the person's attorney signed the order;
  - (b) The order recites that the person to be restrained or the person's attorney appeared in person before the court;
  - (c) The order was served upon the person to be restrained; or
  - (d) The peace officer gives the person oral or written evidence of the order by reading from it or handing to the person a certified copy of the original order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.
- (3) A peace officer shall verify the existence of a restraining order by:
  - (a) Obtaining information confirming the existence and terms of the order from a law enforcement agency; or
  - (b) Obtaining a certified copy of the order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(4) A peace officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

- (a) A restraining order has been issued under this chapter;
- (b) The respondent or person to be restrained knows of the order; and

(c) The person to be arrested has violated the terms of the order restraining the person from acts or threats of violence or ~~((excluding))~~ restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another.

(5) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule.

(6) No peace officer may be held criminally or civilly liable for making an arrest under subsection (4) of this section if the officer acts in good faith and without malice.

**Sec. 12.** RCW 26.50.030 and 1995 c 246 s 3 are each amended to read as follows:

There shall exist an action known as a petition for an order for protection in cases of domestic violence.

(1) A petition for relief shall allege the existence of domestic violence, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought. Petitioner and respondent shall disclose the existence of any other litigation concerning the custody or residential placement of a child of the parties as set forth in RCW 26.27.090 and the existence of any other restraining, protection, or no contact orders between the parties.

(2) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties except in cases where the court realigns petitioner and respondent in accordance with RCW 26.50.060(4).

(3) Within ninety days of receipt of the master copy from the administrator for the courts, all court clerk's offices shall make available the standardized forms, instructions, and informational brochures required by RCW 26.50.035 and shall fill in and keep current specific program names and telephone numbers for community resources. Any assistance or information provided by clerks under this section does not constitute the practice of law and clerks are not responsible for incorrect information contained in a petition.

(4) No filing fee may be charged for proceedings under this section. Forms and instructional brochures shall be provided free of charge.

(5) A person is not required to post a bond to obtain relief in any proceeding under this section.

**Sec. 13.** RCW 26.50.060 and 1995 c 246 s 7 are each amended to read as follows:

(1) Upon notice and after hearing, the court may provide relief as follows:

(a) Restrain the respondent from committing acts of domestic violence;

(b) Exclude the respondent from the dwelling which the parties share, from the residence, workplace, or school of the petitioner, or from the day care or school of a child;

(c) On the same basis as is provided in chapter 26.09 RCW, the court shall make residential provision with regard to minor children of the parties. However, parenting plans as specified in chapter 26.09 RCW shall not be required under this chapter;

(d) Order the respondent to participate in batterers' treatment;

(e) Order other relief as it deems necessary for the protection of the petitioner and other family or household members sought to be protected, including orders or directives to a peace officer, as allowed under this chapter;

(f) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense and to reimburse the petitioner for costs incurred in bringing the action, including a reasonable attorney's fee;

(g) Restrain the respondent from having any contact with the victim of domestic violence or the victim's children or members of the victim's household;

(h) Require the respondent to submit to electronic monitoring. The order shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

(i) Consider the provisions of RCW 9.41.800;

(j) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included; and

(k) Order use of a vehicle.

(2) If a restraining order restrains the respondent from contacting the respondent's minor children the restraint shall be for a fixed period not to exceed one year. This limitation is not applicable to orders for protection issued under chapter 26.09, 26.10, or 26.26 RCW. With regard to other relief, if the petitioner has petitioned for relief on his or her own behalf or on behalf of the petitioner's family or household members or minor children, and the court finds that the respondent is likely to resume acts of domestic violence against the petitioner or the petitioner's family or household members or minor children when the order expires, the court may either grant relief for a fixed period or enter a permanent order of protection.

If the petitioner has petitioned for relief on behalf of the respondent's minor children, the court shall advise the petitioner that if the petitioner wants to continue protection for a period beyond one year the petitioner may either petition for renewal pursuant to the provisions of this chapter or may seek relief pursuant to the provisions of chapter 26.09 or 26.26 RCW.

(3) If the court grants an order for a fixed time period, the petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal the court shall order a hearing which shall be not later than fourteen days from the date of the order. Except as provided in RCW 26.50.085, personal service shall be made on the respondent not less than five days before the hearing. If timely service cannot be made the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 26.50.085 or by mail as provided in RCW 26.50.123. If the court permits service by publication or mail, the court shall set the new hearing date not later than twenty-four days from the date of the order. If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in RCW 26.50.070. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's children or family or household members when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in this section. The court may award court costs, service fees, and reasonable attorneys' fees as provided in subsection (1)(f) of this section.

(4) In providing relief under this chapter, the court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that the original petitioner is the abuser and the original respondent is the victim of domestic violence and may issue an ex parte temporary order for protection in accordance with RCW 26.50.070 on behalf of the victim until the victim is able to prepare a petition for an order for protection in accordance with RCW 26.50.030.

(5) Except as provided in subsection (4) of this section, no order for protection shall grant relief to any party except upon notice to the respondent and hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with RCW 26.50.050.

(6) The court order shall specify the date the order expires if any. The court order shall also state whether the court issued the protection order following personal service ~~((or))~~, service by publication, or service by mail and whether the court has approved service by publication or mail of an order issued under this section.

(7) If the court declines to issue an order for protection or declines to renew an order for protection, the court shall state in writing on the order the particular reasons for the court's denial.

**Sec. 14.** RCW 26.50.070 and 1995 c 246 s 8 are each amended to read as follows:

(1) Where an application under this section alleges that irreparable injury could result from domestic violence if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary order for protection, pending a full hearing, and grant relief as the court deems proper, including an order:

(a) Restraining any party from committing acts of domestic violence;

(b) ~~((Excluding))~~ Restraining any party from going onto the grounds of or entering the dwelling ~~((shared or from the residence of the other))~~ that the parties share, from the residence, workplace, or school of the other, or from the day care or school of a child until further order of the court;

(c) Restraining any party from interfering with the other's custody of the minor children or from removing the children from the jurisdiction of the court;

(d) Restraining any party from having any contact with the victim of domestic violence or the victim's children or members of the victim's household; and

(e) Considering the provisions of RCW 9.41.800.

(2) Irreparable injury under this section includes but is not limited to situations in which the respondent has recently threatened petitioner with bodily injury or has engaged in acts of domestic violence against the petitioner.

(3) The court shall hold an ex parte hearing in person or by telephone on the day the petition is filed or on the following judicial day.

(4) An ex parte temporary order for protection shall be effective for a fixed period not to exceed fourteen days or twenty-four days if the court has permitted service by publication under RCW 26.50.085 or by mail under RCW 26.50.123. The ex parte order may be reissued. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service by publication or by mail is permitted. Except as provided in RCW 26.50.050, 26.50.085, and 26.50.123, the respondent shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing.

(5) Any order issued under this section shall contain the date and time of issuance and the expiration date and shall be entered into a state-wide judicial information system by the clerk of the court within one judicial day after issuance.

(6) If the court declines to issue an ex parte temporary order for protection the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte order of protection shall be filed with the court.

**Sec. 15.** RCW 26.50.100 and 1995 c 246 s 13 are each amended to read as follows:

(1) A copy of an order for protection granted under this chapter shall be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order.

Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order shall remain in the computer for the period stated in the order. The law enforcement agency shall only expunge from the computer-based criminal intelligence information system orders that are expired, vacated, or superseded. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(2) The information entered into the computer-based criminal intelligence information system shall include notice to law enforcement whether the order was personally served ~~((or))~~, served by publication, or served by mail.

**Sec. 16.** RCW 26.50.110 and 1995 c 246 s 14 are each amended to read as follows:

(1) Whenever an order for protection is granted under this chapter and the respondent or person to be restrained knows of the order, a violation of the restraint provisions or of a provision excluding the person from a residence, workplace, school, or day care is a gross misdemeanor except as provided in subsections (4) and (5) of this section. Upon conviction, and in addition to any other penalties provided by law, the court may require that the respondent submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services, and the terms under which the monitoring shall be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.

(2) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under this chapter that restrains the person or excludes the person from a residence, workplace, school, or day care, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of an order for protection shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of an order issued under this chapter and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of a protective order issued under this chapter that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a court order issued under this chapter is a class C felony if the offender has at least two previous convictions for violating the provisions of a no-contact order issued under chapter 10.99 RCW, a domestic violence protection order issued under chapter 26.09, 26.10, or 26.26 RCW or this chapter, or any federal or out-of-state order that is comparable to a no-contact or protection order issued under Washington law. The previous convictions may involve the same victim or other victims specifically protected by the no-contact orders or protection orders the offender violated.

(6) Upon the filing of an affidavit by the petitioner or any peace officer alleging that the respondent has violated an order for protection granted under this chapter, the court may issue an order to the respondent, requiring the respondent to appear and show cause within fourteen days why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

**Sec. 17.** RCW 26.50.115 and 1995 c 246 s 15 are each amended to read as follows:

(1) When the court issues an ex parte order pursuant to RCW 26.50.070 or an order of protection ~~((ordered issued))~~ pursuant to RCW 26.50.060, the court shall advise the petitioner that the respondent may not be subjected to the penalties set forth in RCW 26.50.110 for a violation of the order unless the respondent knows of the order.

(2) When a peace officer investigates a report of an alleged violation of an order for protection issued under this chapter the officer shall attempt to determine whether the respondent knew of the existence of the protection order. If the law enforcement officer determines that the respondent did not or probably did not know about the protection order and the officer is provided a current copy of the order, the officer shall serve the order on the respondent if the respondent is present. If the respondent is not present, the officer shall make reasonable efforts to serve a copy of the order on the respondent. If the officer serves the respondent with the petitioner's copy of the order, the officer shall give petitioner a receipt indicating that petitioner's copy has been served on the respondent. After the officer has served the order on the respondent, the officer shall enforce prospective compliance with the order.

(3) Presentation of an unexpired, certified copy of a protection order with proof of service is sufficient for a law enforcement officer to enforce ~~((the terms of))~~ the order regardless of the presence of the order in the law enforcement computer-based criminal intelligence information system."

On motion of Senator Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "violence;" strike the remainder of the title and insert "amending RCW 9.94A.370, 9.94A.390, 10.99.020, 10.99.030, 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.030, 26.50.060, 26.50.070, 26.50.100, 26.50.110, and 26.50.115; reenacting and amending RCW 10.31.100; adding a new section to chapter 9A.36 RCW; and prescribing penalties."

MOTION

On motion of Senator Smith, the rules were suspended, Engrossed House Bill No. 2472, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2472, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2472, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Absent: Senator Hargrove - 1.

ENGROSSED HOUSE BILL NO. 2472, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2388, by House Committee on Energy and Utilities (originally sponsored by Representatives Crouse, Casada, Kessler, Mastin, Hankins, Poulsen, Patterson, Mitchell and Chandler)

Providing for satisfaction of unrecorded utility liens at the time of sale of real property.

The bill was read the second time.

#### MOTION

Senator Sutherland moved that the following Committee on Energy, Telecommunications and Utilities amendment not be adopted:

On page 1, line 9, after "charges" insert ", except charges imposed as a condition of connecting to a system,"

The President declared the question before the Senate to be the motion by Senator Sutherland to not adopted the Committee on Energy, Telecommunications and Utilities amendment on page 1, line 9, to Substitute House Bill No. 2388.

The motion by Senator Sutherland carried and the committee amendment was not adopted.

#### MOTION

On motion of Senator Sutherland, the rules were suspended, Substitute House Bill No. 2388 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Finkbeiner: "Senator Sutherland, is it the intent of Section One of Substitute House Bill No. 2388 to include fees paid as a condition of connecting to a utility system?"

Senator Sutherland: "No, it is not our intent to include connection charges in the items which must be paid in full at the time of closing a real estate transaction."

Senator Finkbeiner: "Thank you."

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2388.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2388 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 3; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Pelz,

Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senators McDonald, Swecker and West - 3.

SUBSTITUTE HOUSE BILL NO. 2388, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2793, by House Committee on Natural Resources (originally sponsored by Representatives Fuhrman, Jacobsen, Basich, Thompson, Grant and L. Thomas)

Providing for implementation of Referendum 45.

The bill was read the second time.

## MOTIONS

On motion of Senator Drew, the following Committee on Natural Resources amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** It is the intent of this legislation to begin to make the statutory changes required by the fish and wildlife commission in order to successfully implement Referendum Bill No. 45.

**Sec. 2.** RCW 75.08.011 and 1995 1st sp.s. c 2 s 6 (Referendum Bill No. 45) are each amended to read as follows:

As used in this title or rules of the (~~director~~) department, unless the context clearly requires otherwise:

- (1) "Commission" means the fish and wildlife commission.
- (2) "Director" means the director of fish and wildlife.
- (3) "Department" means the department of fish and wildlife.
- (4) "Person" means an individual or a public or private entity or organization. The term "person" includes local, state, and federal government agencies, and all business organizations, including corporations and partnerships.
- (5) "Fisheries patrol officer" means a person appointed and commissioned by the commission, with authority to enforce this title, rules of the (~~director~~) department, and other statutes as prescribed by the legislature. Fisheries patrol officers are peace officers.
- (6) "Ex officio fisheries patrol officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fisheries patrol officer" also includes wildlife agents, special agents of the national marine fisheries service, United States fish and wildlife special agents, state parks commissioned officers, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.
- (7) "To fish," "to harvest," and "to take" and their derivatives mean an effort to kill, injure, harass, or catch food fish or shellfish.
- (8) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.
- (9) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.
- (10) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.
- (11) "Resident" means a person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state.
- (12) "Nonresident" means a person who has not fulfilled the qualifications of a resident.
- (13) "Food fish" means those species of the classes Osteichthyes, Agnatha, and Chondrichthyes that have been classified and that shall not be fished for except as authorized by rule of the commission. The term "food fish" includes all stages of development and the bodily parts of food fish species.
- (14) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.
- (15) "Salmon" means all species of the genus *Oncorhynchus*, except those classified as game fish in Title 77 RCW, and includes:

Scientific Name Common Name

Oncorhynchus tshawytscha Chinook salmon  
Oncorhynchus kisutch Coho salmon  
Oncorhynchus keta Chum salmon  
Oncorhynchus gorbuscha Pink salmon  
Oncorhynchus nerka Sockeye salmon

(16) "Commercial" means related to or connected with buying, selling, or bartering. Fishing for food fish or shellfish with gear unlawful for fishing for personal use, or possessing food fish or shellfish in excess of the limits permitted for personal use are commercial activities.

(17) "To process" and its derivatives mean preparing or preserving food fish or shellfish.

(18) "Personal use" means for the private use of the individual taking the food fish or shellfish and not for sale or barter.

(19) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

(20) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful fishing, taking, or possession of food fish or shellfish. "Open season" includes the first and last days of the established time.

(21) "Fishery" means the taking of one or more particular species of food fish or shellfish with particular gear in a particular geographical area.

(22) "Limited-entry license" means a license subject to a license limitation program established in chapter 75.30 RCW.

(23) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

**Sec. 3.** RCW 75.08.230 and 1995 c 367 s 11 are each amended to read as follows:

(1) Except as provided in this section, state and county officers receiving the following moneys shall deposit them in the state general fund:

- (a) The sale of licenses required under this title;
- (b) The sale of property seized or confiscated under this title;
- (c) Fines and forfeitures collected under this title;
- (d) The sale of real or personal property held for department purposes;
- (e) Rentals or concessions of the department;
- (f) Moneys received for damages to food fish, shellfish or department property; and
- (g) Gifts.

(2) The director shall make weekly remittances to the state treasurer of moneys collected by the department.

(3) All fines and forfeitures collected or assessed by a district court for a violation of this title or rule of the ~~((director))~~ department shall be remitted as provided in chapter 3.62 RCW.

(4) Proceeds from the sale of food fish or shellfish taken in test fishing conducted by the department, to the extent that these proceeds exceed the estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270 to reimburse the department for unanticipated costs for test fishing operations in excess of the allowance in the budget approved by the legislature.

(5) Proceeds from the sale of salmon carcasses and salmon eggs from state general funded hatcheries by the department of general administration shall be deposited in the regional fisheries enhancement group account established in RCW 75.50.100.

(6) Moneys received by the ~~((director))~~ commission under RCW 75.08.045, to the extent these moneys exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for the specific purpose for which the moneys were received, unless the moneys were received in settlement of a claim for damages to food fish or shellfish, in which case the moneys may be expended for the conservation of these resources.

(7) Proceeds from the sale of herring spawn on kelp fishery licenses by the department, to the extent those proceeds exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for herring management, enhancement, and enforcement.

**Sec. 4.** RCW 75.10.010 and 1993 sp.s. c 2 s 25 and 1993 c 283 s 7 are each reenacted and amended to read as follows:

(1) Fisheries patrol officers and ex officio fisheries patrol officers within their respective jurisdictions, shall enforce this title, rules of the ~~((director))~~ department, and other statutes as prescribed by the legislature.

(2) When acting within the scope of subsection (1) of this section and when an offense occurs in the presence of the fisheries patrol officer who is not an ex officio fisheries patrol officer, the fisheries patrol officer may enforce all criminal laws of the state. The fisheries patrol officer must have successfully completed the basic law enforcement academy course sponsored by the criminal justice training commission, or a supplemental course in criminal law enforcement as approved by the department and the criminal justice training commission and provided by the department or the criminal justice training commission, prior to enforcing the criminal laws of the state.

(3) Any liability or claim of liability which arises out of the exercise or alleged exercise of authority by a fisheries patrol officer rests with the department unless the fisheries patrol officer acts under the direction and control of another agency or unless the liability is otherwise assumed under a written agreement between the department and another agency.

(4) Fisheries patrol officers may serve and execute warrants and processes issued by the courts.

(5) Fisheries patrol officers may enforce the provisions of RCW 79.01.805 and 79.01.810.

**Sec. 5.** RCW 75.10.020 and 1983 1st ex.s. c 46 s 33 are each amended to read as follows:

(1) Fisheries patrol officers may inspect and search without warrant a person, boat, fishing equipment, vehicle, conveyance, container, or property used in catching, processing, storing, or marketing food fish or shellfish which they have reason to believe contain evidence of violations of this title or rules of the ~~((director))~~ department. This authority does not extend to quarters in a boat, building, or other property used exclusively as a private domicile.

(2) Fisheries patrol officers and ex officio fisheries patrol officers may arrest without warrant a person they have reason to believe is in violation of this title or rules of the ~~((director))~~ department.

**Sec. 6.** RCW 75.10.030 and 1990 c 144 s 5 are each amended to read as follows:

(1) Fisheries patrol officers and ex officio fisheries patrol officers may seize without warrant food fish or shellfish they have reason to believe have been taken, killed, transported, or possessed in violation of this title or rule of the ~~((director))~~ department and may seize without warrant boats, vehicles, gear, appliances, or other articles they have reason to believe ~~((is [are]))~~ are held with intent to violate or ~~((has [have]))~~ have been used in violation of this title or rule of the ~~((director))~~ department. The articles seized shall be subject to forfeiture to the state, regardless of ownership. Articles seized may be recovered by their owner by depositing into court a cash bond equal to the value of the seized articles but not more than twenty-five thousand dollars. The cash bond is subject to forfeiture to the state in lieu of the seized article.

(2)(a) In the event of a seizure of an article under subsection (1) of this section, proceedings for forfeiture shall be deemed commenced by the seizure. Within fifteen days following the seizure, the seizing authority shall serve notice on the owner of the property seized and on any person having any known right or interest in the property seized. Notice may be served by any method authorized by law or court rule, including service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen-day period following the seizure.

(b) If no person notifies the department in writing of the person's claim of ownership or right to possession of the articles seized under subsection (1) of this section within forty-five days of the seizure, the articles shall be deemed forfeited.

(c) If any person notifies the department in writing within forty-five days of the seizure, the person shall be afforded an opportunity to be heard as to the claim or right. The hearing shall be before the director or the director's designee, or before an administrative law judge appointed under chapter 34.12 RCW, except that a person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the articles seized is more than five thousand dollars. The department hearing and any subsequent appeal shall be as provided for in Title 34 RCW. The burden of producing evidence shall be upon the person claiming to be the lawful owner or person claiming lawful right of possession of the articles seized. The department shall promptly return the seized articles to the claimant upon a determination by the director or the director's designee, an administrative law judge, or a court that the claimant is the present lawful owner or is lawfully entitled to possession of the articles seized, and that the seized articles were improperly seized.

(d)(i) No conveyance, including vessels, vehicles, or aircraft, is subject to forfeiture under this section by reason of any act or omission established by the owner of the conveyance to have been committed or omitted without the owner's knowledge or consent.

(ii) A forfeiture of a conveyance encumbered by a perfected security interest is subject to the interest of the secured party if the secured party neither had knowledge nor consented to the act or omission.

(e) When seized property is forfeited under this section the department may retain it for official use unless the property is required to be destroyed, or upon application by any law enforcement agency of the state, release such property to

the agency for the use of enforcing this title, or sell such property, and deposit the proceeds to the state general fund, as provided for in RCW 75.08.230.

**Sec. 7.** RCW 75.10.040 and 1983 1st ex.s. c 46 s 35 are each amended to read as follows:

(1) Fisheries patrol officers and ex officio fisheries patrol officers may serve and execute warrants and processes issued by the courts to enforce this title and rules of the ~~((director))~~ department.

(2) To enforce this title or rules of the ~~((director))~~ department, fisheries patrol officers may call to their aid any equipment, boat, vehicle, or airplane, or ex officio fisheries patrol officer.

(3) It is unlawful to knowingly or willfully resist or obstruct a fisheries patrol officer in the discharge of the officer's duties.

**Sec. 8.** RCW 75.10.050 and 1983 1st ex.s. c 46 s 36 are each amended to read as follows:

Violations of this title or rules of the ~~((director))~~ department occurring in the offshore waters may be prosecuted in a county bordering on the Pacific Ocean, or a county in which the food fish or shellfish are landed.

**Sec. 9.** RCW 75.10.100 and 1983 1st ex.s. c 46 s 41 are each amended to read as follows:

If the prosecuting attorney of the county in which a violation of this title or rule of the ~~((director))~~ department occurs fails to file an information against the alleged violator, the attorney general upon request of the ~~((director))~~ commission may file an information in the superior court of the county and prosecute the case in place of the prosecuting attorney. The ~~((director))~~ commission may request prosecution by the attorney general if thirty days have passed since the ~~((director))~~ commission informed the county prosecuting attorney of the alleged violation.

**Sec. 10.** RCW 75.10.110 and 1990 c 144 s 6 are each amended to read as follows:

(1) Unless otherwise provided for in this title, a person who violates this title or rules of the ~~((director))~~ department is guilty of a gross misdemeanor, and upon a conviction thereof shall be subject to the penalties under RCW 9.92.020. Food fish or shellfish involved in the violation shall be forfeited to the state. The court may forfeit seized articles involved in the violation.

(2) The ~~((director))~~ commission may specify by rule, when not inconsistent with applicable statutes, that violation of a specific rule is an infraction under chapter 7.84 RCW.

**Sec. 11.** RCW 75.10.120 and 1990 c 144 s 7 are each amended to read as follows:

(1) Upon conviction of a person for a violation of this title or rule of the ~~((director))~~ department, in addition to the penalty imposed by law, the court may forfeit the person's license or licenses. The license or licenses shall remain forfeited pending appeal.

(2) The director may prohibit, for one year, the issuance of all commercial fishing licenses to a person convicted of two or more gross misdemeanor or class C felony violations of this title or rule of the ~~((director))~~ department in a five-year period or prescribe the conditions under which the license or licenses may be issued. For purposes of this section, the term "conviction" means a final conviction in a state or municipal court. An unvacated forfeiture of bail or collateral of two hundred fifty dollars or more deposited to secure the defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a violation of this title or rule of the ~~((director))~~ department is equivalent to a conviction regardless of whether the imposition of sentence is deferred or the penalty is suspended.

**Sec. 12.** RCW 75.10.130 and 1983 1st ex.s. c 46 s 44 are each amended to read as follows:

Upon two or more convictions of a person in a five-year period for violating salmon fishing rules of the ~~((director))~~ department which restrict fishing times or areas, the director shall deny all salmon fishing privileges and suspend all salmon fishing licenses of that person for one year. A person may not avoid this penalty by transferring a commercial salmon ~~((fishing))~~ fishery license.

For the purposes of this section, the term "conviction" means a final conviction in a state or municipal court. An unvacated forfeiture of bail or collateral deposited to secure the defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a violation of this title is equivalent to a conviction regardless of whether the imposition of sentence is deferred or the penalty is suspended.

**Sec. 13.** RCW 75.10.140 and 1990 c 163 s 7 are each amended to read as follows:

(1) In addition to the penalties prescribed in RCW 75.10.110 and 75.10.120, the director may revoke geoduck diver licenses held by a person if within a five-year period that person is convicted or has an unvacated bail forfeiture for two or more violations of this title or rules of the ~~((director))~~ department relating to geoduck licensing or harvesting.

(2) Except as provided in subsection (3) of this section, the director shall not issue a geoduck diver license to a person who has had a license revoked. This prohibition is effective for one year after the revocation.

(3) Appeals of revocations under this section may be taken under the judicial review provisions of chapter 34.05 RCW. If the license revocation is determined to be invalid, the director shall reissue the license to that person.

**Sec. 14.** RCW 75.10.150 and 1985 c 248 s 5 are each amended to read as follows:

Since violation of the rules of the (~~director~~) department relating to the accounting of the commercial harvest of food fish and shellfish result in damage to the resources of the state, liability for damage to food fish and shellfish resources is imposed on a wholesale fish dealer for violation of a provision in chapter 75.28 RCW or a rule of the (~~director~~) department related to the accounting of the commercial harvest of food fish and shellfish and shall be for the actual damages or for damages imposed as follows:

(1) For violation of rules requiring the timely presentation to the department of documents relating to the accounting of commercial harvest, fifty dollars for each of the first fifteen documents in a series and ten dollars for each subsequent document in the same series. If documents relating to the accounting of commercial harvest of food fish and shellfish are lost or destroyed and the wholesale dealer notifies the department in writing within seven days of the loss or destruction, the director shall waive the requirement for timely presentation of the documents.

(2) For violation of rules requiring accurate and legible information relating to species, value, harvest area, or amount of harvest, twenty-five dollars for each of the first five violations of this subsection following July 28, 1985, and fifty dollars for each violation after the first five violations.

(3) For violations of rules requiring certain signatures, fifty dollars for each of the first two violations and one hundred dollars for each subsequent violation. For the purposes of this subsection, each signature is a separate requirement.

(4) For other violations of rules relating to the accounting of the commercial harvest, fifty dollars for each separate violation.

**Sec. 15.** RCW 75.10.170 and 1990 c 63 s 5 are each amended to read as follows:

Upon conviction of a person for violation of the conditions or requirements of an experimental fishery permit or provisions of this title or rule of the (~~director~~) department while engaged in an emerging commercial fishery, the director may suspend or revoke the experimental fishery permit and all fishing privileges pursuant thereto or present the conditions under which the experimental fishery permit may be reissued. That suspension or revocation shall become effective on the date the director gives the notice prescribed in RCW 34.05.422(1)(c).

For the purposes of this section, the term "conviction" means a final conviction in a state or municipal court. An unvacated forfeiture of bail or collateral of more than two hundred fifty dollars deposited to secure the defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a violation of this title is equivalent to a conviction regardless of whether the imposition of sentence is deferred or the penalty is suspended.

**Sec. 16.** RCW 75.10.180 and 1990 c 144 s 1 are each amended to read as follows:

Persons who fish for food fish or shellfish for personal use and violate this title or the rules of the (~~director~~) department shall be subject to the following penalties:

(1) The following violations are infractions and are punishable under chapter 7.84 RCW:

(a) The failure to immediately record a catch of salmon or sturgeon on a catch record card;

(b) The use of barbed hooks in a barbless hook-only fishery; and

(c) Other personal use violations specified by the (~~director~~) commission under RCW 75.10.110.

(2) The following violations are misdemeanors and are punishable under RCW 9.92.030:

(a) The retention of undersized food fish or shellfish;

(b) The retention of more food fish or shellfish than is legally allowed, but less than three times the legally allowed personal use limit;

(c) The intentional wasting of recreationally caught food fish or shellfish; and

(d) The setting or lifting of shrimp pots in Hood Canal from one hour after sunset until one hour before sunrise.

(3) The following violations are gross misdemeanors and are punishable under RCW 9.92.020:

(a) The snagging of food fish;

(b) Fishing in closed areas or during a closed season;

(c) Commingling a personal food fish catch with a commercial food fish catch;

(d) The retention of at least three times the legally allowed personal use limits of food fish or shellfish;

(e) The sale, barter, or trade of food fish or shellfish with a wholesale value of less than two hundred fifty dollars by a person who has caught the food fish or shellfish with fishing gear authorized under personal use rules or who has received the food fish or shellfish from someone who caught it with fishing gear authorized under personal use rules; and

(f) Other unclassified personal use violations of Title 75 RCW.

(4) The following violation is a class C felony and is punishable under RCW 9A.20.021(1)(c): The sale, barter, or trade of food fish or shellfish with a wholesale value of two hundred fifty dollars or more by a person who has caught the food fish or shellfish with fishing gear authorized under personal use rules or has received the food fish or shellfish from someone who caught it with fishing gear authorized under personal use rules.

**Sec. 17.** RCW 75.10.190 and 1990 c 144 s 2 are each amended to read as follows:

Persons who fish, buy, or sell food fish and shellfish commercially and violate this title or the rules of the ~~((director))~~ department shall be subject to the following penalties:

(1) The following violations are misdemeanors and are punishable under RCW 9.92.030:

(a) The failure to complete a fish ticket with all the required information for a commercial fish or shellfish landing;  
and

(b) The failure to report a commercial fish catch as required by department rules.

(2) The following violations are gross misdemeanors and are punishable under RCW 9.92.020:

(a) The retention of illegal food fish or shellfish species;  
(b) The wasting of commercially caught food fish or shellfish;  
(c) Commingling commercial and personal use food fish or shellfish catches;  
(d) The failure to comply with department rules on commercial fishing licenses;  
(e) The failure to comply with department requirements on fishing gear specifications;  
(f) The failure to obtain a delivery license as required by department rules;  
(g) Violations of the fisheries statutes or rules by fish buyers or wholesale dealers other than violations for fish tickets under subsection (1)(a) of this section;

(h) Fishing during a closed season;

(i) Illegal geoduck harvesting off the legal harvesting tract; and

(j) Other unclassified commercial violations of Title 75 RCW.

(3) The following violations are class C felonies and are punishable under RCW 9A.20.021(1)(c):

(a) Intentionally fishing in a closed area using fishing gear not authorized under personal use regulations;  
(b) Intentionally netting salmon in the Pacific Ocean;  
(c) Harvesting more than one hundred pounds of geoducks outside of the boundaries of a harvest tract designated by a harvest agreement from the department of natural resources if:

(i) The harvester does not have a valid harvesting agreement from the department of natural resources; or

(ii) The harvesting is done more than one-half mile from the nearest boundary of any harvesting tract designated by a department of natural resources harvesting agreement;

(d) Unlawful participation by a non-Indian fisher with intent to profit in a treaty Indian fishery;

(e) Intentionally fishing within the closed waters of a fish hatchery;

(f) The sale, barter, or trade of food fish or shellfish with a wholesale value of two hundred fifty dollars or more by a person who does not have a valid commercial fishing license and has caught the food fish or shellfish using fishing gear not authorized under personal use rules, or has received the food fish or shellfish from someone who has caught it with fishing gear not authorized under personal use rules; and

(g) Being in possession of food fish or shellfish with a wholesale value of two hundred fifty dollars or more while using fishing gear not authorized under personal use regulations without a valid commercial fishing license.

**Sec. 18.** RCW 75.10.200 and 1993 sp.s. c 2 s 26 are each amended to read as follows:

Persons who violate this title or the rules of the ~~((director))~~ department shall be subject to the following penalties:

(1) The following violations are gross misdemeanors and are punishable under RCW 9.92.020:

(a) Violating RCW 75.20.100; and

(b) Violating department statutes that require fish screens, fish ladders, and other protective devices for fish.

(2) The following violations are a class C felony and are punishable under RCW 9A.20.021(1)(c):

(a) Discharging explosives in waters that contain adult salmon or sturgeon(~~(: PROVIDED, That))~~. However, the lawful discharge of devices for the purpose of frightening or killing marine mammals or for the lawful removal of snags or for actions approved under RCW 75.20.100 or 75.12.070(2) are exempt from this subsection; and

(b) To knowingly purchase food fish or shellfish with a wholesale value greater than two hundred fifty dollars that were taken by methods or during times not authorized by department rules, or were taken by someone who does not have a valid commercial fishing license, a valid fish buyer's license, or a valid wholesale dealer's license, or were taken with fishing gear authorized for personal use.

**Sec. 19.** RCW 75.12.020 and 1983 1st ex.s. c 46 s 49 are each amended to read as follows:

It is unlawful to fish for or take food fish at a rack, dam, or other obstruction or in the waters and on the beaches within one mile below a rack, dam, or other obstruction except as provided by rule of the ~~((director))~~ department.

**Sec. 20.** RCW 75.12.070 and 1983 1st ex.s. c 46 s 53 are each amended to read as follows:

(1) Except as provided by rule of the ~~((director))~~ department, it is unlawful to shoot, gaff, snag, snare, spear, stone, or otherwise molest food fish or shellfish in state waters.

(2) It is unlawful to use or discharge an explosive substance in state waters, except by permit of the director.

**Sec. 21.** RCW 75.12.100 and 1983 1st ex.s. c 46 s 55 are each amended to read as follows:

It is unlawful to purchase, handle, deal in, sell, or possess food fish or shellfish contrary to this title or the rules of the ~~((director))~~ department.

**Sec. 22.** RCW 75.12.115 and 1983 1st ex.s. c 46 s 56 are each amended to read as follows:

It is unlawful to fish commercially for crayfish in state waters except where crayfish have been commercially cultured or as permitted by rules of the ~~((director))~~ department.

**Sec. 23.** RCW 75.12.420 and 1983 1st ex.s. c 46 s 67 are each amended to read as follows:

It is unlawful for a ~~((fisherman))~~ fisher, dealer, or processor of food fish or shellfish to fail to make a report or return as required by this title or rule of the ~~((director))~~ department.

**Sec. 24.** RCW 75.12.650 and 1983 1st ex.s. c 46 s 69 are each amended to read as follows:

It is unlawful to fish commercially for salmon using fishing gear not authorized for commercial salmon fishing by rule of the ~~((director))~~ department. The ~~((director))~~ commission shall not authorize angling gear or other personal use gear for commercial salmon fishing.

**Sec. 25.** RCW 75.24.050 and 1983 1st ex.s. c 46 s 80 are each amended to read as follows:

It is unlawful to take shellfish from state oyster reserves or tidelands under the jurisdiction of the state contrary to this title or rules of the ~~((director))~~ department.

**Sec. 26.** RCW 75.24.090 and 1983 1st ex.s. c 46 s 84 are each amended to read as follows:

It is unlawful to destroy oysters or clams by culling them on land or shore and leaving the culled oysters or clams there to die. The culled oysters or clams must be returned to the harvest area, except as provided by rule of the ~~((director))~~ department.

**Sec. 27.** RCW 75.28.040 and 1993 c 340 s 6 are each amended to read as follows:

(1) A commercial license issued under this chapter permits the license holder to engage in the activity for which the license is issued in accordance with this title and the rules of the ~~((director))~~ department.

(2) No security interest or lien of any kind, including tax liens, may be created or enforced in a license issued under this chapter.

(3) Unless otherwise provided in this title or rules of the ~~((director))~~ department, commercial licenses and permits issued under this chapter expire at midnight on December 31st of the calendar year for which they are issued. In accordance with this title, licenses may be renewed annually upon application and payment of the prescribed license fees.

**Sec. 28.** RCW 75.28.110 and 1993 sp.s. c 17 s 35 are each amended to read as follows:

(1) The following commercial salmon fishery licenses are required for the license holder to use the specified gear to fish for salmon in state waters. Only a person who meets the qualifications of RCW 75.30.120 may hold a license listed in this subsection. The licenses and their annual fees and surcharges under RCW 75.50.100 are:

Fishery Resident Nonresident Surcharge  
License Fee Fee

- (a) Salmon Gill Net—Grays \$380 \$685 plus \$100  
Harbor-Columbia river
- (b) Salmon Gill Net—Puget \$380 \$685 plus \$100  
Sound
- (c) Salmon Gill Net—Willapa \$380 \$685 plus \$100  
Bay-Columbia river
- (d) Salmon purse seine \$530 \$985 plus \$100
- (e) Salmon reef net \$380 \$685 plus \$100
- (f) Salmon troll \$380 \$685 plus \$100

(2) A license issued under this section authorizes no taking or delivery of salmon or other food fish unless a vessel is designated under RCW 75.28.045.

(3) Holders of commercial salmon fishery licenses may retain incidentally caught food fish other than salmon, subject to rules of the ~~((director))~~ department.

(4) A salmon troll license includes a salmon delivery license.

(5) A salmon gill net license authorizes the taking of salmon only in the geographical area for which the license is issued. The geographical designations in subsection (1) of this section have the following meanings:

(a) "Puget Sound" includes waters of the Strait of Juan de Fuca, Georgia Strait, Puget Sound and all bays, inlets, canals, coves, sounds, and estuaries lying easterly and southerly of the international boundary line and a line at the entrance to the Strait of Juan de Fuca projected northerly from Cape Flattery to the lighthouse on Tatoosh Island and then to Bonilla Point on Vancouver Island.

(b) "Grays Harbor-Columbia river" includes waters of Grays Harbor and tributary estuaries lying easterly of a line projected northerly from Point Chehalis Light to Point Brown and those waters of the Columbia river and tributary sloughs and estuaries easterly of a line at the entrance to the Columbia river projected southerly from the most westerly point of the North jetty to the most westerly point of the South jetty.

(c) "Willapa Bay-Columbia river" includes waters of Willapa Bay and tributary estuaries and easterly of a line projected northerly from Leadbetter Point to the Cape Shoalwater tower and those waters of the Columbia river and tributary sloughs described in (b) of this subsection.

**Sec. 29.** RCW 75.28.315 and 1985 c 248 s 4 are each amended to read as follows:

Wholesale fish dealers are responsible for documenting the commercial harvest of food fish and shellfish according to the rules of the ~~((director))~~ department. The director may allow only wholesale fish dealers or their designees to receive the forms necessary for the accounting of the commercial harvest of food fish and shellfish.

**Sec. 30.** RCW 75.28.323 and 1985 c 248 s 6 are each amended to read as follows:

(1) A wholesale fish dealer shall not take possession of food fish or shellfish until the dealer has deposited with the department an acceptable performance bond on forms prescribed and furnished by the department. This performance bond shall be a corporate surety bond executed in favor of the department by a corporation authorized to do business in the state of Washington under chapter 48.28 RCW and approved by the department. The bond shall be filed and maintained in an amount equal to one thousand dollars for each buyer engaged by the wholesale dealer. In no case shall the bond be less than two thousand dollars nor more than fifty thousand dollars.

(2) A wholesale dealer shall, within seven days of engaging additional fish buyers, notify the department and increase the amount of the bonding required in subsection (1) of this section.

(3) The director may suspend and refuse to reissue a wholesale fish dealer's license of a dealer who has taken possession of food fish or shellfish without an acceptable performance bond on deposit with the department.

(4) The bond shall be conditioned upon the compliance with the requirements of this chapter and rules of the ~~((director))~~ department relating to the payment of fines for violations of rules for the accounting of the commercial harvest of food fish or shellfish. In lieu of the surety bond required by this section the wholesale fish dealer may file with the department a cash deposit, negotiable securities acceptable to the department, or an assignment of a savings account or of a savings certificate in a Washington bank on an assignment form prescribed by the department.

(5) Liability under the bond shall be maintained as long as the wholesale fish dealer engages in activities under RCW 75.28.300 unless released. Liability under the bond may be released only upon written notification from the department. Notification shall be given upon acceptance by the department of a substitute bond or forty-five days after the expiration of the wholesale fish dealer's annual license. In no event shall the liability of the surety exceed the amount of the surety bond required under this chapter.

**Sec. 31.** RCW 75.28.690 and 1993 c 340 s 22 are each amended to read as follows:

(1) A salmon roe license is required for a crew member on a boat designated on a salmon charter license to sell salmon roe as provided in subsection (2) of this section. An individual under sixteen years of age may hold a salmon roe license.

(2) A crew member on a boat designated on a salmon charter license may sell salmon roe taken from fish caught for personal use, subject to rules of the ~~((director))~~ department and the following conditions:

(a) The salmon is taken by an angler fishing on the charter boat;

(b) The roe is the property of the angler until the roe is given to the crew member. The crew member shall notify the charter boat's passengers of this fact;

(c) The crew member sells the roe to a licensed wholesale dealer; and

(d) The crew member is licensed as provided in subsection (1) of this section and has the license in possession whenever the crew member sells salmon roe.

**Sec. 32.** RCW 77.04.020 and 1993 sp.s. c 2 s 59 are each amended to read as follows:

The department consists of the state fish and wildlife commission and the director. The director is responsible for the administration and operation of the department, subject to the provisions of this title. The commission may delegate to the director ~~((additional duties and powers necessary and appropriate to carry out this title))~~ any of the powers and duties vested in the commission. The director shall perform the duties prescribed by law and shall carry out the basic goals and objectives prescribed ~~((pursuant to))~~ under RCW 77.04.055.

**Sec. 33.** RCW 43.300.040 and 1993 sp.s. c 2 s 5 are each amended to read as follows:

In addition to other powers and duties granted or transferred to the director, the ~~((director shall have the following powers and duties:~~

- ~~(1) Supervise and administer the department in accordance with law;~~
- ~~(2) Appoint personnel and prescribe their duties. Except as otherwise provided, personnel of the department are subject to chapter 41.06 RCW, the state civil service law;~~
- ~~(3) Enter into contracts on behalf of the agency;~~
- ~~(4) Adopt rules in accordance with chapter 34.05 RCW, the administrative procedure act;~~
- ~~(5) Delegate powers, duties, and functions as the director deems necessary for efficient administration but the director shall be responsible for the official acts of the officers and employees of the department;~~
- ~~(6) Appoint advisory committees and undertake studies, research, and analysis necessary to support the activities of the department;~~
- ~~(7) Accept and expend grants, gifts, or other funds to further the purposes of the department;~~
- ~~(8) Carry out the policies of the governor and the basic goals and objectives as prescribed by the fish and wildlife commission pursuant to RCW 77.04.055; and~~
- ~~(9) Perform other duties as are necessary and consistent with law))~~ commission may delegate to the director any of the powers and duties vested in the commission.

NEW SECTION. **Sec. 34.** RCW 43.300.030 and 1993 sp.s. c 2 s 4 are each repealed.

**Sec. 35.** RCW 77.04.090 and 1995 c 403 s 111 are each amended to read as follows:

The commission shall adopt permanent rules and amendments to or repeals of existing rules by approval of ~~((four))~~ a majority of the members by resolution, entered and recorded in the minutes of the commission: PROVIDED, That the commission may not adopt rules after July 23, 1995, that are based solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule. The commission shall adopt emergency rules by approval of ~~((four))~~ a majority of the members. The commission ~~((or the director)),~~ when adopting emergency rules under RCW 77.12.150, shall adopt rules in conformance with chapter 34.05 RCW. Judicial notice shall be taken of the rules filed and published as provided in RCW 34.05.380 and 34.05.210.

A copy of an emergency rule, certified as a true copy by a member of the commission, the director, or by a person authorized in writing by the director to make the certification, is admissible in court as prima facie evidence of the adoption and validity of the rule.

NEW SECTION. **Sec. 36.** This act shall take effect July 1, 1996."

On motion of Senator Drew, the following title amendment was adopted:

On page 1, line 2 of the title, after "commission;" strike the remainder of the title and insert "amending RCW 75.08.011, 75.08.230, 75.10.020, 75.10.030, 75.10.040, 75.10.050, 75.10.100, 75.10.110, 75.10.120, 75.10.130, 75.10.140, 75.10.150, 75.10.170, 75.10.180, 75.10.190, 75.10.200, 75.12.020, 75.12.070, 75.12.100, 75.12.115, 75.12.420, 75.12.650, 75.24.050, 75.24.090, 75.28.040, 75.28.110, 75.28.315, 75.28.323, 75.28.690, 77.04.020, 43.300.040, and 77.04.090; reenacting and amending RCW 75.10.010; creating a new section; repealing RCW 43.300.030; and providing an effective date."

#### MOTION

On motion of Senator Drew, the rules were suspended, Engrossed Substitute House Bill No. 2793, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTIONS

On motion of Senator Sheldon, Senator Thibaudeau was excused.

On motion of Senator Wood, Senator Moyer was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2793, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2793, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Moyer and Thibaudeau - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2793, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1018, by House Committee on Law and Justice (originally sponsored by Representatives Padden and Appelwick)

Amending the Washington uniform limited partnership act.

The bill was read the second time.

## MOTIONS

On motion of Senator Smith, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 25.10.020 and 1994 c 211 s 1309 are each amended to read as follows:

(1) The name of each limited partnership formed pursuant to this chapter as set forth in its certificate of limited partnership:

(a) Shall contain the words "limited partnership" or the abbreviation "L.P.";

(b) May not contain the name of a limited partner unless (I) it is also the name of a general partner, or the corporate name of a corporate general partner, or (ii) the business of the limited partnership had been carried on under that name before the admission of that limited partner;

(c) May not contain any of the following words or phrases: "Bank", "banking", "banker", "trust", "cooperative"; or any combination of the words "industrial" and "loan"; or any combination of any two or more of the words "building", "savings", "loan", "home", "association" and "society"; or any other words or phrases prohibited by any statute of this state;

(d) Except as authorized by subsections (2) and (3) of this section, must be distinguishable upon the records of the secretary of state from:

(i) The name or reserved name of a foreign or domestic limited partnership;

(ii) The name of any limited liability company reserved, registered, or formed under the laws of this state or qualified to do business as a foreign limited liability company in this state;

(iii) The corporate name of a corporation incorporated or authorized to transact business in this state;

~~((iii))~~ (iv) A corporate name reserved or registered under RCW 23B.04.020 or 23B.04.030;

~~((iv))~~ (v) The fictitious name adopted pursuant to RCW 23B.15.060 by a foreign corporation authorized to transact business in this state because its real name is unavailable; and

~~((v))~~ (vi) The corporate name of a not-for-profit corporation incorporated or authorized to conduct affairs in this state;~~(; and~~

~~(vi) The name of a limited liability company organized or authorized to transact business in this state).~~

(2) A limited partnership may apply to the secretary of state for authorization to use a name that is not distinguishable upon the records from one or more of the names described in subsection (1) of this section. The secretary of state shall authorize use of the name applied for if:

(a) The other limited partnership, corporation, or holder consents to the use in writing and files with the secretary of state documents necessary to change its name or the name reserved or registered to a name that is distinguishable upon the records of the secretary of state from the name of the applying limited partnership; or

(b) The applicant delivers to the secretary of state a certified copy of the final judgment of a court of competent jurisdiction establishing the applicant's right to use the name applied for in this state.

(3) A limited partnership may use the name, including the fictitious name, of another domestic or foreign limited partnership, limited liability company, or corporation that is used in this state if the other limited partnership, limited liability company, or corporation is organized, incorporated, or authorized to transact business in this state and the proposed user limited partnership:

- (a) Has merged with the other limited partnership, limited liability company, or corporation; or
- (b) Results from reorganization with the other limited partnership, limited liability company, or corporation.
- (4) A name shall not be considered distinguishable upon the records of the secretary of state by virtue of:
  - (a) A variation in the designation, under subsection (1)(a) of this section, used for the same name;
  - (b) The addition or deletion of an article or conjunction such as "the" or "and" from the same name;
  - (c) Punctuation, capitalization, or special characters or symbols in the same name; or
  - (d) Use of abbreviation or the plural form of a word in the same name.
- (5) This title does not control the use of assumed business names or "trade names."

**Sec. 2.** RCW 25.10.330 and 1987 c 55 s 25 are each amended to read as follows:

A limited partner may withdraw from a limited partnership at the time or upon the happening of events specified in and in accordance with the partnership agreement. If the partnership agreement does not specify the time or the events upon the happening of which a limited partner may withdraw ~~((or a definite)), a limited partner may not withdraw prior to the time for the dissolution and winding up of the limited partnership((, a limited partner may withdraw upon not less than six months' prior written notice to each general partner at that partner's address on the books of the limited partnership at its office in this state))~~.

**Sec. 3.** RCW 25.10.440 and 1991 c 269 s 30 are each amended to read as follows:

A limited partnership is dissolved and its affairs shall be wound up upon the happening of the first to occur of the following:

- (1) At the ~~((time))~~ date specified in the certificate of limited partnership as amended from time to time, or if no date is specified, at a date which is thirty years after the effective date of filing the original certificate of limited partnership;
- (2) Upon the happening of events specified in the partnership agreement;
- (3) Written consent of all partners;
- (4) An event of withdrawal of a general partner unless at the time there is at least one other general partner and the partnership agreement permits the business of the limited partnership to be carried on by the remaining general partner and that partner does so, but the limited partnership is not dissolved and is not required to be wound up by reason of any event of withdrawal if, within ninety days after the withdrawal, all partners agree in writing to continue the business of the limited partnership and to the appointment of one or more additional general partners if necessary or desired;
- (5) Entry of a decree of judicial dissolution under RCW 25.10.450; or
- (6) Administrative dissolution under RCW 25.10.455."

On motion of Senator Smith, the following title amendment was adopted:

On page 1, line 2 of the title, after "partnership;" strike the remainder of the title and insert "and amending RCW 25.10.020, 25.10.330, and 25.10.440."

#### MOTION

On motion of Senator Smith, the rules were suspended, Substitute House Bill No. 1018, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1018, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1018, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Moyer and Thibaudeau - 2.

SUBSTITUTE HOUSE BILL NO. 1018, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2490, by Representatives L. Thomas, Dyer, Grant and Kessler

Providing for credit for reinsurance of trust fund maintained that meets national association of insurance commissioners standards.

The bill was read the second time.

## MOTION

Senator Prentice moved that the following Committee on Financial Institutions and Housing amendment be adopted: Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.12.160 and 1994 c 86 s 1 are each amended to read as follows:

(1) Any insurance company organized under the laws of this state may take credit as an asset or as a deduction from loss or claim, unearned premium, or life policy or contract reserves on risks ceded to a reinsurer to the extent reinsured by an insurer or insurers holding a certificate of authority to transact that kind of business in this state. The credit on ceded risks reinsured by any insurer which is not authorized to transact business in this state may be taken:

(a) Where the reinsurer is a group including incorporated and unincorporated underwriters, and the group maintains a trust fund in a United States bank that is determined by the national association of insurance commissioners to meet credit standards for issuing letters of credit in connection with reinsurance, which trust fund must be in an amount equal to the group's liabilities attributable to business written in the United States, and in addition, the group shall maintain a trusteed surplus of which one hundred million dollars shall be held jointly and exclusively for the benefit of United States ceding insurers of any member of the group; the incorporated members of the group shall not be engaged in any business other than underwriting as a member of the group and shall be subject to the same level of solvency regulation and control by the group's domiciliary regulator as are the unincorporated members; and the group shall make available to the commissioner an annual certification of the solvency of each underwriter by the group's domiciliary regulator and its independent public accountants; ((or))

(b) Where the reinsurer does not meet the definition of (a) of this subsection, the reinsurer maintains a trust fund in a United States bank that is determined by the national association of insurance commissioners to meet credit standards for issuing letters of credit in connection with reinsurance, which trust fund must be in an amount equal to the reinsurer's liabilities attributable to reinsurance ceded by United States domiciled insurers, and in addition, the assuming insurer shall maintain a trusteed surplus of not less than twenty million dollars; or

(c) In an amount not exceeding:

(i) The amount of deposits by and funds withheld from the assuming insurer pursuant to express provision therefor in the reinsurance contract, as security for the payment of the obligations thereunder, if the deposits or funds are assets of the types and amounts that are authorized under chapter 48.13 RCW and are held subject to withdrawal by and under the control of the ceding insurer or if the deposits or funds are placed in trust for these purposes in a bank which is a member of the federal reserve system and withdrawals from the trust cannot be made without the consent of the ceding company; or

(ii) The amount of a clean, irrevocable, and unconditional letter of credit issued by a United States bank that is determined by the national association of insurance commissioners to meet credit standards for issuing letters of credit in connection with reinsurance, and issued for a term of at least one year with provisions that it must be renewed unless the bank gives notice of nonrenewal at least thirty days before the expiration issued under arrangements satisfactory to the commissioner of insurance as constituting security to the ceding insurer substantially equal to that of a deposit under ~~((b))~~ (c)(i) of this subsection.

(2) Any reinsurance ceded by a company organized under the laws of this state or ceded by any company not organized under the laws of this state and transacting business in this state must be payable by the assuming insurer on the basis of liability of the ceding company under the contract or contracts reinsured without diminution because of the insolvency of the ceding company, and any such reinsurance agreement which may be canceled on less than ninety days notice must provide for a run-off of the reinsurance in force at the date of cancellation.

(3) A reinsurance agreement may provide that the liquidator or receiver or statutory successor of an insolvent ceding insurer shall give written notice of the pendency of a claim against the insolvent ceding insurer on the policy or bond reinsured within a reasonable time after such claim is filed in the insolvency proceeding and that during the pendency of such claim any assuming insurer may investigate such claim and interpose, at its own expense, in the proceeding where such claim is to be adjudicated, any defense or defenses which it may deem available to the ceding insurer or its liquidator or receiver or statutory successor.

The expense thus incurred by the assuming insurer shall be chargeable subject to court approval against the insolvent ceding insurer as a part of the expense of liquidation to the extent of a proportionate share of the benefit which may accrue to the ceding insurer solely as a result of the defense undertaken by the assuming insurer.

(4) Where two or more assuming insurers are involved in the same claim and a majority in interest elect to interpose to such claim, the expense shall be apportioned in accordance with the terms of the reinsurance agreement as though such expense had been incurred by the ceding insurer.

NEW SECTION. Sec. 2. The provisions of section 1 of this act shall have no application until the adoption of implementing rules by the insurance commissioner. Prior to the adoption of implementing rules, the insurance commissioner shall conduct a study to determine the safety, soundness, and administrative feasibility of the practice set forth in section 1 of this act and report the findings of the study to the appropriate standing committees of the legislature by January 1, 1997. This report may contain recommendations for proposed legislation to further effectuate the intent of section 1 of this act. The insurance commissioner may subsequently adopt further rules in addition to the implementing of rules for the purpose of continuing to effectuate section 1 of this act.

NEW SECTION. Sec. 3. There is appropriated from the insurance commissioner's regulatory account, over and above the appropriation for the insurance commissioner for the fiscal year ending June 30, 1997, the sum of ten thousand dollars to conduct the study in section 2 of this act.

NEW SECTION. Sec. 4. Section 1 of this act takes effect July 1, 1997."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Financial Institutions and Housing striking amendment to House Bill No. 2490.

The motion by Senator Prentice carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Prentice, the following title amendment was adopted:

On page 1, line 1 of the title, after "risks;" strike the remainder of the title and insert "amending RCW 48.12.160; creating a new section; making an appropriation; and providing an effective date."

On motion of Senator Prentice, the rules were suspended, House Bill No. 2490, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2490, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2490, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Moyer - 1.

HOUSE BILL NO. 2490, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2414, by Representatives D. Schmidt, Chopp and L. Thomas



The information provided on the instrument must be in substantially the following form:

This Space Provided for Recorder's Use

When Recorded Return to:

Document Title(s)

Grantor(s)

Grantee(s)

Legal Description

Assessor's Property Tax Parcel or Account Number

Reference Numbers of Documents Assigned or Released

NEW SECTION. Sec. 3. A new section is added to chapter 65.04 RCW to read as follows:

If an instrument presented for recording does not contain the information required by section 2(1)(a) through (e) of this act, the person preparing the instrument for recording shall prepare a cover sheet that contains the required information. The cover sheet shall be attached to the instrument and shall be recorded as a part of the instrument. An additional page fee as determined under RCW 36.18.010 shall be collected for recording of the cover sheet. Any errors in the cover sheet shall not affect the transactions contained in the instrument itself. The cover sheet need not be separately signed or acknowledged. The cover sheet information shall be used to generate the auditor's grantor/grantee index, however, the names and legal description in the instrument itself will determine the legal chain of title. The cover sheet shall be substantially the following form:

WASHINGTON STATE COUNTY AUDITOR/RECORDER'S  
INDEXING FORM

Return Address

Please print or type information

**Document Title(s)** (or transactions contained therein):

- 1.
- 2.
- 3.
- 4.

**Grantor(s)** (Last name first, then first name and initials)

- 1.
- 2.
- 3.
- 4.
5.  Additional names on page \_\_\_ of document.

**Grantee(s)** (Last name first, then first name and initials)

- 1.
- 2.
- 3.
- 4.
5.  Additional names on page \_\_\_ of document.

**Legal Description** (abbreviated: i.e., lot, block, plat or section, township, range)

Additional legal description is on page \_\_\_ of document.

**Assessor's Property Tax Parcel or Account Number:**

**Reference Number(s) of Documents assigned or released:**

Additional references on page \_\_\_ of document.

The Auditor or Recording Officer will rely on the information provided on this form. The staff will not read the document to verify the accuracy of or the completeness of the indexing information provided herein.

**Sec. 4.** RCW 65.04.050 and 1991 c 26 s 6 are each amended to read as follows:

Every auditor or recording officer must keep a general index, direct and inverted. The index may be either printed on paper or produced on microfilm or microfiche, or it can be created from a computerized data base and displayed on a video display terminal. Any reference to a prior record location number may be entered in the remarks column. Any property legal description contained in the instrument must be entered in the description of property column of the general index. The direct index shall be divided into ~~((seven))~~ eight columns, and with heads to the respective columns, as follows: Date of reception, grantor, grantee, nature of instrument, volume and page where recorded and/or the auditor's file number, remarks, description of property, assessor's property tax parcel or account number. The auditor or recording officer shall correctly enter in such index every instrument concerning or affecting real estate which by law is required to be recorded, the names of grantors being in alphabetical order. The inverted index shall also be divided into ~~((seven))~~ eight columns, precisely similar, except that "grantee" shall occupy the second column and "grantor" the third, the names of grantees being in alphabetical order. The auditor or recording officer may combine the direct and indirect indexes into a single index if it contains all the information required to be contained in the separate direct and indirect indexes and the names of all grantors and grantees can be found by a person searching the combined index. For the purposes of this chapter, the term "grantor" means any person conveying or encumbering the title to any property, or any person against whom any lis pendens, judgment, notice of lien, order of sale, execution, writ of attachment, or claims of separate or community property shall be placed on record. The auditor or recording officer shall also enter in the general index, the name of the party or parties platting a town, village, or addition in the column prescribed for "grantors," describing the grantee in such case as "the public." However, the auditor or recording officer shall not receive or record any such plat or map until it has been approved by the mayor and common council of the municipality in which the property so platted is situated, or if the property be not situated within any municipal corporation, then the plat must be first approved by the county legislative authority. The auditor or recording officer shall not receive for record any plat, map, or subdivision of land bearing a name the same or similar to the name of any map or plat already on record in the office. The auditor or recording officer may establish a name reservation system to preclude the possibility of duplication of names.

NEW SECTION. **Sec. 5.** This act shall take effect January 1, 1997."

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "documents;" strike the remainder of the title and insert "amending RCW 36.18.010 and 65.04.050; adding new sections to chapter 65.04 RCW; and providing an effective date."

**MOTION**

On motion of Senator Haugen, the rules were suspended, House Bill No. 2414, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2414, as amended by the Senate.

**ROLL CALL**

The Secretary called the roll on the final passage of House Bill No. 2414, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator Quigley - 1.

Excused: Senator Moyer - 1.

HOUSE BILL NO. 2414, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2291, by Representatives Van Luven, Voloria, Brumsickle, Jacobsen, Radcliff, Hatfield, Mason and Thompson

Promoting international educational, cultural, and business exchanges.

The bill was read the second time.

## MOTIONS

On motion of Senator Pelz, the following Committee on Labor, Commerce and Trade amendment was adopted:  
Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that:

(a) Educational, cultural, and business exchange programs are important in developing mutually beneficial relationships between Washington state and other countries;

(b) Enhanced international trade, cultural, and educational opportunities are developed when cities, counties, ports, and others establish sister relationships with their counterparts in other countries;

(c) It is important to the economic future of the state to promote international awareness and understanding; and

(d) The state's economy and economic well-being depend heavily on foreign trade and international exchanges.

(2) The legislature declares that the purpose of this act is to:

(a) Enhance Washington state's ability to develop relationships and contacts throughout the world enabling us to expand international education and trade opportunities for all citizens of the state;

(b) Develop and maintain an international data base of contacts in international trade markets;

(c) Encourage outstanding international students who reside in countries with existing trade relationships to attend Washington state's institutions of higher education; and

(d) Encourage Washington students to attend institutions of higher education located in countries with existing trading relationships with Washington state.

## PART I - CULTURAL EXCHANGE COUNCIL

**NEW SECTION. Sec. 101.** The international education and exchange council is created in the secretary of state's office. The council is established as a public-private partnership. The purpose of the council is to assist the governor, the legislature, elected state officials, state and local agencies, educational institutions, businesses, and organizations that foster international educational, business, and cultural exchanges as these organizations and agencies attempt to implement and further develop Washington's efforts to work with targeted trading partners and with educational and trade organizations from outside the United States.

**NEW SECTION. Sec. 102.** (1) The initial members of the council may include, but need not be limited to:

(a) Representatives from the department of community, trade, and economic development; the department of agriculture; the office of the secretary of state; and the governor's office of protocol;

(b) Two members of the house of representatives, one from each caucus, selected by the speaker of the house of representatives;

(c) Two members of the senate, one from each caucus, selected by the president of the senate;

(d) Representatives of the common schools and public and private institutions of higher education;

(e) Representatives of the business community who are working in state-international trade efforts;

(f) Representatives of organizations dedicated to international trade and cultural exchanges; and

(g) Interested members of the public selected by the secretary of state.

(2) The initial nonlegislative members shall be selected by the governor and the secretary of state.

(3) When the initial board members leave the council, any replacements shall be selected by members of the council.

**NEW SECTION. Sec. 103.** The duties of the council may include, but need not be limited to:

(1) Advising the governor, elected state officials, the legislature, and others as appropriate on the needs of Washington state for international education and cultural exchange opportunities;

(2) Assisting efforts by state and local governments, business, education, and others to work with businesses, governmental units, educational institutions, and organizations outside the United States, with an emphasis on organizations, businesses, agencies, and educational institutions in the countries that comprise Washington's targeted trading partners;

(3) Promoting efforts to enhance cultural, business, and educational exchange opportunities;

(4) Assisting the department of community, trade, and economic development and the office of international relations and protocol to provide information and assist local governments in maintaining their established sister relationships in other countries;

(5) Assisting in maintaining the data base on cultural exchange opportunities and state residents who have participated in international exchanges;

(6) Monitoring the implementation of the recommendations of the Washington task force on international education and cultural exchanges; and

(7) Undertaking other duties as assigned.

**NEW SECTION. Sec. 104.** The council may establish a private, nonprofit corporation created specifically to foster international educational, business, and cultural exchanges. Any such private, nonprofit corporation must qualify as a tax-exempt, nonprofit corporation under section 501(c) of the federal internal revenue code.

**NEW SECTION. Sec. 105.** The secretary of state and the council may accept gifts, grants, conveyances, bequests, and devises, of real or personal property, or both, in trust or otherwise, and sell, lease, exchange, invest, or expend these donations or the proceeds, rents, profits, and income from the donations except as limited by the donor's terms. The secretary of state shall adopt rules to govern and protect the receipt and expenditure of the proceeds.

## **PART II - INTERNATIONAL TRADING PARTNERS PROGRAM**

**NEW SECTION. Sec. 201.** The legislature believes that Washington state has hundreds of residents with expertise that they are willing to share with developing international trade partners on a volunteer basis. The legislature believes that by sharing their knowledge and skills, these volunteers could enrich the lives of all Washingtonians by promoting friendship and understanding between cultures, providing trained manpower improving the lives of their friends overseas, and creating a positive international image of Washington state.

**NEW SECTION. Sec. 202.** The secretary of state may develop a pilot project to furnish developing international trading partners with technical assistance, training, and expertise through services provided by volunteers. The secretary of state shall establish appropriate procedures to carry out the project. The secretary of state may appoint a director of the project who serves at the pleasure of the secretary of state, and appropriate staff as funding allows, however, the secretary of state is responsible for the continuous supervision and general direction of the project.

**NEW SECTION. Sec. 203.** (1) The secretary of state may enroll residents of Washington state in the project. These residents, referred to in this chapter as volunteers, shall be selected based on their skills, expertise, and language proficiency, the technical, educational, or training needs of the participating country, and other considerations deemed relevant by the secretary of state to furthering the goals and purposes of the project. The secretary of state shall consider for participation in the program retired persons, students, and persons whose skills and backgrounds will contribute to the success of the program. In carrying out this subsection, there shall be no discrimination against any person based on race, gender, creed, or color.

(2) Volunteers shall not be deemed officers or employees of the state of Washington or otherwise in the service or employment of, or holding office under, the state of Washington.

(3) The terms and conditions of the enrollment, training, compensation, hours of work, benefits, leave, termination, and all other conditions of service of volunteers shall be exclusively those set forth by the terms of the project. Service as a volunteer may be terminated at any time at the pleasure of the secretary of state.

**NEW SECTION. Sec. 204.** (1) If funding is available, volunteers may be provided with living, travel, and leave allowances, and such housing, transportation, supplies, and equipment as the secretary of state may deem necessary for their maintenance and to ensure their health and their capacity to serve effectively. Transportation may be provided to volunteers for travel to and from the country of service.

(2) The secretary of state may establish policies regarding arrangements for spouses and children of volunteers to accompany the volunteers abroad.

(3) The secretary of state shall indemnify the state for claims relating to the project.

**NEW SECTION. Sec. 205.** Funding for the volunteer activities shall come from legislative appropriations, federal funds, private support funds, grant money available to implement technical assistance programs overseas, and such other funds as the secretary of state may receive.

### PART III - INTERNATIONAL CONTACT DATA BASE

**NEW SECTION. Sec. 301.** (1) The legislature finds that knowledge of international exchange students who have studied in Washington state institutions of higher education, especially those from key trading partner countries, and knowledge of Washington state students, interns, and citizens working and studying abroad, is critical to the ability of Washington businesses and citizens to establish contacts and networks in the competitive world market.

(2) The legislature also finds that knowledge of worldwide business contacts, government contacts, cultural contacts, and international friends is critical to building a solid network of opportunities for developing trade relations for our state.

(3) The secretary of state may develop and maintain a data base, to be known as the international contact data base, listing, in addition to any other information: (a) Washington students, interns, and citizens working and studying overseas; (b) international students who have studied at Washington educational institutions; (c) exchange opportunities for Washington residents wishing to participate in education, internships, or technical assistance programs in the areas of agriculture, hydroelectric power, aerospace, computers and technology, academics, medicine, and communications; (d) international business contacts of those people interested in doing business with Washington business; and (e) international government contacts, particularly with our key trading partners.

The data base may be designed to be used as a resource for Washington citizens, businesses, and other entities seeking contacts in international trade markets overseas.

(4) The department of community, trade, and economic development, the department of agriculture, and the governor's office of protocol may assist the secretary of state in designing and developing the data base and in obtaining data for inclusion in the data base. Four-year educational institutions and their alumni associations are encouraged to maintain data concerning students studying or working abroad, international students attending their institutions, and exchange opportunities available to their students and other citizens, and to make such data freely available to the secretary of state for inclusion in the data base.

(5) The information contained in the data base may be made available on request for inspection or copying for free or at cost. The secretary of state shall not distinguish among persons requesting information from the data base, though the secretary of state may request information from requesters for purposes of monitoring trade contacts and evaluating the uses and effectiveness of the data base.

(6) Any person listed in the data base may request in writing that his or her name, address, telephone number, or other identifying information be omitted from the data base. Nothing in this section prohibits the secretary of state from refusing to disclose information exempt from disclosure under RCW 42.17.310.

**Sec. 302.** RCW 42.17.310 and 1995 c 267 s 6 are each amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.140 maintained in the files of the department shall automatically be withheld from public inspection and copying if the provider has provided the department with an accurate alternative or business address and telephone number.

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under section 301 of this act.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

**NEW SECTION. Sec. 303.** The department of community, trade, and economic development, in consultation with the office of protocol, the office of the secretary of state, the department of agriculture, and the employment security department shall identify up to fifteen countries that are of strategic importance to the development of Washington's international trade relations.

#### **PART IV - INTERNATIONAL STUDENT EXCHANGES AND INTERNSHIPS**

**NEW SECTION. Sec. 401.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the higher education coordinating board.

(2) "Eligible participant" means an international student whose country of residence has a trade relationship with the state of Washington.

(3) "Institution of higher education" or "institution" means a college or university in the state of Washington that is accredited by an accrediting association recognized as such by rule of the board.

(4) "Service obligation" means volunteering for a minimum number of hours as established by the board based on the amount of scholarship award, to speak to or teach groups of Washington citizens, including but not limited to elementary, middle, and high schools, service clubs, and universities.

(5) "Washington international exchange scholarship program" means a scholarship award for a period not to exceed one academic year to attend a Washington institution of higher education made to an international student whose country has an established trade relationship with Washington.

**NEW SECTION. Sec. 402.** The Washington international exchange scholarship program is created subject to funding under section 406 of this act. The program shall be administered by the board. In administering the program, the board may:

(1) Convene an advisory committee that may include but need not be limited to representatives of the office of the superintendent of public instruction, the department of community, trade, and economic development, the secretary of state, private business, and institutions of higher education;

- (2) Select students to receive the scholarship with the assistance of a screening committee composed of leaders in business, international trade, and education;
- (3) Adopt necessary rules and guidelines including rules for disbursing scholarship funds to participants;
- (4) Publicize the program;
- (5) Solicit and accept grants and donations from public and private sources for the program;
- (6) Establish and notify participants of service obligations; and
- (7) Establish a formula for selecting the countries from which participants may be selected in consultation with the department of community, trade, and economic development.

**NEW SECTION. Sec. 403.** The board may negotiate and enter into a reciprocal agreement with foreign countries that have international students attending institutions in Washington. The goal of the reciprocal agreements shall be to allow Washington students enrolled in an institution of higher education to attend an international institution under similar terms and conditions.

**NEW SECTION. Sec. 404.** If funds are available, the board shall select students yearly to receive a Washington international exchange student scholarship from moneys earned from the Washington international exchange scholarship endowment fund created in section 406 of this act, from funds appropriated to the board for this purpose, or from any private donations, or from any other funds given to the board for this program.

**NEW SECTION. Sec. 405.** The Washington international exchange trust fund is established in the custody of the state treasurer. Any funds appropriated by the legislature for the trust fund shall be deposited into the fund. At the request of the board, and when conditions set forth in section 407 of this act are met, the treasurer shall deposit state matching moneys from the Washington international exchange trust fund into the Washington international exchange scholarship endowment fund. No appropriation is required for expenditures from the trust fund.

**NEW SECTION. Sec. 406.** The Washington international exchange scholarship endowment fund is established in the custody of the state treasurer. Moneys received from the private donations and funds received from any other source may be deposited into the endowment fund. At the request of the board, the treasurer shall release earnings from the endowment fund to the board for scholarships. No appropriation is required for expenditures from the endowment fund. The principal of the endowment fund shall not be invaded. The earnings on the fund shall be used solely for the purposes in this chapter.

**NEW SECTION. Sec. 407.** The board may request that the treasurer deposit state matching funds into the Washington international exchange scholarship endowment fund when the board can match the state funds with an equal amount of private cash donations, including conditional gifts.

**NEW SECTION. Sec. 408.** Each Washington international exchange scholarship recipient shall agree to complete the service obligation as defined by the board.

**Sec. 409.** RCW 43.79A.040 and 1995 c 394 s 2 and 1995 c 365 s 1 are each reenacted and amended to read as follows:

- (1) Money in the treasurer's trust fund may be deposited, invested and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.
- (2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.
- (3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.
  - (4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.
    - (b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The agricultural local fund, the American Indian scholarship endowment fund, the Washington international exchange scholarship endowment fund, the energy account, the fair fund, the game farm alternative account, the grain inspection revolving fund, the rural rehabilitation account, and the self-insurance revolving fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.
    - (c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, and the local rail service assistance account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 410. (1) The higher education coordinating board shall establish an advisory committee to assist in program design and to develop criteria for an international students internship program.

(2) The advisory committee may include, but need not be limited to the governor, a representative of the department of community, trade, and economic development, the secretary of state, and representatives of institutions of higher education, cultural exchange organizations, international trade organizations, and business.

(3) By December 31, 1997, the board shall make recommendations for legislation establishing a program for successful completion of internships within countries of targeted trading partners identified by the department of community, trade, and economic development that provides for credit opportunities toward degree programs for Washington state students.

(4) The advisory committee established in subsection (1) of this section shall expire December 1, 1997.

#### **PART V - TECHNICAL PROVISIONS**

NEW SECTION. Sec. 501. Sections 101 through 105 and 301 of this act are each added to chapter 43.07 RCW.

NEW SECTION. Sec. 502. Sections 201 through 205 and 301 of this act shall expire December 31, 2000.

NEW SECTION. Sec. 503. (1) Sections 201 through 205 of this act shall constitute a new chapter in Title 43 RCW.

(2) Sections 401 through 408 and 410 of this act shall constitute a new chapter in Title 28B RCW.

NEW SECTION. Sec. 504. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 505. Part headings as used in this act constitute no part of the law."

On motion of Senator Pelz, the following title amendment was adopted:

On page 1, line 2 of the title, after "exchanges;" strike the remainder of the title and insert "amending RCW 42.17.310; reenacting and amending RCW 43.79A.040; adding new sections to chapter 43.07 RCW; adding a new chapter to Title 43 RCW; adding a new chapter to Title 28B RCW; creating new sections; and providing an expiration date."

#### **MOTION**

On motion of Senator Pelz, the rules were suspended, House Bill No. 2291, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2291, as amended by the Senate.

#### **ROLL CALL**

The Secretary called the roll on the final passage of House Bill No. 2291, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 41.

Voting nay: Senators Cantu, Hochstatter, McCaslin, McDonald, Morton, Strannigan and Zarelli - 7.

Excused: Senator Moyer - 1.

HOUSE BILL NO. 2291, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### **SECOND READING**

HOUSE BILL NO. 2932, by Representatives Sheahan, Smith and McMahan

Allowing the human rights commission to offer alternative dispute resolution to parties involved in a claim of illegal discrimination.

The bill was read the second time.

#### MOTIONS

On motion of Senator Smith, the following Committee on Law and Justice amendment was adopted:  
Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 49.60 RCW to read as follows:

(1) The legislature finds that: (a) Equal protection under the law is a fundamental principle of constitutional government essential to the well-being and perpetuation of a free society; (b) governmental entities should not engage in any discrimination prohibited by this chapter; (c) governmental entities should review employment-related practices to ensure discrimination prohibited by this chapter does not occur; and (d) existing remedies for resolving claims of illegal discrimination against public or private entities may unnecessarily create a difficult, lengthy, and costly process for all parties involved.

(2) The commission is authorized, in addition to RCW 49.60.240 and 49.60.250, to offer alternative dispute resolution as a process through which parties involved in a claim of illegal discrimination can attempt to resolve the claim."

On motion of Senator Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "discrimination;" strike the remainder of the title and insert "and adding a new section to chapter 49.60 RCW."

#### MOTION

On motion of Senator Smith, the rules were suspended, House Bill No. 2932, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2932, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2932, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Moyer - 1.

HOUSE BILL NO. 2932, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2604, by Representatives Silver, R. Fisher, Chopp and Tokuda

Providing vehicle owners' names and addresses to commercial parking companies.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, House Bill No. 2604 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2604.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2604 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Moyer - 1.

HOUSE BILL NO. 2604, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2248, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Hymes, Sehlín, Koster, Johnson, Hargrove, Beekma, Chandler and Thompson)

Providing for future law enforcement officers training.

The bill was read the second time.

## MOTIONS

Senator Fraser moved that the following Committee on Ecology and Parks amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature recognizes that there has been considerable growth in the number of options available for on-site treatment and disposal of sewage in recent years, increasing the potential for development of sites in which conventional sewage systems will not work. The legislature finds that, despite these technological advances, barriers to wide-scale application of alternative systems exist. Therefore, it is the purpose of this act to streamline the permitting of on-site systems of sewerage, and to promote efficiency in the delivery of water quality and pollution prevention programs through service-oriented utilities.

**NEW SECTION. Sec. 2.** A new section is added to chapter 70.05 RCW to read as follows:

(1) The local health officer must respond to the applicant for an on-site sewage system permit within thirty days after receiving a fully completed application, or within another time period as established by the jurisdictional board of health. The local health officer must respond by replying that the application is either approved, denied, or pending.

(2) If the local health officer denies an application to install an on-site sewage system, the denial must be for cause and based upon public health and environmental protection concerns, including concerns regarding the ability to operate and maintain the system, or conflicts with other existing laws, rules, or ordinances. The local health officer must provide the applicant with a written justification for the denial, along with an explanation of the procedure for appeal.

(3) If the local health officer identifies the application as pending and subject to review beyond the time established in subsection (1) of this section, the local health officer must provide the applicant with a written justification that the site-specific conditions or other circumstances necessitate a longer time period for a decision on the application. The local health officer must include any specific information necessary to make a decision. The local health officer must also include an estimate of the time that will be required for a decision on the application once the applicant has provided all necessary information.

(4) A local health officer may not limit the number of alternative sewage systems within his or her jurisdiction without cause. Any such limitation must be based upon public health and environmental protection concerns, including concerns regarding the ability to operate and maintain the system, or conflicts with other existing laws, regulations, or ordinances. If such a limitation is established, the local health officer must justify the limitation in writing, with specific reasons, and must provide an explanation of the procedure for appealing the limitation.

**NEW SECTION. Sec. 3.** A new section is added to chapter 70.118 RCW to read as follows:

The department of health must include a person who is familiar with the operation and maintenance of certified proprietary devices on the technical review committee responsible for evaluating and making recommendations to the department of health regarding the general use of alternative on-site sewage systems in the state.

**NEW SECTION. Sec. 4.** A new section is added to chapter 56.04 RCW to read as follows:

(1) As an alternative means to forming a sewer district, a county legislative authority may authorize the formation of a sewer district to serve solely a new development that at the time of formation does not have any residents, at the written request of sixty percent of the owners of the area to be included in the proposed district. The county legislative authority must review the proposed district according to RCW 56.02.060. Approval or disapproval of the proposed district is as provided in RCW 56.02.070.

(2) The county legislative authority must appoint the initial sewer commissioners of the district. The commissioners serve until seventy-five percent of the development is sold and occupied, or until some other time as specified by the county legislative authority when the district is approved. Commissioners serving under this subsection are not entitled to any form of compensation from the district.

(3) New commissioners shall be elected as provided under RCW 56.12.020 at the next election held under RCW 29.13.010 that follows more than ninety days after the date seventy-five percent of the development is sold and occupied, or after the time specified by the county legislative authority when the district is approved.

(4) A sewer district created under this section may be dissolved or transferred by order of the county legislative authority at the written request of sixty percent of the owners of the area included in the district. The sewer district may be dissolved under chapter 36.96 RCW, transferred to a county under RCW 36.94.310, or transferred to a city under chapter 35.13A RCW.

**NEW SECTION. Sec. 5.** A new section is added to chapter 70.118 RCW to read as follows:

In order to assure that technical guidelines and standards keep pace with advancing technologies, the department of health, in collaboration with the technical review committee, local health departments, the certified proprietary device association, and other interested parties, must review and update as appropriate, the state guidelines and standards for alternative on-site sewage disposal every three years. The first review and update shall be completed by January 1, 1997.

**Sec. 6.** RCW 35.67.010 and 1965 c 110 s 1 are each amended to read as follows:

A "system of sewerage" means and may include((s)) any or all of the following:

(1) Sanitary sewage ((disposal sewers)) collection, treatment, and/or disposal facilities and programs, on-site or off-site sanitary sewerage facilities such as approved on-site sewage systems, on-site sanitary sewerage systems, inspection programs and maintenance programs for public or private on-site systems, or any other means of sewage treatment and disposal approved by the city;

(2) Combined sanitary sewage disposal and storm or surface water sewers;

(3) Storm or surface water sewers;

(4) Outfalls for storm drainage or sanitary sewage and works, plants, and facilities for storm drainage or sanitary sewage treatment and disposal, ~~((€))~~ and rights and interests in property relating to the system;

(5) Combined water and sewerage systems;

(6) Water quality education and public involvement programs for the protection of waters of the state as defined by RCW 90.48.020 from pollution. Such education programs are limited to those that are directly related to the sewerage facilities and programs operated by a city or town;

(7) Point and nonpoint water pollution monitoring programs that are directly related to the sewerage facilities and programs operated by a city or town;

(8) Public restroom and sanitary facilities; and

(9) Any combination of or part of any or all of such facilities.

The words "public utility" when used in this chapter shall have the same meaning as the words "system of sewerage."

**Sec. 7.** RCW 35.67.020 and 1995 c 124 s 3 are each amended to read as follows:

Every city and town may construct, condemn and purchase, acquire, add to, implement, maintain, conduct, and operate systems of sewerage and systems and plants for refuse collection and disposal together with additions, extensions, and betterments thereto, within and without its limits, with full jurisdiction and authority to manage, regulate, and control them and to fix, alter, regulate, and control the rates and charges for their use. The rates charged must be uniform for the same class of customers or service.

In classifying customers served or service, facilities, and programs furnished by such system of sewerage, the city or town legislative body may in its discretion consider any or all of the following factors: (1) The difference in cost of service, facilities, and programs to the various customers; (2) the location of the various customers within and without the city or town; (3) the difference in cost of maintenance, operation, implementation, repair, and replacement of the various parts of the system; (4) the different character of the service, facilities, and programs furnished various customers; (5) the quantity and quality of the sewage delivered and the time of its delivery; (6) the achievement of water conservation goals and the discouragement of wasteful water use practices; (7) capital contributions made to the system, including but not limited to,

assessments; (8) the nonprofit public benefit status, as defined in RCW 24.03.490, of the land user; and (9) any other matters which present a reasonable difference as a ground for distinction. Rates or charges imposed under this chapter for on-site inspection and maintenance services shall reflect the allocable share of the cost of providing the program or service to the person or entity paying the charge, and may not be imposed on the development, construction, or reconstruction of property.

A city or town may adjust or delay rates and charges and may provide other assistance to aid low-income persons in participating in programs and in complying with regulations imposed in connection with this chapter.

Under this chapter, after January 1, 1997, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained operator, trained owner's agent, or trained owner. Training shall occur in a program approved by the state board of health or by a local health officer.

Before adopting an on-site inspection and maintenance utility program, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification shall be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice shall clearly state that the residence is within the proposed service area and shall provide information on estimated rates or charges that may be imposed for the service.

**Sec. 8.** RCW 35.92.020 and 1995 c 124 s 5 are each amended to read as follows:

A city or town may construct, condemn and purchase, purchase, acquire, add to, alter, maintain, implement, and operate systems, plants, sites, or other facilities of sewerage as defined in RCW 35.67.010, or solid waste handling as defined by RCW 70.95.030, and shall have full authority to manage, regulate, operate, control, and to fix the price of service, facility, or program of those systems, plants, sites, or other facilities within and without the limits of the city or town. The rates charged shall be uniform for the same class of customers or service, facility, or program. In classifying customers served or service, facilities, and programs furnished by a system or systems of sewerage, the legislative authority of the city or town may in its discretion consider any or all of the following factors: (1) The difference in cost of service, facilities, and programs to customers; (2) the location of customers within and without the city or town; (3) the difference in cost of maintenance, operation, repair, and replacement of the parts of the system; (4) the different character of the service, facilities, and programs furnished to customers; (5) the quantity and quality of the sewage delivered and the time of its delivery; (6) capital contributions made to the systems, plants, sites, or other facilities, including but not limited to, assessments; (7) the nonprofit public benefit status, as defined in RCW 24.03.490, of the land user; and (8) any other factors that present a reasonable difference as a ground for distinction. Rates or charges imposed under this chapter for on-site inspection and maintenance services shall reflect the allocable share of the cost of providing the program or service to the person or entity paying the charge, and may not be imposed on the development, construction, or reconstruction of property.

A city or town may adjust or delay rates and charges and may provide other assistance to aid low-income persons in participating in programs and in complying with regulations imposed in connection with this chapter.

Under this chapter, after January 1, 1997, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained operator, trained owner's agent, or trained owner. Training shall occur in a program approved by the state board of health or by a local health officer.

Before adopting an on-site inspection and maintenance utility program, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification shall be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice shall clearly state that the residence is within the proposed service area and shall provide information on estimated rates or charges that may be imposed for the service.

**Sec. 9.** RCW 36.94.010 and 1981 c 313 s 14 are each amended to read as follows:

As used in this chapter:

(1) A "system of sewerage" means and may include((s)) any or all of the following:

(a) Sanitary sewage collection, treatment, and/or disposal ((sewers and)) facilities and programs, including without limitation on-site or off-site sanitary sewerage facilities ((consisting of an)) such as approved septic tanks or septic tank systems, on-site sanitary sewerage systems, inspection programs and maintenance programs for private or public on-site systems, or any other means of sewage treatment and disposal approved by the county;

(b) Combined sanitary sewage disposal and storm or surface water drains and facilities;

(c) Storm or surface water drains, channels, and facilities;

(d) Outfalls for storm drainage or sanitary sewage and works, plants, and facilities for storm drainage or sanitary sewage treatment and disposal, and rights and interests in property relating to the system;

(e) Combined water and sewerage systems;

(f) Water quality education and public involvement programs for the protection of waters of the state as defined by RCW 90.48.020 from pollution. Such education programs are limited to those that are directly related to the sewerage facilities and programs operated by a county;

(g) Point and nonpoint water pollution monitoring programs that are directly related to the sewerage facilities and programs operated by a county;

(h) Public restroom and sanitary facilities;

(i) The facilities and programs authorized in RCW 36.94.020; and

(j) Any combination of or part of any or all of such facilities.

(2) A "system of water" means and includes:

(a) A water distribution system, including dams, reservoirs, aqueducts, plants, pumping stations, transmission and lateral distribution lines and other facilities for distribution of water;

(b) A combined water and sewerage system;

(c) Any combination of or any part of any or all of such facilities.

(3) A "sewerage and/or water general plan" means a general plan for a system of sewerage and/or water for the county which shall be an element of the comprehensive plan established by the county pursuant to RCW 36.70.350(6) and/or chapter 35.63 RCW, if there is such a comprehensive plan.

(a) A sewerage general plan shall include the general location and description of treatment and disposal facilities, trunk and interceptor sewers, pumping stations, monitoring and control facilities, channels, local service areas and a general description of the collection system to serve those areas, a description of on-site sanitary sewerage system inspection programs and maintenance programs, and other facilities and programs as may be required to provide a functional and implementable plan, including preliminary engineering to assure feasibility. The plan may also include a description of the regulations deemed appropriate to carrying out surface drainage plans.

(b) A water general plan shall include the general location and description of water resources to be utilized, wells, treatment facilities, transmission lines, storage reservoirs, pumping stations, and monitoring and control facilities as may be required to provide a functional and implementable plan.

(c) Water and/or sewerage general plans shall include preliminary engineering in adequate detail to assure technical feasibility and, to the extent then known, shall further discuss the methods of distributing the cost and expense of the system and shall indicate the economic feasibility of plan implementation. The plans may also specify local or lateral facilities and programs. The sewerage and/or water general plan does not mean the final engineering construction or financing plans for the system.

(4) "Municipal corporation" means and includes any city, town, metropolitan municipal corporation, any public utility district which operates and maintains a sewer or water system, any sewer, water, diking, or drainage district, any diking, drainage, and sewerage improvement district, and any irrigation district.

(5) A "private utility" means and includes all utilities, both public and private, which provide sewerage and/or water service and which are not municipal corporations within the definition of this chapter. The ownership of a private utility may be in a corporation, nonprofit or for profit, in a cooperative association, in a mutual organization, or in individuals.

(6) "Board" means one or more boards of county commissioners and/or the legislative authority of a home rule charter county.

**Sec. 10.** RCW 36.94.020 and 1981 c 313 s 1 are each amended to read as follows:

The construction, implementation, operation, and maintenance of a system of sewerage and/or water is a county purpose. Subject to the provisions of this chapter, every county has the power, individually or in conjunction with another county or counties to adopt, provide for, accept, establish, implement, condemn, purchase, construct, add to, operate, and maintain a system or systems of sanitary and storm sewers, including outfalls, interceptors, plans, and facilities and programs necessary for sewerage treatment and disposal, and/or system or systems of water supply within all or a portion of the county: PROVIDED, That counties shall not have power to condemn sewerage and/or water systems of any municipal corporation or private utility.

Such county or counties shall have the authority to control, regulate, implement, operate, and manage such system or systems and to provide funds therefor by general obligation bonds, revenue bonds, local improvement district bonds, utility local improvement district or local improvement district assessments, and in any other lawful fiscal manner. Rates or charges imposed under this chapter for on-site inspection and maintenance services shall reflect the allocable share of the cost of providing the program or service to the person or entity paying the charge, and may not be imposed on the development, construction, or reconstruction of property.

Under this chapter, after January 1, 1997, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained operator,

trained owner's agent, or trained owner. Training shall occur in a program approved by the state board of health or by a local health officer.

Before adopting an on-site inspection and maintenance utility program, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification shall be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice shall clearly state that the residence is within the proposed service area and shall provide information on estimated rates or charges that may be imposed for the service.

A county may, as part of a system of sewerage established under this chapter, provide for, finance, and operate any of the facilities and programs and may exercise the powers expressly authorized for county storm water, flood control, pollution prevention, and drainage programs and activities under chapters 36.89, 86.12, 86.13, and 86.15 RCW. A county also may provide for, finance, and operate the facilities and programs and may exercise any of the powers authorized for aquifer protection areas under chapter 36.36 RCW; for lake management districts under chapter 36.61 RCW; for diking districts, and diking, drainage, and sewerage improvement districts under chapters 85.05, 85.08, 85.15, 85.16, and 85.18 RCW; and for shellfish protection districts under chapter 90.72 RCW. However, if a county by reference to any of those statutes assumes as part of its system of sewerage any powers granted to such areas or districts and not otherwise available to a county under this chapter, then (1) the procedures and restrictions applicable to those areas or districts shall apply to the county's exercise of those powers, and (2) the county may not simultaneously impose rates and charges under this chapter and under the statutes authorizing such areas or districts for substantially the same programs and services, but must instead impose uniform rates and charges consistent with RCW 36.94.140. By agreement with such an area or district that is not part of a county's system of sewerage, a county may operate that area's or district's programs or facilities, but a county may not dissolve any existing area or district except in accordance with any applicable provisions of the statute under which that area or district was created.

**Sec. 11.** RCW 36.94.140 and 1995 c 124 s 2 are each amended to read as follows:

Every county, in the implementation and operation of a system of sewerage and/or water, shall have full jurisdiction and authority to manage, regulate, and control it and to fix, alter, regulate, and control the rates and charges for the service, facilities, and programs to those to whom such (~~county~~) service (~~is~~), facilities, and programs are available, and to levy charges for connection to the system. The rates for availability of service, facilities, programs, and connection charges so charged must be uniform for the same class of customers or service, facility, or program.

In classifying customers served, service furnished or made available by such system of sewerage and/or water, or the connection charges, the county legislative authority may consider any or all of the following factors:

- (1) The difference in cost of service to the various customers within or without the area;
- (2) The difference in cost of maintenance, operation, repair and replacement of the various parts of the systems;
- (3) The different character of the service, facilities, and programs furnished various customers;
- (4) The quantity and quality of the sewage and/or water delivered and the time of its delivery;
- (5) Capital contributions made to the system or systems, including, but not limited to, assessments;
- (6) The cost of acquiring the system or portions of the system in making system improvements necessary for the public health and safety;
- (7) The nonprofit public benefit status, as defined in RCW 24.03.490, of the land user; and
- (8) Any other matters which present a reasonable difference as a ground for distinction.

A county may adjust or delay rates and charges and may provide other assistance to aid low-income persons in participating in programs and in complying with regulations imposed in connection with this chapter.

The service charges and rates shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements, and all other charges necessary for the efficient and proper operation of the system.

**NEW SECTION. Sec. 12.** A new section is added to chapter 35.58 RCW to read as follows:

A metropolitan municipal corporation authorized to perform water pollution abatement may exercise all the powers relating to systems of sewerage authorized by RCW 36.94.010, 36.94.020, and 36.94.140 for counties.

**NEW SECTION. Sec. 13.** A new section is added to chapter 35.21 RCW to read as follows:

The legislative authority of any city or town may exercise all the powers relating to systems of sewerage authorized by RCW 35.67.010 and 35.67.020.

**Sec. 14.** A new section is added to chapter 53.08 RCW to read as follows:

A port district may exercise all the powers relating to systems of sewerage authorized by RCW 54.16.230 for public utility districts.

**Sec. 15.** RCW 54.16.230 and 1975 1st ex.s. c 57 s 1 are each amended to read as follows:

A public utility district may acquire, construct, operate, maintain, and add to sewage systems, subject to and in compliance with the county comprehensive plan, under the general powers of Title 54 RCW or through the formation of local utility districts as provided in RCW 54.16.120 through 54.16.170: PROVIDED, That prior to engaging in any sewage system works as authorized by this section, the voters of the public utility district shall first approve by majority vote a referendum proposition authorizing such district to exercise the powers set forth in this section, which proposition shall be presented at a general election. A sewage system may include any or all of the following:

(1) Sanitary sewage collection, treatment, and/or disposal facilities and programs, including without limitation on-site or off-site sewerage facilities such as approved on-site sewage systems, on-site sanitary sewerage systems, inspection programs and maintenance programs for public or private on-site systems, or any other means of sewage treatment and disposal;

(2) Water quality education and public involvement programs for the protection of waters of the state, as defined under RCW 90.48.020, from pollution. Such education programs are limited to those that are directly related to the sewerage facilities and programs operated by a public utility district;

(3) Point and nonpoint water pollution monitoring programs; and

(4) Public restroom and sanitary facilities.

Rates or charges imposed under this chapter for on-site inspection and maintenance services shall reflect the allocable share of the cost of providing the program or service to the person or entity paying the charge, and may not be imposed on the development, construction, or reconstruction of property.

A public utility district may adjust or delay rates and charges and may provide other assistance to aid low-income persons in complying with rules imposed in connection with this section.

Under this chapter, after January 1, 1997, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained operator, trained owner's agent, or trained owner. Training shall occur in a program approved by the state board of health or by a local health officer.

Before adopting an on-site inspection and maintenance utility program, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification must be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice must clearly state that the residence is within the proposed service area and shall provide information on estimated rates or charges that may be imposed for the service.

**Sec. 16.** RCW 56.08.010 and 1989 c 389 s 2 and 1989 c 308 s 1 are each reenacted and amended to read as follows:

A sewer district may acquire by purchase or by condemnation and purchase all lands, property rights, water, and water rights, both within and without the district, necessary for its purposes. A sewer district may lease real or personal property necessary for its purposes for a term of years for which such leased property may reasonably be needed where in the opinion of the board of sewer commissioners such property may not be needed permanently or substantial savings to the district can be effected thereby. The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities and towns, insofar as consistent with the provisions of this title, except that all assessments or reassessment rolls required to be filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the district, and the duties devolving upon the city treasurer shall be imposed upon the county treasurer for the purposes hereof. A sewer district may construct, condemn and purchase, add to, maintain, and operate systems of sewers for the purpose of furnishing the district and inhabitants thereof with an adequate system of sewers for all uses and purposes, public and private, including but not limited to on-site sewage disposal facilities, approved septic tanks or approved septic tank systems, on-site sanitary sewerage systems, inspection programs and maintenance programs for private and public on-site systems, other facilities, programs, and systems for the collection, interception, treatment, and disposal of wastewater, and for the control of pollution from wastewater and for the protection, preservation, and rehabilitation of surface and underground waters, facilities for the drainage of storm or surface waters, public highways, streets, and roads with full authority to regulate the use, implementation, and operation thereof and the service rates to be charged and may construct, acquire, or own buildings and other necessary district facilities. A sewer district may provide water quality education and public involvement programs for protection of waters of the state, as defined under RCW 90.48.020, from pollution. Such education programs are limited to those that are directly related to the sewerage facilities and programs operated by a sewer district. Under this chapter, after January 1, 1997, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained operator, trained owner's agent, or trained owner. Training shall occur in a program approved by the state board of health or by a local health officer. Such sewage facilities may include facilities which result in combined sewage disposal, treatment, or drainage

and electric generation, provided that the electricity generated thereby is a byproduct of the system of sewers. Such electricity may be used by the sewer district or sold to any entity authorized by law to distribute electricity. Such electricity is a byproduct when the electrical generation is subordinate to the primary purpose of sewage disposal, treatment, or drainage. For such purposes a district may conduct sewage throughout the district and throughout other political subdivisions within the district, and construct and lay sewer pipe along and upon public highways, roads, and streets, within and without the district, and condemn and purchase or acquire land and rights of way necessary for such sewer pipe. A district may erect sewage treatment plants, within or without the district, and may acquire by purchase or condemnation, properties or privileges necessary to be had to protect any lakes, rivers, or watercourses and also other areas of land from pollution, from its sewers or its sewage treatment plant. For the purposes of sewage facilities which include facilities which result in combined sewage disposal, treatment, or drainage and electric generation where the electric generation is a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner. A district may charge property owners seeking to connect to the district system of sewers, as a condition to granting the right to so connect, in addition to the cost of such connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that such property owners shall bear their equitable share of the cost of such system. For purposes of calculating a connection charge, the board of commissioners shall determine the pro rata share of the cost of existing facilities and facilities planned for construction within the next ten years and contained in an adopted comprehensive plan and other costs borne by the district which are directly attributable to the improvements required by property owners seeking to connect to the system. The cost of existing facilities shall not include those portions of the system which have been donated or which have been paid for by grants.

The connection charge may include interest charges applied from the date of construction of the sewer system until the connection, or for a period not to exceed ten years, whichever is shorter, at a rate commensurate with the rate of interest applicable to the district at the time of construction or major rehabilitation of the sewer system, or at the time of installation of the sewer lines to which the property owner is seeking to connect.

A district may permit payment of the cost of connection and the reasonable connection charge to be paid with interest in installments over a period not exceeding fifteen years. The county treasurer may charge and collect a fee of three dollars per parcel for each year for the treasurer's services. Such fees shall be a charge to be included as part of each annual installment, and shall be credited to the county current expense fund by the county treasurer. A district may compel all property owners within the sewer district located within an area served by the district system of sewers to connect their private drain and sewer systems with the district system under such penalty as the sewer commissioners shall prescribe by resolution. The district may for such purpose enter upon private property and connect the private drains or sewers with the district system and the cost thereof shall be charged against the property owner and shall be a lien upon property served.

Revenues from connection charges excluding permit fees are to be considered payments in aid of construction as defined by department of revenue rule. Rates or charges imposed under this chapter for on-site inspection and maintenance services shall reflect the allocable share of the cost of providing the program or service to the person or entity paying the charge, and may not be imposed on the development, construction, or reconstruction of property.

Before adopting an on-site inspection and maintenance utility program, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification shall be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice shall clearly state that the residence is within the proposed service area and shall provide information on estimated rates or charges that may be imposed for the service.

**Sec. 17.** RCW 56.08.020 and 1990 1st ex.s. c 17 s 34 are each amended to read as follows:

The sewer commissioners before ordering any improvements hereunder or submitting to vote any proposition for incurring indebtedness shall adopt a general comprehensive plan for a system of sewers for the district. They shall investigate all portions and sections of the district and select a general comprehensive plan for a system of sewers for the district suitable and adequate for present and reasonably foreseeable future needs thereof. The general comprehensive plan shall provide for treatment plants and other methods and programs, if any, for the prevention, control, and reduction of water pollution and for the treatment and disposal of sewage and industrial and other liquid wastes now produced or which may reasonably be expected to be produced within the district and shall, for such portions of the district as may then reasonably be served, provide for the acquisition or construction and installation of laterals, trunk sewers, intercepting sewers, syphons, pumping stations, or other sewage collection facilities. The general comprehensive plan shall provide the method of distributing the cost and expense of the sewer system and programs provided therein against the district and against utility local improvement districts within the district, including any utility local improvement district lying wholly or partially within any other political subdivision included in the district; and provide whether the whole or some part of the cost and expenses shall be paid from

sewer revenue bonds. The commissioners may employ such engineering and legal services as they deem necessary in carrying out the purposes hereof.

The general comprehensive plan shall be adopted by resolution and submitted to an engineer designated by the legislative authority of the county in which fifty-one percent or more of the area of the district is located, and to the director of health of the county in which the district or any portion thereof is located, and must be approved in writing by the engineer and director of health. The general comprehensive plan shall be approved, conditionally approved, or rejected by the director of health within sixty days of the plan's receipt and by the designated engineer within sixty days of the plan's receipt. However, this sixty-day time limitation may be extended by the director of health or engineer for up to an additional sixty days if sufficient time is not available to review adequately the general comprehensive plans.

Before becoming effective, the general comprehensive plan shall also be submitted to, and approved by resolution of, the legislative authority of every county within whose boundaries all or a portion of the sewer district lies. The general comprehensive plan shall be approved, conditionally approved, or rejected by each of these county legislative authorities pursuant to the criteria in RCW 56.02.060 for approving the formation, reorganization, annexation, consolidation, or merger of sewer districts, and the resolution, ordinance, or motion of the legislative body which rejects the comprehensive plan or a part thereof shall specifically state in what particular the comprehensive plan or part thereof rejected fails to meet these criteria. The general comprehensive plan shall not provide for the extension or location of facilities that are inconsistent with the requirements of RCW 36.70A.110. Nothing in this chapter shall preclude a county from rejecting a proposed plan because it is in conflict with the criteria in RCW 56.02.060. Each general comprehensive plan shall be deemed approved if the county legislative authority fails to reject or conditionally approve the plan within ninety days of submission to the county legislative authority or within thirty days of a hearing on the plan when the hearing is held within ninety days of the plan's submission to the county legislative authority. However, a county legislative authority may extend this ninety-day time limitation by up to an additional ninety days where a finding is made that ninety days is insufficient to review adequately the general comprehensive plan. In addition, the sewer commissioners and the county legislative authority may mutually agree to an extension of the deadlines in this section.

If the district includes portions or all of one or more cities or towns, the general comprehensive plan shall be submitted also to, and approved by resolution of, the governing body of such cities and towns before becoming effective. The general comprehensive plan shall be deemed approved by the city or town governing body if the city or town governing body fails to reject or conditionally approve the plan within ninety days of the plan's submission to the city or town or within thirty days of a hearing on the plan when the hearing is held within ninety days of submission to the county legislative authority. However, a city or town governing body may extend this time limitation by up to an additional ninety days where a finding is made that insufficient time exists to adequately review the general comprehensive plan within these time limitations. In addition, the sewer commissioners and the city or town governing body may mutually agree to an extension of the deadlines in this section.

Before becoming effective, any amendment to, alteration of, or addition to, a general comprehensive plan shall also be subject to such approval as if it were a new general comprehensive plan: PROVIDED, That only if the amendment, alteration, or addition, affects a particular city or town, shall the amendment, alteration, or addition be subject to approval by such particular city or town governing body.

**Sec. 18.** RCW 56.16.090 and 1991 c 347 s 19 are each amended to read as follows:

The sewer commissioners of any sewer district, in the event that such sewer revenue bonds are issued, shall provide for revenues by fixing rates and charges for the furnishing of sewerage disposal service, facilities, and programs to those to whom such service is available. Such rates and charges may be combined for the furnishing of more than one type of sewer service, facility, and program such as but not limited to storm or surface water and sanitary. Such rates and charges are to be fixed as deemed necessary by such sewer commissioners, so that uniform charges will be made for the same class of customer or service, facility, and program.

In classifying customers served or service, facility, or program furnished by such system of sewerage, the board of commissioners may in its discretion consider any or all of the following factors: The difference in cost (~~(of service)~~) to the various customers; the location of the various customers within and without the district; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service, facility, or program furnished various customers; the quantity and quality of the sewage delivered and the time of its delivery; the achievement of water conservation goals and the discouragement of wasteful water use practices; capital contributions made to the system including but not limited to assessments; and any other matters which present a reasonable difference as a ground for distinction. Such rates are to be made on a monthly basis and shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements, and all other charges necessary for efficient and proper operation of the system.

**Sec. 19.** RCW 57.08.065 and 1981 c 45 s 11 are each amended to read as follows:

In addition to the powers now given water districts by law, they shall also have power to establish, maintain and operate a mutual water and ~~((sewer))~~ sewerage system or a separate ~~((sewer))~~ system of sewerage within their water district area in the same manner as provided by law for the doing thereof in connection with water supply systems.

In addition thereto, a water district constructing, maintaining ~~((and)),~~ operating, and implementing a ~~((sanitary sewer))~~ system of sewerage may exercise all the powers permitted to a sewer district under Title 56 RCW, including, but not limited to, the right to compel connections to the district's system, liens for delinquent sewer connection charges or sewer service charges, and all other powers presently exercised by or which may be hereafter granted to such sewer districts: PROVIDED, That a water district may not exercise sewer district powers in any area within its boundaries which is part of an existing district which previously shall have been duly authorized to exercise sewer district powers in such area without the consent by resolution of the board of commissioners of such other district: PROVIDED FURTHER, That no water district shall proceed to exercise the powers herein granted to establish, maintain, construct and operate any ~~((sewer))~~ system of sewerage without first obtaining written approval and certification of necessity so to do from the department of ecology and department of ~~((social and))~~ health ~~((services))~~. Any comprehensive plan for a system of sewers or addition thereto or betterment thereof shall be approved by the same county and state officials as are required to approve such plans adopted by a sewer district.

A water district shall have the power to issue general obligation bonds for sewer system purposes: PROVIDED, That a proposition to authorize general obligation bonds payable from excess tax levies for sewer system purposes pursuant to chapter 56.16 RCW shall be submitted to all of the qualified voters within that part of the water district which is not contained within another existing district duly authorized to exercise sewer district powers, and the taxes to pay the principal of and interest on the bonds approved by such voters shall be levied only upon all of the taxable property within such part of the water district.

**Sec. 20.** RCW 90.72.040 and 1992 c 100 s 3 are each amended to read as follows:

(1) The county legislative authority may create a shellfish protection district on its own motion or by submitting the question to the voters of the proposed district and obtaining the approval of a majority of those voting. The boundaries of the district shall be determined by the legislative authority. The legislative authority may create more than one district. A district may include any area or areas within the county, whether incorporated or unincorporated. Counties shall coordinate and cooperate with cities, towns, and water-related special districts within their boundaries in establishing shellfish protection districts and carrying out shellfish protection programs. Where a portion of the proposed district lies within an incorporated area, the county shall develop procedures for the participation of the city or town in the determination of the boundaries of the district and the administration of the district, including funding of the district's programs. The legislative authority of more than one county may by agreement provide for the creation of a district including areas within each of those counties. County legislative authorities are encouraged to coordinate their plans and programs to protect shellfish growing areas, especially where shellfish growing areas are located within the boundaries of more than one county. The legislative authority or authorities creating a district may abolish a shellfish protection district on its or their own motion or by submitting the question to the voters of the district and obtaining the approval of a majority of those voting.

(2) If the county legislative authority creates a shellfish protection district by its own motion, any registered voter residing within the boundaries of the shellfish protection district may file a referendum petition to repeal the ordinance that created the district. Any referendum petition to repeal the ordinance creating the shellfish protection district shall be filed with the county auditor within seven days of passage of the ordinance. Within ten days of the filing of a petition, the county auditor shall confer with the petitioner concerning form and style of the petition, issue an identification number for the petition, and write a ballot title for the measure. The ballot title shall be posed as a question so that an affirmative answer to the question and an affirmative vote on the measure results in creation of the shellfish protection district and a negative answer to the question and a negative vote on the measure results in the shellfish protection district not being created. The petitioner shall be notified of the identification number and ballot title within this ten-day period.

After this notification, the petitioner shall have thirty days in which to secure on petition forms the signatures of not less than twenty-five percent of the registered voters residing within the boundaries of the shellfish protection district and file the signed petitions with the county auditor. Each petition form shall contain the ballot title and full text of the measure to be referred. The county auditor shall verify the sufficiency of the signatures on the petitions. If sufficient valid signatures are properly submitted, the county auditor shall submit the referendum measure to the registered voters residing in the shellfish protection district in a special election no later than one hundred twenty days after the signed petition has been filed with the county auditor. The special election may be conducted by mail ballot as provided for in chapter 29.36 RCW.

(3) The county legislative authority shall not impose fees, rates, or charges for shellfish protection district programs upon properties on which fees, rates, or charges are imposed (~~to pay for another program to eliminate or decrease contamination in storm water runoff~~) under chapter 36.89 or 36.94 RCW for substantially the same programs and services.

**NEW SECTION. Sec. 21.** Nothing in this act may be deemed to eliminate any requirements for approval from public health agencies under applicable law in connection with the siting, design, construction, and repair of on-site septic systems."

Senator Sheldon moved that the following amendments by Senators Sheldon and Fraser to the Committee on Ecology and Parks striking amendment be considered simultaneously and be adopted:

On page 12, line 17, after "works" delete "as authorized by this section" and insert "~~(as authorized by this section)~~as defined under subsection (1) of this section."

On page 12, line 20, after "in" insert "subsection (1) of"

On page 13, after line 21, insert the following:

**"Sec. 13.** RCW 54.16.240 and 1975 1st ex. s. c 57 s 2 are each amended to read as follows:

The commission of a public utility district, by resolution may, or on petition in the same manner as provided for the creation of a district under RCW 54.08.010 shall, submit to the voters for their approval or rejection the proposal that (~~said~~) the public utility district be authorized to exercise the powers set forth in RCW 54.16.230 for which an election is required."

Renumber the sections consecutively and correct any internal references accordingly.

#### POINT OF ORDER

Senator McDonald: "Mr. President, I rise to a point of order. I want to raise the question of scope and object of the committee striking amendment. Is it timely at this point or should we allow Senator Sheldon to offer her amendments?"

#### REPLY BY THE PRESIDENT

President Pritchard: "It is timely."

Senator McDonald: "Mr. President, I wish to rise to a point of order to raise the scope and object on the committee amendment. It has been offered by the Committee on Ecology and Parks. Substitute House Bill No. 2248 is a measure which addresses on-site septic systems and the acceptance of local health departments of new and alternative technology.

"The purpose of the bill is simple and straight forward. It is designed to get new and superior technology on the ground now. The amendment expands the scope and object of the underlying bill by expanding the authority granted to operators of sewer systems. This adds authority including allowing cities, counties, sewer districts and public utility districts to conduct on-site systems inspection and maintenance programs. Additionally, counties are authorized to coordinate existing water quality-related programs, such as shell fish protection districts, as part of the sewer utility services. Further, sewer utility services may also include water pollution monitoring programs, water quality education programs and public restrooms.

"One more point to note, Mr. President, is the bill went from a simple four page bill to a rather complex twenty-two page bill with this amendment. Therefore, the amendment clearly violates Article II, Section 38 of the Washington Constitution by expanding the scope and object of the underlying bill."

Further debate ensued.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator McDonald, the President does believe that the committee amendment goes far beyond the original bill and that Senator McDonald's point of order is well taken."

The Committee on Ecology and Parks striking amendment, as well as the two amendments on page 12, and the amendment on page 13 to the committee striking amendment to Substitute House Bill No. 2248 were ruled out of order.

#### MOTION

On motion of Senator Spanel, further consideration of Substitute House Bill No. 2248 was deferred.

There being no objection, the Senate resumed consideration of Engrossed House Bill No. 2837 and the pending Committee on Health and Long-Term Care striking amendment, deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Johnson, the President finds that Engrossed House Bill No. 2837 is a measure which excludes labor organization policies or contracts from the definition of supplemental medicare insurance and conforms the reference to federal statutes to match recent federal changes.

"The Committee on Health and Long-Term Care amendment would restore the labor organizations, conform the definition and also provides subsidies to offset supplemental insurance premiums for certain individuals, and directs the State Health Care Authority to design a prescription drug insurance plan for state residents enrolled in medicare.

"The President, therefore, finds that the proposed committee amendment does change the scope and object of the bill and the point of order is well taken."

The Committee on Health and Long-Term Care striking amendment to Engrossed House Bill No. 2837 was ruled out of order.

#### MOTION

Senator Wojahn moved that the following amendment by Senators Wojahn, Winsley, Quigley, Fairley, Moyer, Franklin and Thibaudeau be adopted:

On page 3, after line 3, insert the following:

**"Sec. 2.** RCW 48.14.0201 and 1993 sp.s. c 25 s 601 are each amended to read as follows:

(1) As used in this section, "taxpayer" means a health maintenance organization, as defined in RCW 48.46.020, or a health care service contractor, as defined in RCW 48.44.010(~~, or a certified health plan certified under RCW 48.43.030~~).

(2) Each taxpayer shall pay a tax on or before the first day of March of each year to the state treasurer through the insurance commissioner's office. The tax shall be equal to the total amount of all premiums and prepayments for health care services received by the taxpayer during the preceding calendar year multiplied by the rate of two percent.

(3) Taxpayers shall prepay their tax obligations under this section. The minimum amount of the prepayments shall be percentages of the taxpayer's tax obligation for the preceding calendar year recomputed using the rate in effect for the current year. For the prepayment of taxes due during the first calendar year, the minimum amount of the prepayments shall be percentages of the taxpayer's tax obligation that would have been due had the tax been in effect during the previous calendar year. The tax prepayments shall be paid to the state treasurer through the commissioner's office by the due dates and in the following amounts:

(a) On or before June 15, forty-five percent;

(b) On or before September 15, twenty-five percent;

(c) On or before December 15, twenty-five percent.

(4) For good cause demonstrated in writing, the commissioner may approve an amount smaller than the preceding calendar year's tax obligation as recomputed for calculating the health maintenance organization's, health care service contractor's, or certified health plan's prepayment obligations for the current tax year.

(5) Moneys collected under this section shall be deposited in the general fund through March 31, 1996, and in the health services account under RCW 43.72.900 after March 31, 1996.

(6) The taxes imposed in this section do not apply to:

(a) Amounts received by any taxpayer from the United States or any instrumentality thereof as prepayments for health care services provided under Title XVIII (medicare) of the federal social security act. This exemption shall expire July 1, ~~((1997))~~ 1998.

(b) Amounts received by any health care service contractor, as defined in RCW 48.44.010, as prepayments for health care services included within the definition of practice of dentistry under RCW 18.32.020. ~~((This exemption does not apply to amounts received under a certified health plan certified under RCW 48.43.030.))"~~

Renumber the remaining section consecutively.

#### POINT OF ORDER

Senator West: "Thank you, Mr. President. I rise to a point of order. I challenge the scope and object of the amendment by Senators Wojahn, Winsley, Quigley, Fairley, Moyer, Franklin and Thibaudeau. The underlying bill, Engrossed House Bill No. 2837, is a bill that takes labor organizations funds out of the definition section and redefines this to comply with 42 USC Code. This amendment is a tax exemption that doesn't relate at all to this definitional section and is way far beyond the scope and object of the bill."

Further debate ensued.

There being no objection, the President deferred further consideration of Engrossed House Bill No. 2837.

## SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2323, by House Committee on Appropriations (originally sponsored by Representatives Sterk, Chappell, Thompson, Dellwo, Buck, Hymes, Talcott, Cooke and McMahan)

Providing for future law enforcement officers training.

The bill was read the second time.

## MOTIONS

Senator Smith moved that the following Committee on Law and Justice amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 43.101 RCW to read as follows:

(1) The Washington association of sheriffs and police chiefs shall assemble a study group to evaluate and make recommendations to the legislature regarding the commission mission, duties, and administration. The commissioners of the commission shall review the study group recommendations for acceptance or modification. The study group shall deliver its recommendations to the legislature by January 1, 1997.

(2) The study group shall:

(a) Review and evaluate the desirability and feasibility of providing basic law enforcement training to preemployed law enforcement officer applicants on a tuition or fee basis;

(b) Review and evaluate the adequacy of the commission's four-hundred-forty-hour basic law enforcement academy training program, including general curriculum requirements;

(c) Review and evaluate the status of supervisory, management, and advanced training for incumbent law enforcement officers, and the desirability and feasibility of providing the officers with advanced training;

(d) Review the desirability and feasibility of certification or licensing of law enforcement officers;

(e) Review and evaluate the adequacy of the capital and operating investments made in law enforcement training, make recommendations regarding improvements, and provide documentation of the cost of implementing the improvements;

(f) Review and make recommendations regarding funding sources to adequately support all recommendations; and

(g) Investigate other issues related to law enforcement training, as desired by the study group.

(3) The Washington association of sheriffs and police chiefs shall assemble the study group from names provided from the following entities or groups: One sheriff; three police chiefs; four representatives from the Washington state council of police officers; two representatives employed by the criminal justice training commission; one police psychologist; one representative from the association of Washington cities; one representative from the Washington association of county officials; one representative from the Washington state association of counties; one representative from a public university; one representative from a public community college; and one legislator from each caucus of the senate and the house of representatives, as appointed by the leaders of the caucuses.

(4) The Washington association of sheriffs and police chiefs shall organize and administer the study group meetings and provide the necessary staff resources to meet the requests of the study group members.

**NEW SECTION. Sec. 2.** If specific funding for section 1 of this act, referencing section 1 of this act by bill and section number or chapter and section number, is not provided by June 30, 1996, in the omnibus appropriations act, section 1 of this act is null and void.

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

On motion of Senator McCaslin, the following amendment by Senators McCaslin and Smith to the committee striking amendment was adopted:

On page 2, after line 20 of the striking amendment, insert the following:

**"NEW SECTION. Sec. 3.** A new section is added to chapter 43.101 RCW to read as follows:

The commission may provide basic law enforcement training to students who are enrolled in criminal justice courses of study at four-year institutions of higher education, if the training is provided during the summers following the students' junior and senior years and so long as the students bear the full cost of the training."

Renumber the remaining sections, and correct internal references.

The President declared the question before the Senate to be the adoption of the Committee on Law and Justice striking amendment, as amended, to Second Substitute House Bill No. 2323.

The committee striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Smith, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "training;" strike the remainder of the title and insert "adding a new section to chapter 43.101 RCW; creating a new section; and declaring an emergency."

On page 2, line 29 of the Committee title amendment after "adding" strike "a new section" and insert "new sections"

On motion of Senator Smith, the rules were suspended, Second Substitute House Bill No. 2323, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Thibaudeau, Senator Wojahn was excused.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 2323, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2323, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 48.

Excused: Senator Wojahn - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 2323, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2580, by House Committee on Corrections (originally sponsored by Representatives Costa, Ballasiotes, Sheahan, Murray, Hickel, Cooke, Conway and Boldt)

Extending the period of time that a victim of crime may collect restitution from a juvenile.

The bill was read the second time.

#### MOTIONS

Senator Hargrove moved that the following Committee on Human Services and Corrections amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 13.40.080 and 1994 sp.s. c 7 s 544 are each amended to read as follows:

(1) A diversion agreement shall be a contract between a juvenile accused of an offense and a diversionary unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it. Such agreements shall be entered into as expeditiously as possible.

(2) A diversion agreement shall be limited to one or more of the following:

(a) Community service not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Restitution limited to the amount of actual loss incurred by the victim, and ~~((to an amount the juvenile has the means or potential means to pay))~~ not to exceed seven hundred fifty dollars to be eligible for diversion;

(c) Attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions at a community agency. The educational or informational sessions may include sessions relating to respect for self, others, and authority; victim awareness; accountability; self-worth; responsibility; work ethics; good citizenship; and life skills. For purposes of this section, "community agency" may also mean a community-based nonprofit organization, if approved by the diversion unit. The state shall not be liable for costs resulting from the diversionary unit exercising the option to permit diversion agreements to mandate attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions;

(d) A fine, not to exceed one hundred dollars. In determining the amount of the fine, the diversion unit shall consider only the juvenile's financial resources and whether the juvenile has the means to pay the fine. The diversion unit shall not consider the financial resources of the juvenile's parents, guardian, or custodian in determining the fine to be imposed; and

(e) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas.

(3) In assessing periods of community service to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall consult with the juvenile's custodial parent or parents or guardian and victims who have contacted the diversionary unit and, to the extent possible, involve members of the community. Such members of the community shall meet with the juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the juvenile in carrying out its terms.

(4) A diversion agreement may not exceed a period of six months and may include a period extending beyond the eighteenth birthday of the divertee. Any restitution assessed during its term may not exceed ~~((an amount which the juvenile could be reasonably expected to pay during this period))~~ seven hundred fifty dollars. The diversion unit shall refer the case for prosecution if restitution for the offense will exceed seven hundred fifty dollars. If additional time is necessary for the juvenile to complete restitution to the victim, the time period limitations of this subsection may be extended by an additional six months.

(5) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

(6) Divertees and potential divertees shall be afforded due process in all contacts with a diversionary unit regardless of whether the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written diversion agreement shall be executed stating all conditions in clearly understandable language;

(b) Violation of the terms of the agreement shall be the only grounds for termination;

(c) No divertee may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by:

(i) Written notice of alleged violations of the conditions of the diversion program; and

(ii) Disclosure of all evidence to be offered against the divertee;

(d) The hearing shall be conducted by the juvenile court and shall include:

(i) Opportunity to be heard in person and to present evidence;

(ii) The right to confront and cross-examine all adverse witnesses;

(iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and

(iv) Demonstration by evidence that the divertee has substantially violated the terms of his or her diversion agreement.

(e) The prosecutor may file an information on the offense for which the divertee was diverted:

(i) In juvenile court if the divertee is under eighteen years of age; or

(ii) In superior court or the appropriate court of limited jurisdiction if the divertee is eighteen years of age or older.  
(7) The diversion unit shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during diversion unit hearings or negotiations.

(8) The diversion unit shall be responsible for advising a divertee of his or her rights as provided in this chapter.

(9) The diversion unit may refer a juvenile to community-based counseling or treatment programs.

(10) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews mean all interviews regarding the diversion agreement process.

The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(9). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the diversionary unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

(11) When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

(a) The fact that a charge or charges were made;

(b) The fact that a diversion agreement was entered into;

(c) The juvenile's obligations under such agreement;

(d) Whether the alleged offender performed his or her obligations under such agreement; and

(e) The facts of the alleged offense.

(12) A diversionary unit may refuse to enter into a diversion agreement with a juvenile. When a diversionary unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversionary unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement.

(13) A diversionary unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a diversion agreement. A diversion unit's authority to counsel and release a juvenile under this subsection shall include the authority to refer the juvenile to community-based counseling or treatment programs. Any juvenile released under this subsection shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(9). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language. A juvenile determined to be eligible by a diversionary unit for release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit.

(14) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the divertee's eighteenth birthday.

(15) If a fine required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the divertee and with the concurrence of the diversion unit to convert an unpaid fine into community service. The modification of the diversion agreement shall be in writing and signed by the divertee and the diversion unit. The number of hours of community service in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

(16) Fines imposed under this section shall be collected and paid into the county general fund in accordance with procedures established by the juvenile court administrator under RCW 13.04.040 and may be used only for juvenile services. In the expenditure of funds for juvenile services, there shall be a maintenance of effort whereby counties exhaust existing resources before using amounts collected under this section."

On motion of Senator Hargrove, the following amendments by Senators Hargrove and Long to the Committee on Human Services and Corrections striking amendment were considered simultaneously and were adopted:

On page 1, beginning on line 22 of the amendment, after "victim" strike all material through "diversion" on line 24, and insert "~~(, and to an amount the juvenile has the means or potential means to pay))~~"

On page 2, beginning on line 19 of the amendment, after "(4)" strike all material through "months." on line 28, and insert "(a) A diversion agreement may not exceed a period of six months and may include a period extending beyond the eighteenth birthday of the divertee. ~~((Any restitution assessed during its term may not exceed an amount which the juvenile could be reasonably expected to pay during this period.))~~

(b) If additional time is necessary for the juvenile to complete restitution to the victim, the time period limitations of this subsection may be extended by an additional six months.

(c) If the juvenile has not paid the full amount of restitution by the end of the additional six-month period, then the juvenile shall be referred to the juvenile court for entry of an order establishing the amount of restitution still owed to the victim. In this order, the court shall also determine the terms and conditions of the restitution, including a payment plan extending up to ten years if the court determines that the juvenile does not have the means to make full restitution over a shorter period. For the purposes of this subsection (4)(c), the juvenile shall remain under the court's jurisdiction for a maximum term of ten years after the juvenile's eighteenth birthday. The court may not require the juvenile to pay full or partial restitution if the juvenile reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay the restitution over a ten-year period. The county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments. A juvenile under obligation to pay restitution may petition the court for modification of the restitution order."

On page 5, after line 27 of the amendment, insert the following:

"**Sec. 2.** RCW 13.40.190 and 1995 c 33 s 5 are each amended to read as follows:

(1) In its dispositional order, the court shall require the respondent to make restitution to any persons who have suffered loss or damage as a result of the offense committed by the respondent. In addition, restitution may be ordered for loss or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which, pursuant to a plea agreement, are not prosecuted. The payment of restitution shall be in addition to any punishment which is imposed pursuant to the other provisions of this chapter. The court may determine the amount, terms, and conditions of the restitution including a payment plan extending up to ten years if the court determines that the respondent does not have the means to make full restitution over a shorter period. Restitution may include the costs of counseling reasonably related to the offense. If the respondent participated in the crime with another person or other persons, all such participants shall be jointly and severally responsible for the payment of restitution. For the purposes of this section, the respondent shall remain under the court's jurisdiction for a maximum term of ten years after the respondent's eighteenth birthday. The court may not require the respondent to pay full or partial restitution if the respondent reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay such restitution over a ten-year period. ~~((In cases where an offender has been committed to the department for a period of confinement exceeding fifteen weeks, restitution may be waived.))~~

(2) Regardless of the provisions of subsection (1) of this section, the court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the court within one year of entry of the disposition order for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the court shall hold a restitution hearing and shall enter a restitution order.

(3) If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments.

(4) A respondent under obligation to pay restitution may petition the court for modification of the restitution order."

The President declared the question before the Senate to be the adoption of the Committee on Human Services and Corrections striking amendment, as amended, to Substitute House Bill No. 2580.

The committee striking amendment, as amended, was adopted.

## MOTIONS

On motion of Senator Hargrove, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "restitution;" strike the remainder of the title and insert "and amending RCW 13.40.080."

On page 5, line 32 of the title amendment, after "13.40.080" insert "and 13.40.190"

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 2580, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2580, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2580, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 47.

Absent: Senator McCaslin - 1.

Excused: Senator Wojahn - 1.

SUBSTITUTE HOUSE BILL NO. 2580, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Wood, Senator McCaslin was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2518, by House Committee on Transportation (originally sponsored by Representatives Skinner, Blanton, Radcliff, Hankins, Delvin, Dickerson, Mitchell, Morris, Silver and Chandler)

Doubling the fine for speeding in school or playground zones.

The bill was read the second time.

#### MOTIONS

On motion of Senator Owen, the following Committee on Transportation amendment was adopted:

On page 2, beginning on line 1, after "(3)" strike all material through "safety." on line 5, and insert "The school zone safety account is created in the custody of the state treasurer. Fifty percent of the moneys collected under subsection (2) of this section shall be deposited into the account. Expenditures from the account may be used only by the Washington traffic safety commission solely to fund projects in local communities to improve school zone safety. Only the director of the traffic safety commission or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures until July 1, 1999, after which date moneys in the account may be spent only after appropriation."

On motion of Senator Owen, the rules were suspended, Substitute House Bill No. 2518, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2518, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2518, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 46.

Voting nay: Senator Finkbeiner - 1.

Excused: Senators McCaslin and Wojahn - 2.

SUBSTITUTE HOUSE BILL NO. 2518, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2537, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Honeyford, Chandler, Mastin, Clements, Schoesler, Foreman, Grant, Lisk and Mulliken)

Providing for modifications to the creation and operation of irrigation district joint control boards.

The bill was read the second time.

## MOTIONS

On motion of Senator Newhouse, the following amendment by Senators Newhouse and Haugen was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 87.80.010 and 1949 c 56 s 1 are each amended to read as follows:

A board of joint control may be created as provided in this chapter to administer: (1) The construction, operation, maintenance, betterments, and regulations of the ((water works, main, and branch canals, if any, and water lines and other water facilities)) joint use facilities, including reservoirs, canals, hydroelectric facilities within the works of the irrigation water supply system, pumping stations, drainage works, reserved works, and system interconnections, of two or more irrigation ((districts and others)) entities which are the owners of, have an ownership interest in, or are trustees for owners of water rights having the same ((natural)) source ((and)) or which use ((the same)) common works for the diversion and either transportation, or drainage, or both, of all or any part of their respective irrigation water supplies((, may be created as hereinafter provided)); and (2) activities and programs that promote more effective and efficient water management for the benefit of member entities of a board of joint control.

**NEW SECTION. Sec. 2.** A new section is added to chapter 87.80 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Area of jurisdiction" means all lands within the exterior boundary of the composite area served by the irrigation entities that comprise the board of joint control as the boundary is represented on the map filed under RCW 87.80.030.

(2) "Irrigation entity" means an irrigation district or an operating entity for a division within a federal reclamation project.

(3) "Joint use facilities" means those works, including reservoirs, canals, hydroelectric facilities, pumping stations, drainage works, reserved works as may be transferred by contracts with the United States, and system interties that are determined by the board of joint control to provide common benefit to its members.

(4) "Ownership interest" means the irrigation entity holds water rights in its name for the benefit of its water users or, in federal reclamation projects, the irrigation entity has a contractual responsibility for delivery of water to its individual water users.

(5) "Source of water" means a hydrological distinct river or aquifer system from which board of joint control member entities appropriate water.

**Sec. 3.** RCW 87.80.020 and 1949 c 56 s 2 are each amended to read as follows:

(1) For the purpose of creating ((such)) a board of joint control a petition signed by ((three)) two or more ((owners of)) entities that are owners of or hold an ownership interest in water rights having the same ((natural)) source of water ((and which owners)) or use common works for the diversion ((and)) transportation, or drainage of all or any part of their respective irrigation water supplies, ((as aforesaid, shall)) must be filed with the board of county commissioners of the county

in which the greater part of the land irrigated from ~~((said)) the~~ source of water supply is situated. ~~((No irrigation district shall be represented on said petition without the signatures of the entire membership of its board of directors.))~~

(2) The petition shall also be filed with the board of commissioners of each county containing lands irrigated from the source of water supply of the entities signing the petition. The board of county commissioners making the review under RCW 87.80.090 shall consider any comments of other boards of county commissioners provided within the public hearing and comment period on the petition.

**Sec. 4.** RCW 87.80.030 and 1949 c 56 s 3 are each amended to read as follows:

The petition for the creation of a board of joint control shall be addressed to the board of county commissioners, shall describe generally the ~~((water works, main, and branch canals, if any, and water lines and other water facilities involved))~~ relationship, if any, of the irrigation entities to an established federal reclamation project, the primary water works of the entities including reservoirs, main canals, hydroelectric facilities, pumping stations, and drainage facilities, giving them their local names, if any they have, and shall show generally the physical relationship of the lands being watered from the ~~((common use of said water works, canals, lines and other))~~ water facilities~~((: PROVIDED, That))~~. However, lands included in any irrigation ~~((district))~~ entity involved need not be described individually but shall be included by stating the name of the irrigation ~~((district))~~ entity and all the irrigable lands in the irrigation ~~((district))~~ entity named shall by that method be deemed to be involved unless otherwise specifically stated in the petition. Further, the petition must propose the formula for board of joint control apportionment of costs among its members, and may propose the composition of the board of joint control as to membership, chair, and voting structure. The petition shall also state generally the reasons for the creation of a board of joint control and any other matter the petitioners deem material, and shall allege that it is in the public interest and to the benefit of all the owners of the lands receiving water ~~((from said common source))~~ within the area of jurisdiction, that ~~((said)) the~~ board of joint control be created and ~~((pray))~~ request that the board of county commissioners consider ~~((said)) the~~ petition and take the necessary steps provided by law for the creation of a board of joint control. The petition shall be accompanied by a map showing the area of jurisdiction and the general location of the water ~~((works, main, and branch canals, if any, and water lines and other water))~~ supply and distribution facilities.

**Sec. 5.** RCW 87.80.050 and 1988 c 127 s 66 are each amended to read as follows:

Notice of the hearing on ~~((said)) the~~ petition shall be given by the clerk of the board of county commissioners by publishing the same, at the cost of the board of control, if created, otherwise at the cost of the petitioners, in the official newspaper of ~~((the))~~ each county containing lands irrigated from the source of supply of the entities signing the petition. The notice shall be published in at least three weekly issues thereof~~((: PROVIDED, That))~~. However, the time of the hearing shall not be less than thirty days from the date of the first publication of ~~((said)) the~~ notice. A copy of ~~((said)) the~~ notice shall be posted at the regular meeting place of the board of directors of each irrigation ~~((district))~~ entity concerned in the granting or denial of ~~((said)) the~~ petition and a copy of the notice shall be mailed to the department of ecology at Olympia at least thirty days prior to the day of ~~((said)) the~~ hearing.

**Sec. 6.** RCW 87.80.060 and 1949 c 56 s 6 are each amended to read as follows:

The notice of the hearing on ~~((said)) the~~ petition shall state that a petition ~~((praying for))~~ requesting the creation of a board of joint control to administer the ~~((operation, maintenance, betterments and regulation of the water works, main, and branch canals, if any, and water lines, naming them, if named in the petition, and other water facilities involved))~~ facilities and activities, naming them if named in the petition, has been filed with the board of county commissioners of the county ~~((naming it)), naming the county;~~ that ~~((said)) the~~ board of joint control, if it is created, will have authority to provide for ~~((assessments))~~ apportionment of costs to carry out the objects of its creation ~~((against the irrigable lands in the several irrigation districts))~~ among the member irrigation entities (naming them) ~~((and against any other lands involved if set out in the petition (describing them))~~); shall state the day, hour, and place of the hearing on the petition; shall state that any person interested in the creation of ~~((said)) the~~ board of joint control may appear on or before the day of hearing on ~~((said)) the~~ petition, and show cause in writing, if any ~~((he has))~~, why the same should not be granted, and the notice shall be over the name of the clerk of the board of county commissioners.

**Sec. 7.** RCW 87.80.090 and 1949 c 56 s 8 are each amended to read as follows:

If the board of county commissioners determine that the creation of a board of joint control is in the public interest ~~((and is)),~~ of benefit to the ~~((lands))~~ irrigation entities and individual water uses within those entities concerned, ~~((it))~~ and will not be detrimental to water right interests outside the proposed board of joint control area of jurisdiction: Then the county board shall so find and adopt a resolution creating the board of joint control, designating it ~~((give [giving] the))~~ name of county) County Joint Control Board No. (specify number), and the county board at the same time shall appoint ~~((the president of the board of directors of each irrigation district involved and the resident owner of each individual tract of land involved or such other person as any said landowner shall designate in writing, as))~~ the first members of ~~((said)) the~~ board of joint control based on the board composition proposed in the petition and ~~((said)) the~~ board of joint control shall consist of ~~((said)) this~~

membership. A copy of ~~((said))~~ the resolution creating the board of joint control certified by the clerk of the county board shall be filed with the county assessor of the county in which the board of joint control was created and with the county assessor in any other county in the state in which any lands involved are situated, within five days after ~~((said))~~ the resolution is adopted.

**Sec. 8.** RCW 87.80.100 and 1949 c 56 s 9 are each amended to read as follows:

The principal office and place of business of the board of joint control shall be at a place to be designated by the board in the county in which the board was created. Each member of the board before entering on the duties of his or her office shall subscribe a written oath for the faithful discharge of his or her duties as ~~((such))~~ a member and file the ~~((same))~~ oath with the county clerk of ~~((said))~~ the county. The filing of ~~((such))~~ the oath shall be without clerk's fee. The term of office of members of the board ~~((shall be))~~ is for one year or a fraction thereof ending on the first Monday in March next following their selection and until their respective successors are selected as ~~((herein))~~ provided in this section. The term of the first members of the board shall also be as above stated. In January of each year the board of directors of each irrigation ~~((district))~~ entity concerned shall designate in writing and deliver to the board of joint control, the name or names of the person or persons who constitute the entity's membership and who shall represent the ~~((district))~~ entity on the board of joint control for the ensuing year. ~~((Likewise, the owners of land concerned but not in the irrigation district, shall each designate in writing a person to represent their respective lands and file the same with the board of joint control and that board shall select from the list of persons so filed, one person to represent the lands outside any irrigation district on the board of joint control for the ensuing year.))~~ The persons ~~((so selected as aforesaid shall))~~ designated under this section constitute the board of joint control for ~~((such))~~ the year and until their respective successors are selected and have qualified. Any irrigation ~~((district or owner of land not in a district as the case may be, which))~~ entity that fails to designate its ~~((or his))~~ representative and to file the same as ~~((above))~~ provided ~~((shall))~~ in this section is not ~~((be))~~ entitled to representation on the board unless and until ~~((such))~~ the requirements are complied with.

**Sec. 9.** RCW 87.80.110 and 1949 c 56 s 10 are each amended to read as follows:

In the month of March, or another time as determined by the board of joint control, in each year the members of the board of joint control shall meet and organize as a board for the ensuing year and shall select a ~~((chairman))~~ chair from their number and appoint a secretary who may, but need not, be a member of the board, and who shall keep a record of their proceedings, and perform ~~((such))~~ other duties as the board ~~((shall))~~ prescribes. Business of the board shall be transacted at meetings thereof and a majority of the qualified membership of the board ~~((shall))~~ constitutes a quorum for the transaction of business and in all matters requiring action by the board there shall be a concurrence of at least a majority of the members present. However, if an alternative voting structure was proposed in the petition and adopted in the board of county commissioners' resolution, this structure will govern the voting procedures of the board of joint control. All meetings of the board shall be public.

**Sec. 10.** RCW 87.80.120 and 1949 c 56 s 11 are each amended to read as follows:

Each member of the board of joint control shall ~~((receive not to exceed ten dollars per day in attending meetings of the board to be determined by the board, and such compensation, not exceeding ten dollars per day for other services previously authorized and rendered the board, and in addition thereto, the members shall receive necessary expenses in attending meetings or when otherwise engaged on the business of the board))~~ be compensated for services in accordance with the provisions of RCW 87.03.460. The amount must be fixed by resolution and entered in the minutes of the proceedings of the board. The board shall fix the compensation to be paid the secretary and all other agents and employees of the board.

**Sec. 11.** RCW 87.80.130 and 1949 c 56 s 12 are each amended to read as follows:

(1) A board of joint control created under the provisions of this chapter shall have full authority within its area of jurisdiction to enter into and perform any and all necessary contracts~~((;))~~; to accept grants and loans, including, but not limited to, those provided under chapters 43.83B and 43.99E RCW, to appoint and employ and discharge the necessary officers, agents, and employees~~((;))~~; to sue and be sued as a board but without personal liability of the members thereof in any and all matters in which all the irrigation ~~((districts and others))~~ entities represented on the board as a whole have a common interest without making ~~((such districts and other parties))~~ the irrigation entities parties to the suit; to represent ~~((said districts and others))~~ the entities in all matters of common interest as a whole within the scope of this chapter; and to do any and all lawful acts required and expedient to carry out the purposes of this chapter~~((; PROVIDED, That nothing in this chapter contained shall be held or construed to give the board of joint control authority to abridge, increase or modify the water rights of any irrigation district or others represented on the board or the privileges or burdens incident thereto or connected therewith and in the apportionment of expenses and outlays chargeable to the respective irrigation districts and others, the board shall be bound by their respective water rights and appurtenant privileges and burdens))~~.

(2) A board of joint control is authorized and encouraged to pursue conservation and system efficiency improvements to optimize the use of appropriated waters and to either redistribute the saved water within its area of

jurisdiction, or, transfer the water to others, or both. A redistribution of saved water as an operational practice internal to the board of joint control's area of jurisdiction, may be authorized if it can be made without detriment or injury to rights existing outside of the board of control's area of jurisdiction, including instream flow water rights established under state or federal law. Prior to undertaking a water conservation or system efficiency improvement project which will result in a redistribution of saved water, the board of joint control must consult with the department of ecology and if the board's jurisdiction is within a United States reclamation project the board must obtain the approval of the bureau of reclamation. The purpose of such consultation is to assure that the proposal will not impair the rights of other water holders or bureau of reclamation contract water users. A board of control does not have the power to authorize a change of any water right that would change the point or points of diversion, purpose of use, or place of use outside the board's area of jurisdiction, without the approval of the department of ecology pursuant to RCW 90.03.380 and if the board's jurisdiction is within a United States reclamation project, the approval of the bureau of reclamation.

(3) A board of joint control is authorized to design, construct, and operate either drainage projects, or water quality enhancement projects, or both.

(4) Where the board of joint control area of jurisdiction is totally within a federal reclamation project, the board is authorized to accept operational responsibility for federal reserved works.

(5) Nothing contained in this chapter gives a board of joint control the authority to abridge the existing rights, responsibilities, and authorities of an individual irrigation entity or others within the area of jurisdiction; nor in a case where the board of joint control consists of representatives of two or more divisions of a federal reclamation project shall the board of joint control abridge any powers of an existing board of control created through federal contract; nor shall a board of joint control have any authority to abridge or modify a water right benefitting lands within its area of jurisdiction without consent of the party holding the ownership interest in the water right.

(6) A board of joint control created under this chapter may not use any authority granted to it by this chapter or by RCW 90.03.380 to authorize a transfer of or change in a water right or to authorize a redistribution of saved water before July 1, 1997.

**Sec. 12.** RCW 87.80.140 and 1949 c 56 s 13 are each amended to read as follows:

In September of each year the board of joint control shall prepare a budget of its estimated expenses and outlay for the ensuing calendar year and the apportionment thereof chargeable against the several irrigation ~~((districts and others))~~ entities coming within the jurisdiction of the board and shall fix a time and place when ~~((said))~~ the budget shall be considered and adopted by the board. Notice of the hearing of the budget signed by the secretary of the board shall be published in at least two weekly issues of a newspaper of general circulation in each county in which any lands chargeable with ~~((said))~~ the expense and outlay of the board are situated. The date of the first publication of ~~((such))~~ the notice shall be not less than ten days prior to the day of ~~((said))~~ the hearing.

**Sec. 13.** RCW 87.80.160 and 1949 c 56 s 15 are each amended to read as follows:

Immediately after final adoption of the budget the secretary of the board shall mail or deliver a copy thereof showing the apportionment of the charge to each irrigation ~~((district))~~ entity, to the secretary of each irrigation ~~((district))~~ entity coming under the jurisdiction of the board of joint control and it shall be the duty of each irrigation ~~((district))~~ entity to include in its levy for the ensuing year, the amount apportioned and charged to it in the budget.

**Sec. 14.** RCW 87.80.190 and 1949 c 56 s 18 are each amended to read as follows:

There is ~~((hereby))~~ created in the county treasurer's office of the county in which the board of joint control was created, a special fund to be designated Control Fund of the (naming the county) County Joint Control Board No. (specifying the number). The county treasurer shall distribute all collections for this fund to ~~((said))~~ the control fund. The treasurer of any other county collecting assessments for this fund shall remit the ~~((same))~~ assessments monthly to the county treasurer of the county in which the board of joint control was created. However, at the option of the board of joint control, a treasurer other than the county treasurer may be designated under RCW 87.03.440.

**Sec. 15.** RCW 87.80.200 and 1949 c 56 s 19 are each amended to read as follows:

When the county treasurer serves as treasurer for the board of joint control, the board of joint control shall issue vouchers for its operations against ~~((said))~~ the control fund and the county treasurer shall pay out moneys from ~~((said))~~ the fund upon warrants drawn by the county auditor of said county.

**NEW SECTION. Sec. 16.** A new section is added to chapter 87.80 RCW to read as follows:

A board of joint control created under this chapter is limited to the membership, area of jurisdiction, and other terms and conditions contained in the resolution of the board of county commissioners filed under RCW 87.80.090. Amendments may be proposed at any time by the board of joint control to the board of county commissioners and acted upon through the petition process contained in RCW 87.80.030 through 87.80.090.

**NEW SECTION. Sec. 17.** A new section is added to chapter 87.80 RCW to read as follows:

An irrigation entity under contract with an agency of the federal government for the construction or operation of its irrigation system may not participate in a board of joint control under this chapter if this action is in conflict with provisions of the subject contract. If a responsible official of the federal agency notifies the board of county commissioners in writing on or before the day of hearing provided under RCW 87.80.060 of a conflict in contract provisions and evidences the conflict, the board of county commissioners must deny the irrigation entity's proposed participation. If subsequent to formation of a board of joint control, a judicial decision determines a conflict in contract conditions, the irrigation entity must not participate in a project or activity inconsistent with the court determination.

**Sec. 18.** RCW 87.03.440 and 1993 c 449 s 12 are each amended to read as follows:

The treasurer of the county in which is located the office of the district shall be ex officio treasurer of the district, and any county treasurer handling district funds shall be liable upon his or her official bond and to criminal prosecution for malfeasance and misfeasance, or failure to perform any duty as county or district treasurer. The treasurer of each county in which lands of the district are located shall collect and receipt for all assessments levied on lands within his or her county. There shall be deposited with the district treasurer all funds of the district. The district treasurer shall pay out such funds upon warrants issued by the county auditor against the proper funds of the district, except the sums to be paid out of the bond fund for interest and principal payments on bonds: PROVIDED, That in those districts which designate their own treasurer, the treasurer may issue the warrants or any checks when the district is authorized to issue checks. All warrants shall be paid in the order of their issuance. The district treasurer shall report, in writing, on the first Monday in each month to the directors, the amount in each fund, the receipts for the month preceding in each fund, and file the report with the secretary of the board. The secretary shall report to the board, in writing, at the regular meeting in each month, the amount of receipts and expenditures during the preceding month, and file the report in the office of the board.

The preceding paragraph of this section notwithstanding, the board of directors or board of control of an irrigation district which lies in more than one county and which had assessments in each of two of the preceding three years equal to at least five hundred thousand dollars, or a board of joint control created under chapter 87.80 RCW, may designate some other person having experience in financial or fiscal matters as treasurer of the district. In addition, the board of directors of an irrigation district which lies entirely within one county may designate some other person having experience in financial or fiscal matters as treasurer of the district if the board has the approval of the county treasurer to designate some other person. If the board designates a treasurer, it shall require a bond with a surety company authorized to do business in the state of Washington in an amount and under the terms and conditions which it finds from time to time will protect the district against loss. The premium on the bond shall be paid by the district. The designated treasurer shall collect and receipt for all irrigation district assessments on lands within the district and shall act with the same powers and duties and be under the same restrictions as provided by law for county treasurers acting in matters pertaining to irrigation districts, except the powers, duties, and restrictions in RCW 87.56.110 and 87.56.210 which shall continue to be those of county treasurers.

In those districts which have designated their own treasurers, the provisions of law pertaining to irrigation districts which require certain acts to be done and which refer to and involve a county treasurer or the office of a county treasurer or the county officers charged with the collection of irrigation district assessments, except RCW 87.56.110 and 87.56.210 shall be construed to refer to and involve the designated district treasurer or the office of the designated district treasurer.

Any claim against the district for which it is liable under existing laws shall be presented to the board as provided in RCW 4.96.020 and upon allowance it shall be attached to a voucher and approved by the chairman and signed by the secretary and directed to the proper official for payment: PROVIDED, That in the event claimant's claim is for crop damage, the claimant in addition to filing his or her claim within the applicable period of limitations within which an action must be commenced and in the manner specified in RCW 4.96.020 must file with the secretary of the district, or in the secretary's absence one of the directors, not less than three days prior to the severance of the crop alleged to be damaged, a written preliminary notice pertaining to the crop alleged to be damaged. Such preliminary notice, so far as claimant is able, shall advise the district; that the claimant has filed a claim or intends to file a claim against the district for alleged crop damage; shall give the name and present residence of the claimant; shall state the cause of the damage to the crop alleged to be damaged and the estimated amount of damage; and shall accurately locate and describe where the crop alleged to be damaged is located. Such preliminary notice may be given by claimant or by anyone acting in his or her behalf and need not be verified. No action may be commenced against an irrigation district for crop damages unless claimant has complied with the provisions of RCW 4.96.020 and also with the preliminary notice requirements of this section.

**Sec. 19.** RCW 90.03.380 and 1991 c 347 s 15 are each amended to read as follows:

The right to the use of water which has been applied to a beneficial use in the state shall be and remain appurtenant to the land or place upon which the same is used: PROVIDED, HOWEVER, That said right may be transferred to another or to others and become appurtenant to any other land or place of use without loss of priority of right theretofore established if such change can be made without detriment or injury to existing rights. The point of diversion of water for beneficial use or

the purpose of use may be changed, if such change can be made without detriment or injury to existing rights. Before any transfer of such right to use water or change of the point of diversion of water or change of purpose of use can be made, any person having an interest in the transfer or change, shall file a written application therefor with the department, and said application shall not be granted until notice of said application shall be published as provided in RCW 90.03.280. If it shall appear that such transfer or such change may be made without injury or detriment to existing rights, the department shall issue to the applicant a certificate in duplicate granting the right for such transfer or for such change of point of diversion or of use. The certificate so issued shall be filed and be made a record with the department and the duplicate certificate issued to the applicant may be filed with the county auditor in like manner and with the same effect as provided in the original certificate or permit to divert water.

If an application for change proposes to transfer water rights from one irrigation district to another, the department shall, before publication of notice, receive concurrence from each of the irrigation districts that such transfer or change will not adversely affect the ability to deliver water to other landowners or impair the financial integrity of either of the districts.

A change in place of use by an individual water user or users of water provided by an irrigation district need only receive approval for the change from the board of directors of the district if the use of water continues within the irrigation district, and when water is provided by an irrigation entity that is a member of a board of joint control created under chapter 87.80 RCW, approval need only be received from the board of joint control if the use of water continues within the area of jurisdiction of the joint board and the change can be made without detriment or injury to existing rights.

This section shall not apply to trust water rights acquired by the state through the funding of water conservation projects under chapter 90.38 RCW or RCW 90.42.010 through 90.42.070.

**Sec. 20.** RCW 43.83B.050 and 1975 c 18 s 1 are each amended to read as follows:

As used in this chapter, the term "water supply facilities" shall mean municipal, industrial, and agricultural water supply and distribution systems including, but not limited to, all equipment, utilities, structures, real property, and interests in and improvements on real property, necessary for or incidental to the acquisition, construction, installation, or use of any municipal, industrial, or agricultural water supply or distribution system.

As used in this chapter, the term "public body" means the state of Washington, or any agency, political subdivision, taxing district, or municipal corporation thereof, a board of joint control, an agency of the federal government, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington.

**Sec. 21.** RCW 43.99E.030 and 1979 ex.s. c 234 s 5 are each amended to read as follows:

As used in this chapter, the term "water supply facilities" means domestic, municipal, industrial, and agricultural (and any associated fishery, recreational, or other beneficial use) water supply or distribution systems including but not limited to all equipment, utilities, structures, real property, and interests in and improvements on real property necessary for or incidental to the acquisition, construction, installation, or use of any such water supply or distribution system.

As used in this chapter, the term "public body" means the state of Washington or any agency, political subdivision, taxing district, or municipal or public corporation thereof; a board of joint control; an agency of the federal government; and those Indian tribes which may constitutionally receive grants or loans from the state of Washington.

**NEW SECTION. Sec. 22.** A new section is added to chapter 87.80 RCW to read as follows:

A board of joint control created among irrigation entities utilizing waters of the Yakima river and tributaries shall, when undertaking water conservation projects, fully coordinate those projects with federal and state programs adopted under the Yakima river basin water enhancement project, P.L. 103-434. The projects shall be developed and implemented, consistent with the board's development schedule, within the framework of the Yakima river basin water enhancement project policies and procedures provided by the state and federal governments, as funds are available to the board of joint control for the projects. However, should there be no reasonable prospect of funding for construction by the federal and state government within three years of the date of the publication of the Yakima river basin conservation plan under P.L. 103-434, the board of joint control may pursue the projects under alternative funding programs and conditions.

**NEW SECTION. Sec. 23.** A new section is added to chapter 87.80 RCW to read as follows:

This chapter shall not affect the final decree of a general adjudication conducted under RCW 90.03.110 through 90.03.245.

**NEW SECTION. Sec. 24.** The following acts or parts of acts are each repealed:

- (1) RCW 87.80.170 and 1949 c 54 s 16;
- (2) RCW 87.80.180 and 1949 c 56 s 17; and
- (3) RCW 87.80.210 and 1949 c 56 s 20."

On motion of Senator Newhouse, the following title amendment was adopted:

On page 1, line 2 of the title, after "control;" strike the remainder of the title and insert "amending RCW 87.80.010, 87.80.020, 87.80.030, 87.80.050, 87.80.060, 87.80.090, 87.80.100, 87.80.110, 87.80.120, 87.80.130, 87.80.140, 87.80.160, 87.80.190, 87.80.200, 87.03.440, 90.03.380, 43.83B.050, and 43.99E.030; adding new sections to chapter 87.80 RCW; and repealing RCW 87.80.170, 87.80.180, and 87.80.210."

#### MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute House Bill No. 2537, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2537, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2537, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 47.

Excused: Senators McCaslin and Wojahn - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2537, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2376, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Koster, Johnson, Boldt, McMorris, Thompson and Mulliken)

Recovering gasoline vapors.

The bill was read the second time.

#### MOTION

Senator Fraser moved that the following Committee on Ecology and Parks amendment not be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 70.94 RCW to read as follows:

(1) A gasoline vapor recovery device that captures vapors during vehicle fueling may only be required at a service station, or any other gasoline dispensing facility supplying fuel to the general public, in any of the following circumstances:

(a) The facility sells in excess of six hundred thousand gallons of gasoline per year and is located in a county, any part of which is designated as nonattainment for ozone under the federal clean air act, 42 U.S.C. Sec. 7407; or

(b) The facility sells in excess of six hundred thousand gallons of gasoline per year and is located in a county where a maintenance plan has been adopted by a local air pollution control authority or the department of ecology that includes gasoline vapor recovery devices as a control strategy; or

(c) From the effective date of this section until December 31, 1998, in any facility that sells in excess of one million two hundred thousand gallons of gasoline per year and is located in an ozone contributing county. For purposes of this section, an ozone contributing county is a county in which emissions have contributed to the formation of ozone in any county where violations of federal ozone standards have been measured, including: Cowlitz, Island, Kitsap, Lewis, Skagit, Thurston, Wahkiakum, and Whatcom counties; or

(d) After December 31, 1998, in any facility that sells in excess of eight hundred forty thousand gallons of gasoline per year and is located in any county no part of which is designated as nonattainment for ozone under the federal clean air act,

42 U.S.C. Sec. 7407, if the department of ecology determines by December 31, 1997, that the use of gasoline vapor control devices in the county is appropriate to achieve or maintain attainment status in any other county.

(2) This section does not preclude the department of ecology or any local air pollution control authority from requiring a gasoline vapor recovery device that captures vapors during vehicle refueling as part of the regulation of sources as provided in RCW 70.94.152, 70.94.331, or 70.94.141, or where required under 42 U.S.C. Sec. 7412.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

**NEW SECTION. Sec. 3.** If specific funding for the purposes of administering the air quality program within the department of ecology is not provided in at least the following amounts from the following accounts by June 30, 1996, in the omnibus appropriations act, this act is null and void: (1) Sixteen million dollars from the air pollution control account; and (2) four million five hundred thousand dollars from the air operating permit account."

The President declared the question before the Senate to be the motion by Senator Fraser that the Committee on Ecology and Parks striking amendment to Substitute House Bill No. 2376 not be adopted.

The motion by Senator Fraser carried and the committee striking amendment was not adopted.

#### MOTION

Senator Fraser moved that the following amendment by Senators Fraser, Swecker and Snyder be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 70.94 RCW to read as follows:

(1) A gasoline vapor recovery device that captures vapors during vehicle fueling may only be required at a service station, or any other gasoline dispensing facility supplying fuel to the general public, in any of the following circumstances:

(a) The facility sells in excess of six hundred thousand gallons of gasoline per year and is located in a county, any part of which is designated as nonattainment for ozone under the federal clean air act, 42 U.S.C. Sec. 7407; or

(b) The facility sells in excess of six hundred thousand gallons of gasoline per year and is located in a county where a maintenance plan has been adopted by a local air pollution control authority or the department of ecology that includes gasoline vapor recovery devices as a control strategy; or

(c) From the effective date of this section until December 31, 1998, in any facility that sells in excess of one million two hundred thousand gallons of gasoline per year and is located in an ozone-contributing county. For purposes of this section, an ozone-contributing county means a county in which the emissions have contributed to the formation of ozone in any county where violations of federal ozone standards have been measured, and includes: Cowlitz, Island, Kitsap, Lewis, Skagit, Thurston, Wahkiakum, and Whatcom counties; or

(d) After December 31, 1998, in any facility that sells in excess of eight hundred forty thousand gallons of gasoline per year and is located in any county, no part of which is designated as nonattainment for ozone under the federal clean air act, 42 U.S.C. Sec. 7407, provided that the department of ecology determines by December 31, 1997, that the use of gasoline vapor control devices in the county is important to achieving or maintaining attainment status in any other county.

(2) This section does not preclude the department of ecology or any local air pollution authority from requiring a gasoline vapor recovery device that captures vapors during vehicle refueling as part of the regulation of sources as provided in RCW 70.94.152, 70.94.331, or 70.94.141 or where required under 42 U.S.C. Sec. 7412.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Fraser, Swecker and Snyder to Substitute House Bill No. 2376.

The motion by Senator Fraser carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "adding a new section to chapter 70.94 RCW; and declaring an emergency."

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 2376, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

## MOTION

On motion of Senator Haugen, Senator Prentice was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2376, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2376, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Moyer, Newhouse, Oke, Owen, Pelz, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wood and Zarelli - 44.

Voting nay: Senators Morton and Thibaudeau - 2.

Excused: Senators McCaslin, Prentice and Wojahn - 3.

SUBSTITUTE HOUSE BILL NO. 2376, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2394, by House Committee on Government Operations (originally sponsored by Representatives Reams, Buck, Sheldon, Honeyford, Delvin, Thompson and McMahan)

Revising master planned resorts.

The bill was read the second time.

## MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 2394 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2394.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2394 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Thibaudeau, West, Winsley, Wood and Zarelli - 46.

Voting nay: Senator Swecker - 1.

Excused: Senators McCaslin and Wojahn - 2.

SUBSTITUTE HOUSE BILL NO. 2394, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2371, by House Committee on Higher Education (originally sponsored by Representatives Blanton, Elliot, Mastin, Goldsmith, Pelesky, Carlson, Cairnes, Hymes, Hankins, Benton, Tokuda, Mason, Scott, McMahan, Quall, Dickerson, Mitchell, Jacobsen, D. Schmidt, Cooke, Hargrove, Conway, Sheldon, Costa, McMorris, Mulliken and Silver)

Suspending the professional licenses for failure to repay student loans.

The bill was read the second time.

## MOTIONS

Senator Wood moved that the following Committee on Higher Education amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 2.48 RCW to read as follows:

The Washington state supreme court may provide by court rule that nonpayment or default on a federally or state-guaranteed educational loan shall result in disbarment or license suspension of the license of any person who has been certified by a lending agency and reported to the court for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The supreme court may reinstate the person when provided with a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency.

**NEW SECTION. Sec. 2.** A new section is added to chapter 18.04 RCW to read as follows:

The board shall suspend the license or certificate of any person who has been certified by a lending agency and reported to the board for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's license or certificate shall not be reissued until the person provides the board a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for licensure or certification during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the board may impose.

**NEW SECTION. Sec. 3.** A new section is added to chapter 18.08 RCW to read as follows:

The board shall suspend the certificate or registration of any person who has been certified by a lending agency and reported to the board for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's certificate or registration shall not be reissued until the person provides the board a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for certification or registration during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the board may impose.

**NEW SECTION. Sec. 4.** A new section is added to chapter 18.11 RCW to read as follows:

The director shall suspend the license, certificate, or registration of any person who has been certified by a lending agency and reported to the director for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's license, certificate, or registration shall not be reissued until the person provides the director a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for licensure, certification, or registration during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the director may impose.

**NEW SECTION. Sec. 5.** A new section is added to chapter 18.16 RCW to read as follows:

The director shall suspend the license of any person who has been certified by a lending agency and reported to the director for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's license shall not be reissued until the person provides the director a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for licensure during the

suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the director may impose.

**NEW SECTION. Sec. 6.** A new section is added to chapter 18.20 RCW to read as follows:

The secretary shall suspend the license of any person who has been certified by a lending agency and reported to the secretary for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's license shall not be reissued until the person provides the secretary a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for licensure during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the secretary may impose.

**NEW SECTION. Sec. 7.** A new section is added to chapter 18.27 RCW to read as follows:

The director shall suspend the certificate of registration of any person who has been certified by a lending agency and reported to the director for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's certificate of registration shall not be reissued until the person provides the director a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for certification of registration during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the director may impose.

**NEW SECTION. Sec. 8.** A new section is added to chapter 18.28 RCW to read as follows:

The director shall suspend the license of any person who has been certified by a lending agency and reported to the director for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's license shall not be reissued until the person provides the director a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for licensure during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the director may impose.

**NEW SECTION. Sec. 9.** A new section is added to chapter 18.39 RCW to read as follows:

The director shall suspend the license of any person who has been certified by a lending agency and reported to the director for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's license shall not be reissued until the person provides the director a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for licensure during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the director may impose.

**NEW SECTION. Sec. 10.** A new section is added to chapter 18.43 RCW to read as follows:

The board shall suspend the certificate of registration or license of any person who has been certified by a lending agency and reported to the board for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's certificate of registration or license shall not be reissued until the person provides the board a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for registration or licensure during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the board may impose.

**NEW SECTION. Sec. 11.** A new section is added to chapter 18.44 RCW to read as follows:

The director shall suspend the certificate of registration of any person who has been certified by a lending agency and reported to the director for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's certificate of registration shall not be reissued until the person provides the director a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for registration during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the director may impose.

**NEW SECTION. Sec. 12.** A new section is added to chapter 18.46 RCW to read as follows:

The department shall suspend the license of any person who has been certified by a lending agency and reported to the department for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's license shall not be reissued until the person provides the department a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for licensure during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the department may impose.

**NEW SECTION. Sec. 13.** A new section is added to chapter 18.76 RCW to read as follows:

The secretary shall suspend the certificate of any person who has been certified by a lending agency and reported to the secretary for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's certificate shall not be reissued until the person provides the secretary a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for certification during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the secretary may impose.

**NEW SECTION. Sec. 14.** A new section is added to chapter 18.85 RCW to read as follows:

The director shall suspend the license of any person who has been certified by a lending agency and reported to the director for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's license shall not be reissued until the person provides the director a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for licensure during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the director may impose.

**NEW SECTION. Sec. 15.** A new section is added to chapter 18.96 RCW to read as follows:

The director shall suspend the certificate of registration of any person who has been certified by a lending agency and reported to the director for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's certificate of registration shall not be reissued until the person provides the director a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for certification during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the director may impose.

**NEW SECTION. Sec. 16.** A new section is added to chapter 18.104 RCW to read as follows:

The director shall suspend the license of any person who has been certified by a lending agency and reported to the director for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan

or service-conditional scholarship. The person's license shall not be reissued until the person provides the director a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for licensure during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the director may impose.

**NEW SECTION. Sec. 17.** A new section is added to chapter 18.106 RCW to read as follows:

The director shall suspend the certificate or permit of any person who has been certified by a lending agency and reported to the director for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's certificate or permit shall not be reissued until the person provides the director a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for certification or permits during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the director may impose.

**NEW SECTION. Sec. 18.** A new section is added to chapter 18.130 RCW to read as follows:

The department shall suspend the license of any person who has been certified by a lending agency and reported to the department for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's license shall not be reissued until the person provides the department a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for licensure during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the department may impose.

**NEW SECTION. Sec. 19.** A new section is added to chapter 18.140 RCW to read as follows:

The director shall suspend the certificate or license of any person who has been certified by a lending agency and reported to the director for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's certificate or license shall not be reissued until the person provides the director a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for certification or licensure during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the director may impose.

**NEW SECTION. Sec. 20.** A new section is added to chapter 18.145 RCW to read as follows:

The director shall suspend the certificate of any person who has been certified by a lending agency and reported to the director for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's certificate shall not be reissued until the person provides the director a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for certification during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the director may impose.

**NEW SECTION. Sec. 21.** A new section is added to chapter 18.160 RCW to read as follows:

The state director of fire protection shall suspend the certificate of any person who has been certified by a lending agency and reported to the state director of fire protection for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's certificate shall not be reissued until the person provides the state director of fire protection a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending

agency. If the person has continued to meet all other requirements for certification during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the state director of fire protection may impose.

**NEW SECTION. Sec. 22.** A new section is added to chapter 18.165 RCW to read as follows:

The director shall suspend the license or certificate of any person who has been certified by a lending agency and reported to the director for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's license or certificate shall not be reissued until the person provides the director a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for licensure or certification during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the director may impose.

**NEW SECTION. Sec. 23.** A new section is added to chapter 18.170 RCW to read as follows:

The director shall suspend the license or certificate of any person who has been certified by a lending agency and reported to the director for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's license or certificate shall not be reissued until the person provides the director a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for licensure or certification during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the director may impose.

**NEW SECTION. Sec. 24.** A new section is added to chapter 18.175 RCW to read as follows:

The director shall suspend the certificate of registration of any person who has been certified by a lending agency and reported to the director for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's certificate of registration shall not be reissued until the person provides the director a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for certification of registration during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the director may impose.

**NEW SECTION. Sec. 25.** A new section is added to chapter 18.180 RCW to read as follows:

The auditor of the county shall suspend the registration of any person who has been certified by a lending agency and reported to the auditor of the county for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's registration shall not be reissued until the person provides the auditor of the county a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for registration during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the auditor of the county may impose.

**NEW SECTION. Sec. 26.** A new section is added to chapter 18.185 RCW to read as follows:

The director shall suspend the license of any person who has been certified by a lending agency and reported to the director for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's license shall not be reissued until the person provides the director a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for licensure during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the director may impose.

**NEW SECTION. Sec. 27.** A new section is added to chapter 28A.410 RCW to read as follows:

The authorizing authority shall suspend the certificate or permit of any person who has been certified by a lending agency and reported to the authorizing authority for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's certificate or permit shall not be reissued until the person provides the authorizing authority a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for certification or permit during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the authorizing authority may impose.

NEW SECTION. **Sec. 28.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Wood moved that the following amendment by Senators Wood, Haugen and Prince to the Committee on Higher Education striking amendment be adopted:

On page 2, line 2 of the amendment, after "impose." insert "The board shall not require, for purposes of obtaining a license, educational credit hours in excess of the number of hours required to obtain a baccalaureate degree."

#### POINT OF ORDER

Senator Bauer: "I would like the President to rule on whether or not this is within the scope and object of the bill." There being no objection, the President deferred further consideration of Substitute House Bill No. 2371.

#### MOTIONS

On motion of Senator Hochstatter, Senator Schow was excused.  
On motion of Senator Sheldon, Senator Franklin was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2634, by House Committee on Commerce and Labor (originally sponsored by Representatives Scott, Mason, Linville, Schoesler, Sheldon, Jacobsen and Veloria)

Authorizing the sale of malt liquor in untapped kegs by class H licensees.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Substitute House Bill No. 2634 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2634.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2634 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 8; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Fraser, Goings, Hale, Haugen, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley and Wood - 37.

Voting nay: Senators Hargrove, Heavey, Hochstatter, Oke, Sheldon, Thibaudeau, Wojahn and Zarelli - 8.

Absent: Senator Owen - 1.

Excused: Senators Franklin, McCaslin and Schow - 3.

SUBSTITUTE HOUSE BILL NO. 2634, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2292, by House Committee on Appropriations (originally sponsored by Representatives Carlson, Jacobsen and Murray) (by request of Higher Education Coordinating Board)

Establishing the innovation and quality in higher education program.

The bill was read the second time.

#### MOTION

On motion of Senator Bauer, the rules were suspended, Second Substitute House Bill No. 2292 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 2292.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2292 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45.

Absent: Senators Hargrove and Johnson - 2.

Excused: Senators Franklin and Schow - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 2292, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2652, by Representatives Ballasiotes, Costa and Scott

Clarifying existing law on the costs of hospitalizing criminally insane patients.

The bill was read the second time.

#### MOTION

On motion of Senator Hargrove, the rules were suspended, House Bill No. 2652 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2652.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2652 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton,

Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

HOUSE BILL NO. 2652, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

#### MOTION FOR RECONSIDERATION

Having served prior notice, Senator Pelz moved that the Senate reconsider the vote by which the Committee on Labor, Commerce and Trade amendment on page 3, line 13, to Engrossed Substitute House Bill No. 1648 was not adopted earlier today.

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

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Pelz to reconsider the vote by which the Committee on Labor, Commerce and Trade amendment on page 3, line 13, to Engrossed Substitute House Bill No. 1648 was not adopted.

#### ROLL CALL

The Secretary called the roll and the motion for reconsideration of the committee amendment carried by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau and Wojahn - 25.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 24.

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Labor, Commerce and Trade amendment on page 3, line 13, on reconsideration, to Engrossed Substitute House Bill No. 1648.

The committee amendment, on reconsideration, was adopted.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Engrossed Substitute House Bill No. 1648, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1648, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1648, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, Winsley and Wojahn - 26.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Wood and Zarelli - 23.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1648, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1964, by House Committee on Transportation (originally sponsored by Representatives K. Schmidt, R. Fisher, Robertson, Cairnes, Ogden, Hankins, Elliot, Johnson, Chandler, Scott, Tokuda, Quall, Backlund, Chopp, Horn, Koster, McMahan, Mitchell, Skinner, Benton, D. Schmidt and Stevens)

Simplifying accident report record-keeping.

The bill was read the second time.

#### MOTIONS

On motion of Senator Owen, the following Committee on Transportation amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 46.52.030 and 1989 c 353 s 5 are each amended to read as follows:

(1) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to the property of any one person to an apparent extent equal to or greater than the minimum amount established by rule adopted by the chief of the Washington state patrol in accordance with subsection (5) of this section, shall, within twenty-four hours after such accident, make a written report of such accident to the chief of police of the city or town if such accident occurred within an incorporated city or town or the county sheriff or state patrol if such accident occurred outside incorporated cities and towns. Nothing in this subsection prohibits accident reports from being filed by drivers where damage to property is less than the minimum amount.

(2) The original of ~~((such))~~ the report shall be immediately forwarded by the authority receiving ~~((such))~~ the report to the chief of the Washington state patrol at Olympia, Washington~~((, and the second copy of such report to be forwarded to))~~. The Washington state patrol shall give the department of licensing ((at Olympia, Washington)) full access to the report.

(3) Any law enforcement officer who investigates an accident for which a driver's report is required under subsection (1) of this section shall submit an investigator's report as required by RCW 46.52.070.

(4) The chief of the Washington state patrol may require any driver of any vehicle involved in an accident, of which report must be made as provided in this section, to file supplemental reports whenever the original report in his opinion is insufficient, and may likewise require witnesses of any such accident to render reports. For this purpose, the chief of the Washington state patrol shall prepare and, upon request, supply to any police department, coroner, sheriff, and any other suitable agency or individual, sample forms of accident reports required hereunder, which reports shall be upon a form devised by the chief of the Washington state patrol and shall call for sufficiently detailed information to disclose all material facts with reference to the accident to be reported thereon, including the location, the cause, the conditions then existing, the persons and vehicles involved, the insurance information required under RCW 46.30.030, personal injury or death, if any, the amounts of property damage claimed, the total number of vehicles involved, whether the vehicles were legally parked, legally standing, or moving, and whether such vehicles were occupied at the time of the accident. Every required accident report shall be made on a form prescribed by the chief of the Washington state patrol and each authority charged with the duty of receiving such reports shall provide sufficient report forms in compliance with the form devised. The report forms shall be designated so as to provide that a copy may be retained by the reporting person.

(5) The chief of the Washington state patrol shall adopt rules establishing the accident-reporting threshold for property damage accidents. Beginning October 1, 1987, the accident-reporting threshold for property damage accidents shall be five hundred dollars. The accident-reporting threshold for property damage accidents shall be revised when necessary, but not more frequently than every two years. The revisions shall only be for the purpose of recognizing economic changes as reflected by an inflationary index recommended by the office of financial management. The revisions shall be guided by the change in the index for the time period since the last revision.

**Sec. 2.** RCW 46.52.130 and 1994 c 275 s 16 are each amended to read as follows:

A certified abstract of the driving record shall be furnished only to the individual named in the abstract, an employer or prospective employer or an agent acting on behalf of an employer or prospective employer, the insurance carrier that has insurance in effect covering the employer or a prospective employer, the insurance carrier that has insurance in effect covering the named individual, the insurance carrier to which the named individual has applied, an alcohol/drug assessment or treatment agency approved by the department of social and health services, to which the named individual has applied or been assigned for evaluation or treatment, or city and county prosecuting attorneys. City attorneys and county prosecuting attorneys may provide the driving record to alcohol/drug assessment or treatment agencies approved by the department of social and health services to which the named individual has applied or been assigned for evaluation or treatment. The director, upon proper request, shall furnish a certified abstract covering the period of not more than the last three years to

insurance companies. Upon proper request, the director shall furnish a certified abstract covering a period of not more than the last five years to state approved alcohol/drug assessment or treatment agencies, except that the certified abstract shall also include records of alcohol-related offenses as defined in RCW 46.01.260(2) covering a period of not more than the last ten years. Upon proper request, a certified abstract of the full driving record maintained by the department shall be furnished to a city or county prosecuting attorney, to the individual named in the abstract or to an employer or prospective employer or an agent acting on behalf of an employer or prospective employer of the named individual. The abstract, whenever possible, shall include an enumeration of motor vehicle accidents in which the person was driving; the total number of vehicles involved; whether the vehicles were legally parked or moving; whether the vehicles were occupied at the time of the accident; any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law; and the status of the person's driving privilege in this state. The enumeration shall include any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served upon the named individual by an arresting officer. Certified abstracts furnished to prosecutors and alcohol/drug assessment or treatment agencies shall also indicate whether a recorded violation is an alcohol-related offense as defined in RCW 46.01.260(2) that was originally charged as one of the alcohol-related offenses designated in RCW 46.01.260(2)(a)(i).

The abstract provided to the insurance company shall exclude any information, except that related to the commission of misdemeanors or felonies by the individual, pertaining to law enforcement officers or fire fighters as defined in RCW 41.26.030, or any officer of the Washington state patrol, while driving official vehicles in the performance of occupational duty. The abstract provided to the insurance company shall exclude any deferred prosecution under RCW 10.05.060, except that if a person is removed from a deferred prosecution under RCW 10.05.090, the abstract shall show the deferred prosecution as well as the removal.

The director shall collect for each abstract the sum of four dollars and fifty cents which shall be deposited in the highway safety fund.

Any insurance company or its agent receiving the certified abstract shall use it exclusively for its own underwriting purposes and shall not divulge any of the information contained in it to a third party. No policy of insurance may be canceled, nonrenewed, denied, or have the rate increased on the basis of such information unless the policyholder was determined to be at fault. No insurance company or its agent for underwriting purposes relating to the operation of commercial motor vehicles may use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment, nor may any insurance company or its agent for underwriting purposes relating to the operation of noncommercial motor vehicles use any information contained in the abstract relative to any person's operation of commercial motor vehicles.

Any employer or prospective employer or an agent acting on behalf of an employer or prospective employer receiving the certified abstract shall use it exclusively for his or her own purpose to determine whether the licensee should be permitted to operate a commercial vehicle or school bus upon the public highways of this state and shall not divulge any information contained in it to a third party.

Any alcohol/drug assessment or treatment agency approved by the department of social and health services receiving the certified abstract shall use it exclusively for the purpose of assisting its employees in making a determination as to what level of treatment, if any, is appropriate. The agency, or any of its employees, shall not divulge any information contained in the abstract to a third party.

Release of a certified abstract of the driving record of an employee or prospective employee requires a statement signed by: (1) The employee or prospective employee that authorizes the release of the record, and (2) the employer attesting that the information is necessary to determine whether the licensee should be employed to operate a commercial vehicle or school bus upon the public highways of this state. If the employer or prospective employer authorizes an agent to obtain this information on their behalf, this must be noted in the statement.

Any violation of this section is a gross misdemeanor.

**NEW SECTION. Sec. 3.** This act takes effect July 1, 1996."

On motion of Senator Owen, the following title amendment was adopted:

On line 1 of the title, after "reports;" strike the remainder of the title and insert "amending RCW 46.52.030 and 46.52.130; and providing an effective date."

#### MOTION

On motion of Senator Owen, the rules were suspended, Substitute House Bill No. 1964, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1964, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1964, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1964, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2772, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Kessler and Buck)

Raising the amount that must be exceeded by the cost of dock construction for the construction to be considered substantial development under the Shoreline Management Act of 1971.

The bill was read the second time.

#### MOTIONS

On motion of Senator Fraser, the following Committee on Ecology and Parks amendment was adopted:  
Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 90.58.030 and 1995 c 382 s 10, 1995 c 255 s 5, and 1995 c 237 s 1 are each reenacted and amended to read as follows:

As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

(1) Administration:

(a) "Department" means the department of ecology;

(b) "Director" means the director of the department of ecology;

(c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;

(d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;

(e) "Hearing board" means the shoreline hearings board established by this chapter.

(2) Geographical:

(a) "Extreme low tide" means the lowest line on the land reached by a receding tide;

(b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;

(c) "Shorelines of the state" are the total of all "shorelines" and "shorelines of state-wide significance" within the state;

(d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(e) "Shorelines of state-wide significance" means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

(A) Nisqually Delta—from DeWolf Bight to Tatsolo Point,

(B) Birch Bay—from Point Whitehorn to Birch Point,

(C) Hood Canal—from Tala Point to Foulweather Bluff,

(D) Skagit Bay and adjacent area—from Brown Point to Yokeko Point, and

(E) Padilla Bay—from March Point to William Point;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those shorelands associated with (i), (ii), (iv), and (v) of this subsection (2)(e);

(f) "Shorelands" or "shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology. Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom;

(g) "Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state;

(h) "Wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

(3) Procedural terms:

(a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(b) "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020;

(c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(d) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any

project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds two thousand five hundred dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

(ii) Construction of the normal protective bulkhead common to single family residences;

(iii) Emergency construction necessary to protect property from damage by the elements;

(iv) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(v) Construction or modification of navigational aids such as channel markers and anchor buoys;

(vi) Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;

(vii) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences. This exception applies if either: (A) In salt waters, the ((east)) fair market value of ((which)) the dock does not exceed two thousand five hundred dollars; or (B) in fresh waters, the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter.

(viii) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;

(ix) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

(x) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;

(xi) Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

(A) The activity does not interfere with the normal public use of the surface waters;

(B) The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

(C) The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

(D) A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and

(E) The activity is not subject to the permit requirements of RCW 90.58.550;

(xii) The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department jointly with other state agencies under chapter 43.21C RCW."

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 6 of the title, after "1971;" strike the remainder of the title and insert "and reenacting and amending RCW 90.58.030."

#### MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 2772, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2772, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2772, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2772, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### STATEMENT FOR THE JOURNAL

In error, I voted against House Bill No. 2172. I support authorizing the Department of Social and Health Services to have enforcement authority to sanction adult residential care services for violations of contract standards. Therefore, I support House Bill No. 2172.

SENATOR STEPHEN JOHNSON, 47th District

#### SECOND READING

HOUSE BILL NO. 2172, by Representatives Dyer, Cody, Dellwo, Dickerson, Horn and Carlson (by request of Department of Social and Health Services)

Authorizing actions and penalties against adult residential care providers by the department of social and health services.

The bill was read the second time.

#### MOTION

On motion of Senator Quigley, the rules were suspended, House Bill No. 2172 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2172.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2172 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, Moyer, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45.

Voting nay: Senators Johnson, McDonald, Morton and Newhouse - 4.

HOUSE BILL NO. 2172, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2913, by Representative Fuhrman

Changing the future teachers conditional scholarship program.

The bill was read the second time.

#### MOTION

On motion of Senator Bauer, the rules were suspended, House Bill No. 2913 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2913.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2913 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senators McDonald and West - 2.

HOUSE BILL NO. 2913, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 2838, by Representatives Dyer, Cody, Foreman, McMahan, Goldsmith, Huff, Carlson and Robertson

Limiting mediation of health care injury disputes.

The bill was read the second time.

#### MOTION

On motion of Senator Quigley, the rules were suspended, Engrossed House Bill No. 2838 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2838.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2838 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton,

Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

ENGROSSED HOUSE BILL NO. 2838, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

ENGROSSED HOUSE BILL NO. 2452, by Representatives Valle, Backlund, Cody and Dyer

Revising provisions on control of tuberculosis to include treatment orders.

The bill was read the second time.

## MOTIONS

On motion of Senator Quigley, the following Committee on Health and Long-Term Care amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.28.010 and 1967 c 54 s 1 are each amended to read as follows:

All practicing physicians in the state are hereby required to report to the local boards of health in writing, the name, age, sex, occupation and residence of every person having tuberculosis who has been attended by, or who has come under the observation of such physician within ~~((five days))~~ one day thereof.

**Sec. 2.** RCW 70.28.031 and 1967 c 54 s 4 are each amended to read as follows:

Each health officer is hereby directed to use every available means to ascertain the existence of, and immediately to investigate, all reported or suspected cases of tuberculosis in the infectious stages within his or her jurisdiction and to ascertain the sources of such infections. In carrying out such investigations, each health officer is hereby invested with full powers of inspection, examination, treatment, and quarantine or isolation of all persons known to be infected with tuberculosis in an infectious stage or persons who have been previously diagnosed as having tuberculosis and who are under medical orders for treatment or periodic follow-up examinations and is hereby directed:

(a) To make such examinations as are deemed necessary of persons reasonably suspected of having tuberculosis in an infectious stage and to isolate and treat or isolate, treat, and quarantine such persons, whenever deemed necessary for the protection of the public health.

(b) To make such examinations as deemed necessary of persons who have been previously diagnosed as having tuberculosis and who are under medical orders for periodic follow-up examinations.

(c) Follow local rules and regulations regarding examinations, treatment, quarantine, or isolation, and all rules, regulations, and orders of the state board and of the department in carrying out such examination, treatment, quarantine, or isolation.

(d) Whenever the health officer shall determine on reasonable grounds that an examination or treatment of any person is necessary for the preservation and protection of the public health, he or she shall make an examination order in writing, setting forth the name of the person to be examined, the time and place of the examination, the treatment, and such other terms and conditions as may be necessary to protect the public health. Nothing contained in this subdivision shall be construed to prevent any person whom the health officer determines should have an examination or treatment for infectious tuberculosis from having such an examination or treatment made by a physician of his or her own choice who is licensed to practice osteopathy and surgery under chapter 18.57 RCW or medicine and surgery under chapter 18.71 RCW under such terms and conditions as the health officer shall determine on reasonable grounds to be necessary to protect the public health.

(e) Whenever the health officer shall determine that quarantine, treatment, or isolation in a particular case is necessary for the preservation and protection of the public health, he or she shall make an ~~((isolation or quarantine))~~ order to that effect in writing, setting forth the name of the person ~~((to be isolated))~~, the period of time during which the order shall remain effective, the place of treatment, isolation, or quarantine, and such other terms and conditions as may be necessary to protect the public health.

(f) Upon the making of an examination, treatment, isolation, or quarantine order as provided in this section, a copy of such order shall be served upon the person named in such order.

(g) Upon the receipt of information that any examination, treatment, quarantine, or isolation order, made and served as herein provided, has been violated, the health officer shall advise the prosecuting attorney of the county in which such violation has occurred, in writing, and shall submit to such prosecuting attorney the information in his or her possession

relating to the subject matter of such examination, treatment, isolation, or quarantine order, and of such violation or violations thereof.

(h) Any and all orders authorized under this section shall be made by the health officer or his or her tuberculosis control officer.

(i) Nothing in this chapter shall be construed to abridge the right of any person to rely exclusively on spiritual means alone through prayer to treat tuberculosis in accordance with the tenants and practice of any well-recognized church or religious denomination, nor shall anything in this chapter be deemed to prohibit a person who is inflicted with tuberculosis from being isolated or quarantined in a private place of his own choice, provided, it is approved by the local health officer, and all laws, rules and regulations governing control, sanitation, isolation, and quarantine are complied with.

**Sec. 3.** RCW 70.28.032 and 1994 c 145 s 2 are each amended to read as follows:

(1) The state board of health shall adopt rules establishing the requirements for:

(a) Reporting confirmed or suspected cases of tuberculosis by health care providers and reporting of laboratory results consistent with tuberculosis by medical test sites;

(b) Due process standards for health officers exercising their authority to involuntarily detain, test, treat, or isolate persons with suspected or confirmed tuberculosis under RCW 70.28.031 and 70.05.070 that provide for release from any involuntary detention, testing, treatment, or isolation as soon as the health officer determines the patient no longer represents a risk to the public's health;

(c) Training of persons to perform tuberculosis skin testing and to administer tuberculosis medications.

(2) Notwithstanding any other provision of law, persons trained under subsection (1)(c) of this section may perform skin testing and administer medications if doing so as part of a program established by a state or local health officer to control tuberculosis.

~~((3) The board shall adopt rules under subsection (1) of this section by December 31, 1994.))~~

**Sec. 4.** RCW 70.28.033 and 1967 c 54 s 5 are each amended to read as follows:

Inasmuch as the order provided for by RCW 70.28.031 is for the protection of the public health, any person who, after service upon him or her of an order of a health officer directing his or her treatment, isolation, or examination as provided for in RCW 70.28.031, violates or fails to comply with the same or any provision thereof, is guilty of a misdemeanor, and, upon conviction thereof, in addition to any and all other penalties which may be imposed by law upon such conviction, may be ordered by the court confined until such order of such health officer shall have been fully complied with or terminated by such health officer, but not exceeding six months from the date of passing judgment upon such conviction: PROVIDED, That the court, upon suitable assurances that such order of such health officer will be complied with, may place any person convicted of a violation of such order of such health officer upon probation for a period not to exceed two years, upon condition that the said order of said health officer be fully complied with: AND PROVIDED FURTHER, That upon any subsequent violation of such order of such health officer, such probation shall be terminated and confinement as herein provided ordered by the court.

**Sec. 5.** RCW 70.28.035 and 1967 c 54 s 6 are each amended to read as follows:

In addition to the proceedings set forth in RCW 70.28.031, where a local health officer has reasonable cause to believe that an individual has tuberculosis as defined in the rules and regulations of the state board of health, and the individual refuses to obey the order of the local health officer to appear for an initial examination or a follow-up examination or an order for treatment, isolation, or quarantine, the health officer may apply to the superior court for an order requiring the individual to comply with the order of the local health officer."

On motion of Senator Quigley, the following title amendment was adopted:

On page 1, line 1 of the title, after "tuberculosis;" strike the remainder of the title and insert "and amending RCW 70.28.010, 70.28.031, 70.28.032, 70.28.033, and 70.28.035."

#### MOTION

On motion of Senator Quigley, the rules were suspended, Engrossed House Bill No. 2452, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2452, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2452, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

ENGROSSED HOUSE BILL NO. 2452, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pritchard assumed the Chair.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2781, by House Committee on Appropriations (originally sponsored by Representatives Basich, Regala, Conway, Reams, Grant, Elliot, Quall, Linville, Chandler, Hatfield, D. Sommers, Scheurman, Stevens, McMahan, Buck, Sheldon, Tokuda, Poulsen, Cole, Chopp, Kessler, Costa, Thompson, D. Schmidt, Robertson and Cooke)

Providing for veterans' preferences.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Engrossed Substitute House Bill No. 2781 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2781.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2781 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senators Deccio and Rinehart - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2781, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2152, by Representatives Dyer, Backlund, Cody, Morris, Carlson, Thompson, Costa and Murray (by request of Department of Health)

Revising provisions for adult family home licensing and operation.

The bill was read the second time.

#### MOTIONS

On motion of Senator Quigley, the following Committee on Health and Long-Term Care amendment was adopted: Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 70.128.120 and 1995 1st sp.s. c 18 s 117 are each amended to read as follows:

~~((An))~~ Each adult family home provider and each resident manager shall have the following minimum qualifications:

- (1) Twenty-one years of age or older;
- (2) Good moral and responsible character and reputation;
- (3) Literacy;
- (4) Management and administrative ability to carry out the requirements of this chapter;
- (5) Satisfactory completion of department-approved initial training and continuing education training as specified by the department in rule;
- (6) Satisfactory completion of department-approved, or equivalent, special care training before a provider may provide special care services to a resident;
- (7) Not been convicted of any crime listed in RCW 43.43.830 and 43.43.842; and
- (8) Effective July 1, 1996, registered with the department of health.

**Sec. 2.** RCW 18.48.010 and 1995 c 260 s 7 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Secretary" means the secretary of the department of health.
- (2) "Adult family home" means a regular family abode of a person or persons who provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.
- (3) ~~("Operator" means a provider who is licensed under chapter 70.128 RCW to operate an adult family home.~~
- (4) ~~"Person" includes an individual, firm, corporation, partnership, or association)~~ "Resident manager" means a person who is employed or otherwise is contracted with by the provider to manage the adult family home.
- (4) "Provider" means any person who is licensed under chapter 70.128 RCW to operate an adult family home. For the purposes of this section, "person" means any individual, partnership, corporation, association, or limited liability company.

**NEW SECTION. Sec. 3.** A new section is added to chapter 18.48 RCW to read as follows:

A provider who operates more than one adult family home must register for each separate location.

**Sec. 4.** RCW 18.48.020 and 1995 c 260 s 8 are each amended to read as follows:

~~((A person who operates an adult family home shall register the home with the secretary. Each separate location of the business of an adult family home shall have a separate registration.))~~ (1) The secretary shall register adult family home providers and resident managers.

(2) The secretary, by policy or rule, shall define terms and establish forms and procedures for ((the processing of operator)) registration applications, including the payment of registration fees pursuant to RCW 43.70.250. An application for an adult family home ((operator)) resident manager or provider registration shall include at least the following information:

~~((1))~~ (a) ((The names and addresses of the operator of the adult family home)) Name and address; and

~~((2))~~ (b) If the ((operator)) provider is a corporation, copies of its articles of incorporation and current bylaws, together with the names and addresses of its officers and directors.

~~((A registration issued by the secretary in accordance with this section shall remain effective for a period of one year from the date of its issuance unless the registration is revoked or suspended pursuant to RCW 18.48.030, or unless))~~

(3) The secretary shall adopt policies or rules to establish the registration periods, fees, and procedures. If the adult family home is sold or ownership or management is transferred, ((in which case)) the registration ((of the home)) shall be voided and the ((operator)) provider and resident manager shall apply for a new registration.

**Sec. 5.** RCW 18.130.040 and 1995 c 336 s 2, 1995 c 323 s 16, 1995 c 260 s 11, and 1995 c 1 s 19 (Initiative Measure No. 607) are each reenacted and amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

- (i) Dispensing opticians licensed under chapter 18.34 RCW;
- (ii) Naturopaths licensed under chapter 18.36A RCW;
- (iii) Midwives licensed under chapter 18.50 RCW;
- (iv) Ocularists licensed under chapter 18.55 RCW;
- (v) Massage operators and businesses licensed under chapter 18.108 RCW;
- (vi) Dental hygienists licensed under chapter 18.29 RCW;
- (vii) Acupuncturists licensed under chapter 18.06 RCW;

- (viii) Radiologic technologists certified and x-ray technicians registered under chapter 18.84 RCW;
- (ix) Respiratory care practitioners certified under chapter 18.89 RCW;
- (x) Persons registered or certified under chapter 18.19 RCW;
- (xi) Persons registered as nursing pool operators under chapter 18.52C RCW;
- (xii) Nursing assistants registered or certified under chapter 18.79 RCW;
- (xiii) Health care assistants certified under chapter 18.135 RCW;
- (xiv) Dietitians and nutritionists certified under chapter 18.138 RCW;
- (xv) Sex offender treatment providers certified under chapter 18.155 RCW;
- (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;
- (xvii) Persons registered as adult family home (~~operators~~) providers and resident managers under RCW 18.48.020;

and

(xviii) Denturists licensed under chapter 18.30 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

- (i) The podiatric medical board as established in chapter 18.22 RCW;
- (ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;
- (iii) The dental quality assurance commission as established in chapter 18.32 RCW;
- (iv) The board on fitting and dispensing of hearing aids as established in chapter 18.35 RCW;
- (v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;
- (vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;
- (vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued

under chapters 18.57 and 18.57A RCW;

(viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW; and

(xiv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the uniform disciplinary act, among the disciplining authorities listed in subsection (2) of this section.

**NEW SECTION. Sec. 6.** A new section is added to chapter 18.48 RCW to read as follows:

A multiple facility operator must successfully demonstrate to the department financial solvency and management experience for the homes under its ownership and the ability to meet other relevant safety, health, and operating standards pertaining to the operation of multiple homes, including ways to mitigate the potential impact of vehicular traffic related to the operation of the homes.

**NEW SECTION. Sec. 7.** This act shall take effect July 1, 1996."

On motion of Senator Quigley, the following title amendment was adopted:

On page 1, line 2 of the title, after "managers;" strike the remainder of the title and insert "amending RCW 70.128.120, 18.48.010, and 18.48.020; reenacting and amending RCW 18.130.040; adding new sections to chapter 18.48 RCW; and providing an effective date."

#### MOTION

On motion of Senator Quigley, the rules were suspended, House Bill No. 2152, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

## MOTION

On motion of Senator Thibaudeau, Senators Fairley, Owen and Rinehart were excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2152, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2152, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 15; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Deccio, Drew, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, McCaslin, Moyer, Newhouse, Pelz, Prentice, Prince, Quigley, Rasmussen, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, West, Winsley, Wojahn and Wood - 31.

Voting nay: Senators Anderson, A., Cantu, Finkbeiner, Hale, Hochstatter, Johnson, McDonald, Morton, Oke, Roach, Schow, Sellar, Strannigan, Swecker and Zarelli - 15.

Excused: Senators Fairley, Owen and Rinehart - 3.

HOUSE BILL NO. 2152, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2628, by Representatives Veloria, Conway and Cody

Revising provision on payment of industrial insurance benefits to beneficiaries.

The bill was read the second time.

## MOTION

On motion of Senator Pelz, the rules were suspended, House Bill No. 2628 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2628.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2628 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senator Loveland - 1.

Excused: Senators Fairley and Owen - 2.

HOUSE BILL NO. 2628, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Thibaudeau, Senator Quigley was excused.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2485, by House Committee on Government Operations (originally sponsored by Representatives H. Sommers, Rust, Reams, Scheuerman, Regala, Kessler, Costa, Chopp, Murray, Conway, Valle, Tokuda, Basich, Wolfe, Patterson, Dellwo and Linville)

Reducing property tax assessments in response to government restrictions.

The bill was read the second time.

#### MOTIONS

On motion of Senator Haugen, the following Committee on Government Operations amendment was adopted:  
Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 84.48.065 and 1992 c 206 s 12 are each amended to read as follows:

(1) The county assessor or treasurer may cancel or correct assessments on the assessment or tax rolls which are erroneous due to manifest errors in description, double assessments, clerical errors in extending the rolls, and such manifest errors in the listing of the property which do not involve a revaluation of property, ~~((such as))~~ except in the case that a taxpayer produces proof that an authorized land use authority has made a definitive change in the property's land use designation. In such a case, correction of the assessment or tax rolls may be made notwithstanding the fact that the action involves a revaluation of property. Manifest errors that do not involve a revaluation of property include the assessment of property exempted by law from taxation or the failure to deduct the exemption allowed by law to the head of a family. When the county assessor cancels or corrects an assessment, the assessor shall send a notice to the taxpayer in accordance with RCW 84.40.045, advising the taxpayer that the action has been taken and notifying the taxpayer of the right to appeal the cancellation or correction to the county board of equalization, in accordance with RCW 84.40.038. When the county assessor or treasurer cancels or corrects an assessment, a record of such action shall be prepared, setting forth therein the facts relating to the error. The record shall also set forth by legal description all property belonging exclusively to the state, any county, or any municipal corporation whose property is exempt from taxation, upon which there remains, according to the tax roll, any unpaid taxes. No manifest error cancellation or correction, including a cancellation or correction made due to a definitive change of land use designation, shall be made for any period more than three years preceding the year in which the error is discovered.

(2)(a) In the case of a definitive change of land use designation, an assessor shall make corrections that involve a revaluation of property to the assessment roll when:

(i) The assessor and taxpayer have signed an agreement as to the true and fair value of the taxpayer's property setting forth in the agreement the valuation information upon which the agreement is based; and

(ii) The assessment roll has previously been certified in accordance with RCW 84.40.320.

(b) In all other cases, an assessor shall make corrections that involve a revaluation of property to the assessment roll when:

~~((a))~~ (i) The assessor and taxpayer have signed an agreement as to the true and fair value of the taxpayer's property setting forth in the agreement the valuation information upon which the agreement is based; and

~~((b))~~ (ii) The following conditions are met:

~~((1))~~ (A) The assessment roll has previously been certified in accordance with RCW 84.40.320;

~~((2))~~ (B) The taxpayer has timely filed a petition with the county board of equalization pursuant to RCW 84.40.038 for the current assessment year;

~~((3))~~ (C) The county board of equalization has not yet held a hearing on the merits of the taxpayer's petition.

(3) The assessor shall issue a supplementary roll or rolls including such cancellations and corrections, and the assessment and levy shall have the same force and effect as if made in the first instance, and the county treasurer shall proceed to collect the taxes due on the rolls as modified.

**Sec. 2.** RCW 84.69.020 and 1994 c 301 s 55 are each amended to read as follows:

On the order of the county treasurer, ad valorem taxes paid before or after delinquency shall be refunded if they were:

- (1) Paid more than once; or
- (2) Paid as a result of manifest error in description; or
- (3) Paid as a result of a clerical error in extending the tax rolls; or
- (4) Paid as a result of other clerical errors in listing property; or
- (5) Paid with respect to improvements which did not exist on assessment date; or

- (6) Paid under levies or statutes adjudicated to be illegal or unconstitutional; or
- (7) Paid as a result of mistake, inadvertence, or lack of knowledge by any person exempted from paying real property taxes or a portion thereof pursuant to RCW 84.36.381 through 84.36.389, as now or hereafter amended; or
- (8) Paid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person with respect to real property in which the person paying the same has no legal interest; or
- (9) Paid on the basis of an assessed valuation which was appealed to the county board of equalization and ordered reduced by the board; or
- (10) Paid on the basis of an assessed valuation which was appealed to the state board of tax appeals and ordered reduced by the board: PROVIDED, That the amount refunded under subsections (9) and (10) of this section shall only be for the difference between the tax paid on the basis of the appealed valuation and the tax payable on the valuation adjusted in accordance with the board's order; or
- (11) Paid as a state property tax levied upon property, the assessed value of which has been established by the state board of tax appeals for the year of such levy: PROVIDED, HOWEVER, That the amount refunded shall only be for the difference between the state property tax paid and the amount of state property tax which would, when added to all other property taxes within the one percent limitation of Article VII, section 2 of the state Constitution equal one percent of the assessed value established by the board;
- (12) Paid on the basis of an assessed valuation which was adjudicated to be unlawful or excessive: PROVIDED, That the amount refunded shall be for the difference between the amount of tax which was paid on the basis of the valuation adjudged unlawful or excessive and the amount of tax payable on the basis of the assessed valuation determined as a result of the proceeding; or
- (13) Paid on property acquired under RCW 84.60.050, and canceled under RCW 84.60.050(2); or
- (14) Paid on the basis of an assessed valuation that was reduced under section 1 of this act.

No refunds under the provisions of this section shall be made because of any error in determining the valuation of property, except as authorized in subsections (9), (10), (11), and (12) of this section nor may any refunds be made if a bona fide purchaser has acquired rights that would preclude the assessment and collection of the refunded tax from the property that should properly have been charged with the tax. Any refunds made on delinquent taxes shall include the proportionate amount of interest and penalties paid. The county treasurer may deduct from moneys collected for the benefit of the state's levy, refunds of the state levy including interest on the levy as provided by this section and chapter 84.68 RCW.

The county treasurer of each county shall make all refunds determined to be authorized by this section, and by the first Monday in January of each year, report to the county legislative authority a list of all refunds made under this section during the previous year. The list is to include the name of the person receiving the refund, the amount of the refund, and the reason for the refund."

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 2 of the title, after "restrictions;" strike the remainder of the title and insert "and amending RCW 84.48.065 and 84.69.020."

#### MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute House Bill No. 2485, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2485, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2485, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Owen and Quigley - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2485, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1627, by Representatives Dyer, Backlund and Thibaudeau

Modernizing osteopathic physician and surgeon terminology.

The bill was read the second time.

### MOTIONS

On motion of Senator Thibaudeau, the following Committee on Health and Long-Term Care amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 18.35.110 and 1993 c 313 s 4 are each amended to read as follows:

In addition to causes specified under RCW 18.130.170 and 18.130.180, any person licensed under this chapter may be subject to disciplinary action by the board for any of the following causes:

(1) For unethical conduct in dealing in hearing aids. Unethical conduct shall include, but not be limited to:

(a) Using or causing or promoting the use of, in any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation, however disseminated or published, which is false, misleading or deceptive;

(b) Failing or refusing to honor or to perform as represented any representation, promise, agreement, or warranty in connection with the promotion, sale, dispensing, or fitting of the hearing aid;

(c) Advertising a particular model, type, or kind of hearing aid for sale which purchasers or prospective purchasers responding to the advertisement cannot purchase or are dissuaded from purchasing and where it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model, type, or kind than that advertised;

(d) Falsifying hearing test or evaluation results;

(e)(i) Whenever any of the following conditions are found or should have been found to exist either from observations by the licensee or on the basis of information furnished by the prospective hearing aid user prior to fitting and dispensing a hearing aid to any such prospective hearing aid user, failing to advise that prospective hearing aid user in writing that the user should first consult a licensed physician specializing in diseases of the ear or if no such licensed physician is available in the community then to any duly licensed physician:

(A) Visible congenital or traumatic deformity of the ear, including perforation of the eardrum;

(B) History of, or active drainage from the ear within the previous ninety days;

(C) History of sudden or rapidly progressive hearing loss within the previous ninety days;

(D) Acute or chronic dizziness;

(E) Any unilateral hearing loss;

(F) Significant air-bone gap when generally acceptable standards have been established as defined by the food and drug administration;

(G) Visible evidence of significant cerumen accumulation or a foreign body in the ear canal;

(H) Pain or discomfort in the ear; or

(I) Any other conditions that the board may by rule establish. It is a violation of this subsection for any licensee or that licensee's employees and putative agents upon making such required referral for medical opinion to in any manner whatsoever disparage or discourage a prospective hearing aid user from seeking such medical opinion prior to the fitting and dispensing of a hearing aid. No such referral for medical opinion need be made by any licensee in the instance of replacement only of a hearing aid which has been lost or damaged beyond repair within six months of the date of purchase. The licensee or the licensee's employees or putative agents shall obtain a signed statement from the hearing aid user documenting the waiver of medical clearance and the waiver shall inform the prospective user that signing the waiver is not in the user's best health interest: PROVIDED, That the licensee shall maintain a copy of either the physician's statement showing that the prospective hearing aid user has had a medical evaluation or the statement waiving medical evaluation, for a period of three years after the purchaser's receipt of a hearing aid. Nothing in this section required to be performed by a licensee shall mean that the licensee is engaged in the diagnosis of illness or the practice of medicine or any other activity prohibited under the laws of this state;

(ii) Fitting and dispensing a hearing aid to any person under eighteen years of age who has not been examined and cleared for hearing aid use within the previous six months by a physician specializing in otolaryngology except in the case of

replacement instruments or except in the case of the parents or guardian of such person refusing, for good cause, to seek medical opinion: PROVIDED, That should the parents or guardian of such person refuse, for good cause, to seek medical opinion, the licensee shall obtain from such parents or guardian a certificate to that effect in a form as prescribed by the department;

(iii) Fitting and dispensing a hearing aid to any person under eighteen years of age who has not been examined by an audiologist who holds at least a master's degree in audiology for recommendations during the previous six months, without first advising such person or his or her parents or guardian in writing that he or she should first consult an audiologist who holds at least a master's degree in audiology, except in cases of hearing aids replaced within six months of their purchase;

(f) Representing that the services or advice of a person licensed to practice medicine and surgery under chapter 18.71 RCW or (~~osteopathy~~) osteopathic medicine and surgery under chapter 18.57 RCW or of a clinical audiologist will be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing aids when that is not true, or using the word "doctor," "clinic," or other like words, abbreviations, or symbols which tend to connote a medical or osteopathic medicine and surgery profession when such use is not accurate;

(g) Permitting another to use his or her license;

(h) Stating or implying that the use of any hearing aid will restore normal hearing, preserve hearing, prevent or retard progression of a hearing impairment, or any other false, misleading, or medically or audiotologically unsupportable claim regarding the efficiency of a hearing aid;

(i) Representing or implying that a hearing aid is or will be "custom-made," "made to order," "prescription made," or in any other sense specially fabricated for an individual when that is not the case; or

(j) Directly or indirectly offering, giving, permitting, or causing to be given, money or anything of value to any person who advised another in a professional capacity as an inducement to influence that person, or to have that person influence others to purchase or contract to purchase any product sold or offered for sale by the licensee, or to influence any person to refrain from dealing in the products of competitors.

(2) Engaging in any unfair or deceptive practice or unfair method of competition in trade within the meaning of RCW 19.86.020.

(3) Aiding or abetting any violation of the rebating laws as stated in chapter 19.68 RCW.

**Sec. 2.** RCW 18.57.001 and 1991 c 160 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Board" means the Washington state board of osteopathic medicine and surgery;

(2) "Department" means the department of health;

(3) "Secretary" means the secretary of health; and

(4) "Osteopathic medicine and surgery" means the use of any and all methods in the treatment of disease, injuries, deformities, and all other physical and mental conditions in and of human beings, including the use of osteopathic manipulative therapy. (~~The term means the same as "osteopathy and surgery".~~)

**Sec. 3.** RCW 18.57.140 and 1919 c 4 s 20 are each amended to read as follows:

On all cards, signs, letterheads, envelopes and billheads used by those licensed by this chapter to practice (~~osteopathy or osteopathy~~) osteopathic medicine and surgery the word "osteopathic" shall always immediately precede the word "physician" and if the word "surgeon" is used in connection with said name, the word "osteopathic" shall also immediately precede said word "surgeon."

**Sec. 4.** RCW 18.71.030 and 1995 c 65 s 1 are each amended to read as follows:

Nothing in this chapter shall be construed to apply to or interfere in any way with the practice of religion or any kind of treatment by prayer; nor shall anything in this chapter be construed to prohibit:

(1) The furnishing of medical assistance in cases of emergency requiring immediate attention;

(2) The domestic administration of family remedies;

(3) The administration of oral medication of any nature to students by public school district employees or private elementary or secondary school employees as provided for in chapter 28A.210 RCW;

(4) The practice of dentistry, (~~osteopathy, osteopathy~~) osteopathic medicine and surgery, nursing, chiropractic, podiatric medicine and surgery, optometry, naturopathy, or any other healing art licensed under the methods or means permitted by such license;

(5) The practice of medicine in this state by any commissioned medical officer serving in the armed forces of the United States or public health service or any medical officer on duty with the United States veterans administration while such medical officer is engaged in the performance of the duties prescribed for him or her by the laws and regulations of the United States;

(6) The practice of medicine by any practitioner licensed by another state or territory in which he or she resides, provided that such practitioner shall not open an office or appoint a place of meeting patients or receiving calls within this state;

(7) The practice of medicine by a person who is a regular student in a school of medicine approved and accredited by the commission, however, the performance of such services be only pursuant to a regular course of instruction or assignments from his or her instructor, or that such services are performed only under the supervision and control of a person licensed pursuant to this chapter;

(8) The practice of medicine by a person serving a period of postgraduate medical training in a program of clinical medical training sponsored by a college or university in this state or by a hospital accredited in this state, however, the performance of such services shall be only pursuant to his or her duties as a trainee;

(9) The practice of medicine by a person who is regularly enrolled in a physician assistant program approved by the commission, however, the performance of such services shall be only pursuant to a regular course of instruction in said program and such services are performed only under the supervision and control of a person licensed pursuant to this chapter;

(10) The practice of medicine by a licensed physician assistant which practice is performed under the supervision and control of a physician licensed pursuant to this chapter;

(11) The practice of medicine, in any part of this state which shares a common border with Canada and which is surrounded on three sides by water, by a physician licensed to practice medicine and surgery in Canada or any province or territory thereof;

(12) The administration of nondental anesthesia by a dentist who has completed a residency in anesthesiology at a school of medicine approved by the commission, however, a dentist allowed to administer nondental anesthesia shall do so only under authorization of the patient's attending surgeon, obstetrician, or psychiatrist, and the commission has jurisdiction to discipline a dentist practicing under this exemption and enjoin or suspend such dentist from the practice of nondental anesthesia according to this chapter and chapter 18.130 RCW;

(13) Emergency lifesaving service rendered by a physician's trained emergency medical service intermediate life support technician and paramedic, as defined in RCW 18.71.200, if the emergency lifesaving service is rendered under the responsible supervision and control of a licensed physician;

(14) The provision of clean, intermittent bladder catheterization for students by public school district employees or private school employees as provided for in RCW 18.79.290 and 28A.210.280.

**Sec. 5.** RCW 18.71.055 and 1994 sp.s. c 9 s 309 are each amended to read as follows:

The commission may approve any school of medicine which is located in any state, territory, or possession of the United States, the District of Columbia, or in the Dominion of Canada, provided that it:

(1) Requires collegiate instruction which includes courses deemed by the commission to be prerequisites to medical education;

(2) Provides adequate instruction in the following subjects: Anatomy, biochemistry, microbiology and immunology, pathology, pharmacology, physiology, anaesthesiology, dermatology, gynecology, internal medicine, neurology, obstetrics, ophthalmology, orthopedic surgery, otolaryngology, pediatrics, physical medicine and rehabilitation, preventive medicine and public health, psychiatry, radiology, surgery, and urology, and such other subjects determined by the commission;

(3) Provides clinical instruction in hospital wards and out-patient clinics under guidance.

Approval may be withdrawn by the commission at any time a medical school ceases to comply with one or more of the requirements of this section.

(4) Nothing in this section shall be construed to authorize the commission to approve a school of (~~osteopathy, osteopathy~~) osteopathic medicine and surgery, or osteopathic medicine, for purposes of qualifying an applicant to be licensed under this chapter by direct licensure, reciprocity, or otherwise.

**Sec. 6.** RCW 18.71.205 and 1995 c 65 s 3 are each amended to read as follows:

(1) The secretary of the department of health, in conjunction with the advice and assistance of the emergency medical services licensing and certification advisory committee as prescribed in RCW 18.73.050, and the commission, shall prescribe:

(a) Practice parameters, training standards for, and levels of, physician trained emergency medical service intermediate life support technicians and paramedics;

(b) Minimum standards and performance requirements for the certification and recertification of physician's trained emergency medical service intermediate life support technicians and paramedics; and

(c) Procedures for certification, recertification, and decertification of physician's trained emergency medical service intermediate life support technicians and paramedics.

- (2) Initial certification shall be for a period of three years.
- (3) Recertification shall be granted upon proof of continuing satisfactory performance and education, and shall be for a period of three years.
- (4) As used in chapters 18.71 and 18.73 RCW, "approved medical program director" means a person who:
  - (a) Is licensed to practice medicine and surgery pursuant to chapter 18.71 RCW or ((osteopathy)) osteopathic medicine and surgery pursuant to chapter 18.57 RCW; and
  - (b) Is qualified and knowledgeable in the administration and management of emergency care and services; and
  - (c) Is so certified by the department of health for a county, group of counties, or cities with populations over four hundred thousand in coordination with the recommendations of the local medical community and local emergency medical services and trauma care council.
- (5) The Uniform Disciplinary Act, chapter 18.130 RCW, governs uncertified practice, the issuance and denial of certificates, and the disciplining of certificate holders under this section. The secretary shall be the disciplining authority under this section. Disciplinary action shall be initiated against a person credentialed under this chapter in a manner consistent with the responsibilities and duties of the medical program director under whom such person is responsible.
- (6) Such activities of ((physician[s])) physician's trained emergency medical service intermediate life support technicians and paramedics shall be limited to actions taken under the express written or oral order of medical program directors and shall not be construed at any time to include free standing or nondirected actions, for actions not presenting an emergency or life-threatening condition.

**Sec. 7.** RCW 18.76.020 and 1991 c 3 s 184 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

- (1) "Department" means the department of health.
- (2) "Poison information center medical director" means a person who: (a) Is licensed to practice medicine and surgery under chapter 18.71 RCW or ((osteopathy)) osteopathic medicine and surgery under chapter 18.57 RCW; (b) is certified by the secretary under standards adopted under RCW 18.76.050; and (c) provides services enumerated under RCW 18.76.030 ((and 18.76.040)), and is responsible for supervision of poison information specialists.
- (3) "Poison information specialist" means a person who provides services enumerated under RCW 18.76.030 ((and 18.76.040)) under the supervision of a poison information center medical director and is certified by the secretary under standards adopted under RCW 18.76.050.

(4) "Secretary" means the secretary of health.

**Sec. 8.** RCW 18.76.060 and 1993 c 343 s 4 are each amended to read as follows:

- (1) A person may not act as a poison center medical director or perform the duties of poison information specialists of a poison information center without being certified by the secretary under this chapter.
- (2) Notwithstanding subsection (1) of this section, if a poison center medical director terminates certification or is decertified, that poison center medical director's authority may be delegated by the department to any other person licensed to practice medicine and surgery under chapter 18.71 RCW or ((osteopathy)) osteopathic medicine and surgery under chapter 18.57 RCW for a period of thirty days, or until a new poison center medical director is certified, whichever comes first.

**Sec. 9.** RCW 18.120.020 and 1995 c 323 s 15 and 1995 c 1 s 18 (Initiative Measure No. 607) are each reenacted and amended to read as follows:

The definitions contained in this section shall apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Applicant group" includes any health professional group or organization, any individual, or any other interested party which proposes that any health professional group not presently regulated be regulated or which proposes to substantially increase the scope of practice of the profession.
- (2) "Certificate" and "certification" mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use "certified" in the title or designation to perform prescribed health professional tasks.
- (3) "Grandfather clause" means a provision in a regulatory statute applicable to practitioners actively engaged in the regulated health profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.
- (4) "Health professions" means and includes the following health and health-related licensed or regulated professions and occupations: Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW; dispensing opticians under chapter 18.34 RCW; hearing aids under chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home

administration under chapter 18.52 RCW; optometry under chapters 18.53 and 18.54 RCW; ophthalmologists under chapter 18.55 RCW; ~~((osteopathy and))~~ osteopathic medicine and surgery under chapters 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71 and 18.71A RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses under chapter 18.79 RCW; psychologists under chapter 18.83 RCW; registered nurses under chapter 18.79 RCW; occupational therapists licensed under chapter 18.59 RCW; respiratory care practitioners certified under chapter 18.89 RCW; veterinarians and animal technicians under chapter 18.92 RCW; health care assistants under chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW; acupuncturists licensed under chapter 18.06 RCW; persons registered or certified under chapter 18.19 RCW; dietitians and nutritionists certified by chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW; and nursing assistants registered or certified under chapter 18.88A RCW.

(5) "Inspection" means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare.

(6) "Legislative committees of reference" means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate health professions not previously regulated.

(7) "License," "licensing," and "licensure" mean permission to engage in a health profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed health professional tasks and for the use of a particular title.

(8) "Professional license" means an individual, nontransferable authorization to carry on a health activity based on qualifications which include: (a) Graduation from an accredited or approved program, and (b) acceptable performance on a qualifying examination or series of examinations.

(9) "Practitioner" means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified health profession.

(10) "Public member" means an individual who is not, and never was, a member of the health profession being regulated or the spouse of a member, or an individual who does not have and never has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated.

(11) "Registration" means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the health activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

(12) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(13) "State agency" includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency.

**Sec. 10.** RCW 26.44.020 and 1993 c 412 s 12 and 1993 c 402 s 1 are each reenacted and amended to read as follows:

For the purpose of and as used in this chapter:

(1) "Court" means the superior court of the state of Washington, juvenile department.

(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, ~~((osteopathy))~~ osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" shall include a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner shall not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

(5) "Department" means the state department of social and health services.

(6) "Child" or "children" means any person under the age of eighteen years of age.

(7) "Professional school personnel" shall include, but not be limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(8) "Social service counselor" shall mean anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to

adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(9) "Psychologist" shall mean any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(10) "Pharmacist" shall mean any registered pharmacist under the provisions of chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) "Clergy" shall mean any regularly licensed or ordained minister, priest or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(12) "Abuse or neglect" shall mean the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child, adult dependent, or developmentally disabled person by any person under circumstances which indicate that the child's or adult's health, welfare, and safety is harmed. An abused child is a child who has been subjected to child abuse or neglect as defined herein.

(13) "Child protective services section" shall mean the child protective services section of the department.

(14) "Adult dependent persons" shall be defined as those persons over the age of eighteen years who have been found to be legally incompetent or disabled pursuant to chapter 11.88 RCW.

(15) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(16) "Negligent treatment or maltreatment" means an act or omission which evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child's health, welfare, and safety.

(17) "Developmentally disabled person" means a person who has a disability defined in RCW 71A.10.020.

(18) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard the general welfare of such children and shall include investigations of child abuse and neglect reports, including reports regarding child care centers and family child care homes, and the development, management, and provision of or referral to services to ameliorate conditions which endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(19) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in wilful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a wilful disregard of social duty.

(20) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a "sexually aggressive youth."

**Sec. 11.** RCW 41.26.030 and 1994 c 264 s 14 and 1994 c 197 s 5 are each reenacted and amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the "Washington law enforcement officers' and fire fighters' retirement system" provided herein.

(2)(a) "Employer" for plan I members, means the legislative authority of any city, town, county, or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter, any authorized association of such municipalities, and, except for the purposes of RCW 41.26.150, any labor guild, association, or organization, which represents the fire fighters or law enforcement officers of at least seven cities of over 20,000 population and the membership of each local lodge or division of which is composed of at least sixty percent law enforcement officers or fire fighters as defined in this chapter.

(b) "Employer" for plan II members, means the following entities to the extent that the entity employs any law enforcement officer and/or fire fighter:

(i) The legislative authority of any city, town, county, or district;

(ii) The elected officials of any municipal corporation; or

(iii) The governing body of any other general authority law enforcement agency.

(3) "Law enforcement officer" beginning January 1, 1994, means any person who is commissioned and employed by an employer on a full time, fully compensated basis to enforce the criminal laws of the state of Washington generally, with the following qualifications:

(a) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not commissioned shall be considered a law enforcement officer;

(b) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination for deputy sheriff or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW 41.14.070 except a private secretary will be considered law enforcement officers;

(c) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers;

(d) The term "law enforcement officer" also includes the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) (~~as now or hereafter amended~~)) if that individual has five years previous membership in the retirement system established in chapter 41.20 RCW. The provisions of this subsection (3)(d) shall not apply to plan II members; and

(e) The term "law enforcement officer" also includes a person employed on or after January 1, 1993, as a public safety officer or director of public safety, so long as the job duties substantially involve only either police or fire duties, or both, and no other duties in a city or town with a population of less than ten thousand. The provisions of this subsection (3)(e) shall not apply to any public safety officer or director of public safety who is receiving a retirement allowance under this chapter as of May 12, 1993.

(4) "Fire fighter" means:

(a) Any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for fire fighter, and who is actively employed as such;

(b) Anyone who is actively employed as a full time fire fighter where the fire department does not have a civil service examination;

(c) Supervisory fire fighter personnel;

(d) Any full time executive secretary of an association of fire protection districts authorized under RCW 52.12.031. The provisions of this subsection (4)(d) shall not apply to plan II members;

(e) The executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended), if such individual has five years previous membership in a retirement system established in chapter 41.16 or 41.18 RCW. The provisions of this subsection (4)(e) shall not apply to plan II members;

(f) Any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to have passed a civil service examination for fire fighter; and

(g) Any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971, was making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW.

(5) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(6) "Surviving spouse" means the surviving widow or widower of a member. "Surviving spouse" shall not include the divorced spouse of a member except as provided in RCW 41.26.162.

(7)(a) "Child" or "children" means an unmarried person who is under the age of eighteen or mentally or physically handicapped as determined by the department, except a handicapped person in the full time care of a state institution, who is:

(i) A natural born child;

(ii) A stepchild where that relationship was in existence prior to the date benefits are payable under this chapter;

(iii) A posthumous child;

(iv) A child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter; or

(v) An illegitimate child legitimized prior to the date any benefits are payable under this chapter.

(b) A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.

(8) "Member" means any fire fighter, law enforcement officer, or other person as would apply under subsections (3) or (4) of this section whose membership is transferred to the Washington law enforcement officers' and fire fighters' retirement system on or after March 1, 1970, and every law enforcement officer and fire fighter who is employed in that capacity on or after such date.

(9) "Retirement fund" means the "Washington law enforcement officers' and fire fighters' retirement system fund" as provided for herein.

(10) "Employee" means any law enforcement officer or fire fighter as defined in subsections (3) and (4) of this section.

(11)(a) "Beneficiary" for plan I members, means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(b) "Beneficiary" for plan II members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(12)(a) "Final average salary" for plan I members, means (i) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; (ii) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by twenty-four; (iii) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; (iv) in the case of a member who hereafter vests pursuant to RCW 41.26.090, the basic salary payable to such member at the time of vesting.

(b) "Final average salary" for plan II members, means the monthly average of the member's basic salary for the highest consecutive sixty service credit months of service prior to such member's retirement, termination, or death. Periods constituting authorized unpaid leaves of absence may not be used in the calculation of final average salary.

(13)(a) "Basic salary" for plan I members, means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(b) "Basic salary" for plan II members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay. In any year in which a member serves in the legislature the member shall have the option of having such member's basic salary be the greater of:

(i) The basic salary the member would have received had such member not served in the legislature; or

(ii) Such member's actual basic salary received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because basic salary under (b)(i) of this subsection is greater than basic salary under (b)(ii) of this subsection shall be paid by the member for both member and employer contributions.

(14)(a) "Service" for plan I members, means all periods of employment for an employer as a fire fighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. Credit shall be allowed for all service credit months of service rendered by a member from and after the member's initial commencement of employment as a fire fighter or law enforcement officer, during which the member worked for seventy or more hours, or was on disability leave or disability retirement. Only service credit months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter.

(i) For members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before March 1, 1970, "service" shall also include (A) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under the member's particular prior pension act, and (B) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160 or 41.20.170. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act.

(ii) A member who is employed by two employers at the same time shall only be credited with service to one such employer for any month during which the member rendered such dual service.

(b) "Service" for plan II members, means periods of employment by a member for one or more employers for which basic salary is earned for ninety or more hours per calendar month which shall constitute a service credit month. Periods of employment by a member for one or more employers for which basic salary is earned for at least seventy hours but less than ninety hours per calendar month shall constitute one-half service credit month. Periods of employment by a member for one

or more employers for which basic salary is earned for less than seventy hours shall constitute a one-quarter service credit month.

Members of the retirement system who are elected or appointed to a state elective position may elect to continue to be members of this retirement system.

Service credit years of service shall be determined by dividing the total number of service credit months of service by twelve. Any fraction of a service credit year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

If a member receives basic salary from two or more employers during any calendar month, the individual shall receive one service credit month's service credit during any calendar month in which multiple service for ninety or more hours is rendered; or one-half service credit month's service credit during any calendar month in which multiple service for at least seventy hours but less than ninety hours is rendered; or one-quarter service credit month during any calendar month in which multiple service for less than seventy hours is rendered.

(15) "Accumulated contributions" means the employee's contributions made by a member, including any amount paid under RCW 41.50.165(2), plus accrued interest credited thereon.

(16) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay the member's future benefits during the period of retirement.

(17) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(18) "Disability board" for plan I members means either the county disability board or the city disability board established in RCW 41.26.110.

(19) "Disability leave" means the period of six months or any portion thereof during which a member is on leave at an allowance equal to the member's full salary prior to the commencement of disability retirement. The definition contained in this subsection shall apply only to plan I members.

(20) "Disability retirement" for plan I members, means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

(21) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

(22) "Medical services" for plan I members, shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW 41.26.150.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered "other medical expenses", provided that they have not been considered as "hospital expenses".

(i) The fees of the following:

(A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;

(B) An ((osteopath)) osteopathic physician and surgeon licensed under the provisions of chapter 18.57 RCW;

(C) A chiropractor licensed under the provisions of chapter 18.25 RCW.

(ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

(iii) The charges for the following medical services and supplies:

(A) Drugs and medicines upon a physician's prescription;

(B) Diagnostic x-ray and laboratory examinations;

(C) X-ray, radium, and radioactive isotopes therapy;

(D) Anesthesia and oxygen;

(E) Rental of iron lung and other durable medical and surgical equipment;

(F) Artificial limbs and eyes, and casts, splints, and trusses;

(G) Professional ambulance service when used to transport the member to or from a hospital when injured by an accident or stricken by a disease;

(H) Dental charges incurred by a member who sustains an accidental injury to his or her teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;

(I) Nursing home confinement or hospital extended care facility;

(J) Physical therapy by a registered physical therapist;

(K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;

(L) An optometrist licensed under the provisions of chapter 18.53 RCW.

(23) "Regular interest" means such rate as the director may determine.

(24) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(25) "Director" means the director of the department.

(26) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(27) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(28) "Plan I" means the law enforcement officers' and fire fighters' retirement system, plan I providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(29) "Plan II" means the law enforcement officers' and fire fighters' retirement system, plan II providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977.

(30) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(31) "Service credit month" means a full service credit month or an accumulation of partial service credit months that are equal to one.

(32) "General authority law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, but not including the Washington state patrol. Such an agency, department, or division is distinguished from a limited authority law enforcement agency having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources, fish and wildlife, and social and health services, the state gambling commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor control board, and the state department of corrections.

**Sec. 12.** RCW 43.43.830 and 1995 c 250 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.43.830 through 43.43.840.

(1) "Applicant" means:

(a) Any prospective employee who will or may have unsupervised access to children under sixteen years of age or developmentally disabled persons or vulnerable adults during the course of his or her employment or involvement with the business or organization;

(b) Any prospective volunteer who will have regularly scheduled unsupervised access to children under sixteen years of age, developmentally disabled persons, or vulnerable adults during the course of his or her employment or involvement with the business or organization under circumstances where such access will or may involve groups of (i) five or fewer children under twelve years of age, (ii) three or fewer children between twelve and sixteen years of age, (iii) developmentally disabled persons, or (iv) vulnerable adults; or

(c) Any prospective adoptive parent, as defined in RCW 26.33.020.

(2) "Business or organization" means a business or organization licensed in this state, any agency of the state, or other governmental entity, that educates, trains, treats, supervises, houses, or provides recreation to developmentally disabled persons, vulnerable adults, or children under sixteen years of age, including but not limited to public housing authorities, school districts, and educational service districts.

(3) "Civil adjudication" means a specific court finding of sexual abuse or exploitation or physical abuse in a dependency action under RCW 13.34.040 or in a domestic relations action under Title 26 RCW. In the case of vulnerable adults, civil adjudication means a specific court finding of abuse or financial exploitation in a protection proceeding under chapter 74.34 RCW. It does not include administrative proceedings. The term "civil adjudication" is further limited to court findings that identify as the perpetrator of the abuse a named individual, over the age of eighteen years, who was a party to the

dependency or dissolution proceeding or was a respondent in a protection proceeding in which the finding was made and who contested the allegation of abuse or exploitation.

(4) "Conviction record" means "conviction record" information as defined in RCW 10.97.030(3) relating to a crime against children or other persons committed by either an adult or a juvenile. It does not include a conviction for an offense that has been the subject of an expungement, pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted, or a conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. It does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

(5) "Crime against children or other persons" means a conviction of any of the following offenses: Aggravated murder; first or second degree murder; first or second degree kidnaping; first, second, or third degree assault; first, second, or third degree assault of a child; first, second, or third degree rape; first, second, or third degree rape of a child; first or second degree robbery; first degree arson; first degree burglary; first or second degree manslaughter; first or second degree extortion; indecent liberties; incest; vehicular homicide; first degree promoting prostitution; communication with a minor; unlawful imprisonment; simple assault; sexual exploitation of minors; first or second degree criminal mistreatment; child abuse or neglect as defined in RCW 26.44.020; first or second degree custodial interference; malicious harassment; first, second, or third degree child molestation; first or second degree sexual misconduct with a minor; first or second degree rape of a child; patronizing a juvenile prostitute; child abandonment; promoting pornography; selling or distributing erotic material to a minor; custodial assault; violation of child abuse restraining order; child buying or selling; prostitution; felony indecent exposure; criminal abandonment; or any of these crimes as they may be renamed in the future.

(6) "Crimes relating to financial exploitation" means a conviction for first, second, or third degree extortion; first, second, or third degree theft; first or second degree robbery; forgery; or any of these crimes as they may be renamed in the future.

(7) "Disciplinary board final decision" means any final decision issued by a disciplining authority under chapter 18.130 RCW or the secretary of the department of health for the following businesses or professions:

- (a) Chiropractic;
- (b) Dentistry;
- (c) Dental hygiene;
- (d) Massage;
- (e) Midwifery;
- (f) Naturopathy;
- (g) (~~Osteopathy~~) Osteopathic medicine and surgery;
- (h) Physical therapy;
- (i) Physicians;
- (j) Practical nursing;
- (k) Registered nursing; and
- (l) Psychology.

"Disciplinary board final decision," for real estate brokers and salespersons, means any final decision issued by the director of the department of licensing for real estate brokers and salespersons.

(8) "Unsupervised" means not in the presence of:

(a) Another employee or volunteer from the same business or organization as the applicant; or  
(b) Any relative or guardian of any of the children or developmentally disabled persons or vulnerable adults to which the applicant has access during the course of his or her employment or involvement with the business or organization.

(9) "Vulnerable adult" means "vulnerable adult" as defined in chapter 74.34 RCW, except that for the purposes of requesting and receiving background checks pursuant to RCW 43.43.832, it shall also include adults of any age who lack the functional, mental, or physical ability to care for themselves.

(10) "Financial exploitation" means the illegal or improper use of a vulnerable adult or that adult's resources for another person's profit or advantage.

(11) "Agency" means any person, firm, partnership, association, corporation, or facility which receives, provides services to, houses or otherwise cares for vulnerable adults.

**Sec. 13.** RCW 48.46.170 and 1983 c 106 s 7 are each amended to read as follows:

(1) Solicitation of enrolled participants by a health maintenance organization granted a certificate of registration, or its agents or representatives, shall not be construed to violate any provision of law relating to solicitation or advertising by health professionals.

(2) Any health maintenance organization authorized under this chapter shall not be deemed to be violating any law prohibiting the practice by unlicensed persons of ~~((podiatry))~~ podiatric medicine and surgery, chiropractic, dental hygiene, opticianary, dentistry, optometry, ~~((osteopathy))~~ osteopathic medicine and surgery, pharmacy, medicine and surgery, physical therapy, nursing, or psychology: PROVIDED, That this subsection shall not be construed to expand a health professional's scope of practice or to allow employees of a health maintenance organization to practice as a health professional unless licensed.

(3) Nothing contained in this chapter shall alter any statutory obligation, or rule ~~((or regulation promulgated))~~ adopted thereunder, in chapter 70.38 or 70.39 RCW.

(4) Any health maintenance organization receiving a certificate of registration pursuant to this chapter shall be exempt from the provisions of chapter 48.05 RCW, but shall be subject to chapter 70.39 RCW.

**Sec. 14.** RCW 49.78.020 and 1989 1st ex.s. c 11 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Child" means a biological or adopted child, or a stepchild, living with the employee.

(2) "Department" means the department of labor and industries.

(3) "Employee" means a person other than an independent contractor employed by an employer on a continuous basis for the previous fifty-two weeks for at least thirty-five hours per week.

(4) "Employer" means: (a) Any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and includes any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision, which (i) employed a daily average of one hundred or more employees during the last calendar quarter at the place where the employee requesting leave reports for work, or (ii) employed a daily average of one hundred or more employees during the last calendar quarter within a twenty mile radius of the place where the employee requesting leave reports for work, where the employer maintains a central hiring location and customarily transfers employees among workplaces; and (b) the state, state institutions, and state agencies.

(5) "Family leave" means leave from employment to care for a newborn or newly adopted child under the age of six or a child under eighteen years old with a terminal health condition, as provided in RCW 49.78.030.

(6) "Health care provider" means a person licensed as a physician under chapter 18.71 RCW or an ~~((osteopath))~~ osteopathic physician and surgeon under chapter 18.57 RCW.

(7) "Parent" means a biological or adoptive parent, or a stepparent.

(8) "Reduced leave schedule" means leave scheduled for fewer than an employee's usual number of hours or days per workweek.

(9) "Terminal health condition" means a condition caused by injury, disease, or illness, that, within reasonable medical judgment, is incurable and will produce death within the period of leave to which the employee is entitled.

**Sec. 15.** RCW 68.50.530 and 1993 c 228 s 2 are each amended to read as follows:

Unless the context requires otherwise, the definitions in this section apply throughout RCW 68.50.520 through 68.50.630 and 68.50.901 through 68.50.904.

(1) "Anatomical gift" means a donation of all or part of a human body to take effect upon or after death.

(2) "Decedent" means a deceased individual.

(3) "Document of gift" means a card, a statement attached to or imprinted on a motor vehicle operator's license, a will, or other writing used to make an anatomical gift.

(4) "Donor" means an individual who makes an anatomical gift of all or part of the individual's body.

(5) "Enucleator" means an individual who is qualified to remove or process eyes or parts of eyes.

(6) "Hospital" means a facility licensed under chapter 70.41 RCW, or as a hospital under the law of any state or a facility operated as a hospital by the United States government, a state, or a subdivision of a state.

(7) "Part" means an organ, tissue, eye, bone, artery, blood, fluid, or other portion of a human body.

(8) "Person" means an individual, corporation, business trust, estate, trust, partnership, joint venture, association, government, governmental subdivision or agency, or any other legal or commercial entity.

(9) "Physician" or "surgeon" means an individual licensed or otherwise authorized to practice medicine and surgery or ~~((osteopathy))~~ osteopathic medicine and surgery under chapters 18.71 and 18.57 RCW.

(10) "Procurement organization" means a person licensed, accredited, or approved under the laws of any state for procurement, distribution, or storage of human bodies or parts.

(11) "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(12) "Technician" means an individual who is qualified to remove or process a part.

**Sec. 16.** RCW 69.41.010 and 1994 sp.s. c 9 s 736 are each amended to read as follows:

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

- (1) "Administer" means the direct application of a legend drug whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:
  - (a) A practitioner; or
  - (b) The patient or research subject at the direction of the practitioner.
- (2) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a legend drug, whether or not there is an agency relationship.
- (3) "Department" means the department of health.
- (4) "Dispense" means the interpretation of a prescription or order for a legend drug and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.
- (5) "Dispenser" means a practitioner who dispenses.
- (6) "Distribute" means to deliver other than by administering or dispensing a legend drug.
- (7) "Distributor" means a person who distributes.
- (8) "Drug" means:
  - (a) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them;
  - (b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals;
  - (c) Substances (other than food, minerals or vitamins) intended to affect the structure or any function of the body of man or animals; and
  - (d) Substances intended for use as a component of any article specified in clause (a), (b), or (c) of this subsection. It does not include devices or their components, parts, or accessories.
- (9) "Legend drugs" means any drugs which are required by state law or regulation of the state board of pharmacy to be dispensed on prescription only or are restricted to use by practitioners only.
- (10) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.
- (11) "Practitioner" means:
  - (a) A physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter 18.79 RCW, an optometrist under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, an osteopathic physician assistant under chapter 18.57A RCW, a physician assistant under chapter 18.71A RCW, or a pharmacist under chapter 18.64 RCW;
  - (b) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a legend drug in the course of professional practice or research in this state; and
  - (c) A physician licensed to practice medicine and surgery or a physician licensed to practice ~~((osteopathy))~~ osteopathic medicine and surgery in any state, or province of Canada, which shares a common border with the state of Washington.
- (12) "Secretary" means the secretary of health or the secretary's designee.

**Sec. 17.** RCW 69.41.030 and 1994 sp.s. c 9 s 737 are each amended to read as follows:

It shall be unlawful for any person to sell, deliver, or possess any legend drug except upon the order or prescription of a physician under chapter 18.71 RCW, ~~((an osteopathic physician or))~~ an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a commissioned medical or dental officer in the United States armed forces or public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse or advanced registered nurse practitioner under chapter 18.79 RCW when authorized by the nursing care quality assurance commission, an osteopathic physician assistant under chapter 18.57A RCW when authorized by the board of osteopathic ~~((examiners))~~ medicine and surgery, a physician assistant under chapter 18.71A RCW when authorized by the medical quality assurance commission, a physician licensed to practice medicine and surgery or a physician licensed to practice ~~((osteopathy))~~ osteopathic medicine and surgery, a dentist

licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, or a veterinarian licensed to practice veterinary medicine, in any province of Canada which shares a common border with the state of Washington or in any state of the United States: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his or her license, or to a common or contract carrier or warehouseman, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment: PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW shall prevent a family planning clinic that is under contract with the department of social and health services from selling, delivering, possessing, and dispensing commercially prepackaged oral contraceptives prescribed by authorized, licensed health care practitioners.

**Sec. 18.** RCW 69.50.101 and 1994 sp.s. c 9 s 739 are each amended to read as follows:

Unless the context clearly requires otherwise, definitions of terms shall be as indicated where used in this chapter:

(a) "Administer" means to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

- (1) a practitioner authorized to prescribe (or, by the practitioner's authorized agent); or
- (2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseperson, or employee of the carrier or warehouseperson.

(c) "Board" means the state board of pharmacy.

(d) "Controlled substance" means a drug, substance, or immediate precursor included in Schedules I through V as set forth in federal or state laws, or federal or board rules.

(e)(1) "Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

(i) that has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or

(ii) with respect to a particular individual, that the individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II.

(2) The term does not include:

(i) a controlled substance;

(ii) a substance for which there is an approved new drug application;

(iii) a substance with respect to which an exemption is in effect for investigational use by a particular person under Section 505 of the federal Food, Drug and Cosmetic Act, 21 U.S.C. Sec. 355, to the extent conduct with respect to the substance is pursuant to the exemption; or

(iv) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.

(f) "Deliver" or "delivery," means the actual or constructive transfer from one person to another of a substance, whether or not there is an agency relationship.

(g) "Department" means the department of health.

(h) "Dispense" means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(i) "Dispenser" means a practitioner who dispenses.

(j) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(k) "Distributor" means a person who distributes.

(l) "Drug" means (1) a controlled substance recognized as a drug in the official United States pharmacopoeia/national formulary or the official homeopathic pharmacopoeia of the United States, or any supplement to them; (2) controlled substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in individuals or animals; (3) controlled substances (other than food) intended to affect the structure or any function of the body of individuals or animals; and (4) controlled substances intended for use as a component of any article specified in (1), (2), or (3) of this subsection. The term does not include devices or their components, parts, or accessories.

(m) "Drug enforcement administration" means the drug enforcement administration in the United States Department of Justice, or its successor agency.

(n) "Immediate precursor" means a substance:

(1) that the state board of pharmacy has found to be and by rule designates as being the principal compound commonly used, or produced primarily for use, in the manufacture of a controlled substance;

(2) that is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance; and

(3) the control of which is necessary to prevent, curtail, or limit the manufacture of the controlled substance.

(o) "Isomer" means an optical isomer, but in RCW 69.50.101(r)(5), 69.50.204(a) (12) and (34), and 69.50.206(a)(4), the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and (42), and 69.50.210(c) the term includes any positional isomer; and in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term includes any positional or geometric isomer.

(p) "Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. The term does not include the preparation, compounding, packaging, repackaging, labeling, or relabeling of a controlled substance:

(1) by a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(q) "Marijuana" or "marihuana" means all parts of the plant Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(r) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium, opium derivative, and any derivative of opium or opium derivative, including their salts, isomers, and salts of isomers, whenever the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium.

(2) Synthetic opiate and any derivative of synthetic opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation.

(3) Poppy straw and concentrate of poppy straw.

(4) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives or ecgonine or their salts have been removed.

(5) Cocaine, or any salt, isomer, or salt of isomer thereof.

(6) Cocaine base.

(7) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof.

(8) Any compound, mixture, or preparation containing any quantity of any substance referred to in subparagraphs (1) through (7).

(s) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term includes opium, substances derived from opium (opium derivatives), and synthetic opiates. The term does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). The term includes the racemic and levorotatory forms of dextromethorphan.

(t) "Opium poppy" means the plant of the species *Papaver somniferum* L., except its seeds.

(u) "Person" means individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(v) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(w) "Practitioner" means:

(1) A physician under chapter 18.71 RCW, a physician assistant under chapter 18.71A RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon

under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter 18.79 RCW, a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(3) A physician licensed to practice medicine and surgery, a physician licensed to practice (~~osteopathy~~) osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, or a veterinarian licensed to practice veterinary medicine in any state of the United States.

(x) "Prescription" means an order for controlled substances issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe controlled substances within the scope of his or her professional practice for a legitimate medical purpose.

(y) "Production" includes the manufacturing, planting, cultivating, growing, or harvesting of a controlled substance.

(z) "Secretary" means the secretary of health or the secretary's designee.

(aa) "State," unless the context otherwise requires, means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or insular possession subject to the jurisdiction of the United States.

(bb) "Ultimate user" means an individual who lawfully possesses a controlled substance for the individual's own use or for the use of a member of the individual's household or for administering to an animal owned by the individual or by a member of the individual's household.

**Sec. 19.** RCW 70.05.050 and 1995 c 43 s 8 are each amended to read as follows:

The local health officer shall be an experienced physician licensed to practice medicine and surgery or (~~osteopathy~~) osteopathic medicine and surgery in this state and who is qualified or provisionally qualified in accordance with the standards prescribed in RCW 70.05.051 through 70.05.055 to hold the office of local health officer. No term of office shall be established for the local health officer but the local health officer shall not be removed until after notice is given, and an opportunity for a hearing before the board or official responsible for his or her appointment under this section as to the reason for his or her removal. The local health officer shall act as executive secretary to, and administrative officer for the local board of health and shall also be empowered to employ such technical and other personnel as approved by the local board of health except where the local board of health has appointed an administrative officer under RCW 70.05.040. The local health officer shall be paid such salary and allowed such expenses as shall be determined by the local board of health. In home rule counties that are part of a health district under this chapter and chapter 70.46 RCW the local health officer and administrative officer shall be appointed by the local board of health.

**Sec. 20.** RCW 70.08.030 and 1985 c 124 s 3 are each amended to read as follows:

Notwithstanding any provisions to the contrary contained in any city or county charter, the director of public health, under this chapter shall meet as a minimum one of the following standards of educational achievement and vocational experience to be qualified for appointment to the office:

(1) Bachelor's degree in business administration, public administration, hospital administration, management, nursing, environmental health, epidemiology, public health, or its equivalent and five years of experience in administration in a community-related field; or

(2) A graduate degree in any of the fields listed in subsection (1) of this section, or in medicine or (~~osteopathy~~) osteopathic medicine and surgery, plus three years of administrative experience in a community-related field.

The director shall not engage in the private practice of the director's profession during such tenure of office and shall not be included in the classified civil service of the said city or the said county.

If the director of public health does not meet the qualifications of a health officer or a physician under RCW 70.05.050, the director shall employ a person so qualified to advise the director on medical or public health matters.

**Sec. 21.** RCW 70.28.031 and 1967 c 54 s 4 are each amended to read as follows:

Each health officer is hereby directed to use every available means to ascertain the existence of, and immediately to investigate, all reported or suspected cases of tuberculosis in the infectious stages within his or her jurisdiction and to ascertain the sources of such infections. In carrying out such investigations, each health officer is hereby invested with full powers of inspection, examination and quarantine or isolation of all persons known to be infected with tuberculosis in an infectious stage or persons who have been previously diagnosed as having tuberculosis and who are under medical orders for periodic follow-up examinations and is hereby directed:

(a) To make such examinations as are deemed necessary of persons reasonably suspected of having tuberculosis in an infectious stage and to isolate or isolate and quarantine such persons, whenever deemed necessary for the protection of the public health.

(b) To make such examinations as deemed necessary of persons who have been previously diagnosed as having tuberculosis and who are under medical orders for periodic follow-up examinations.

(c) Follow local rules and regulations regarding examinations, quarantine, or isolation, and all rules, regulations, and orders of the state board and of the department in carrying out such examination, quarantine or isolation.

(d) Whenever the health officer shall determine on reasonable grounds that an examination of any person is necessary for the preservation and protection of the public health, he or she shall make an examination order in writing, setting forth the name of the person to be examined, the time and place of the examination, and such other terms and conditions as may be necessary to protect the public health. Nothing contained in this subdivision shall be construed to prevent any person whom the health officer determines should have an examination for infectious tuberculosis from having such an examination made by a physician of his or her own choice who is licensed to practice ((osteopathy)) osteopathic medicine and surgery under chapter 18.57 RCW or medicine and surgery under chapter 18.71 RCW under such terms and conditions as the health officer shall determine on reasonable grounds to be necessary to protect the public health.

(e) Whenever the health officer shall determine that quarantine or isolation in a particular case is necessary for the preservation and protection of the public health, he or she shall make an isolation or quarantine order in writing, setting forth the name of the person to be isolated, the period of time during which the order shall remain effective, the place of isolation or quarantine, and such other terms and conditions as may be necessary to protect the public health.

(f) Upon the making of an examination, isolation, or quarantine order as provided in this section, a copy of such order shall be served upon the person named in such order.

(g) Upon the receipt of information that any examination, quarantine, or isolation order, made and served as herein provided, has been violated, the health officer shall advise the prosecuting attorney of the county in which such violation has occurred, in writing, and shall submit to such prosecuting attorney the information in his or her possession relating to the subject matter of such examination, isolation, or quarantine order, and of such violation or violations thereof.

(h) Any and all orders authorized under this section shall be made by the health officer or his or her tuberculosis control officer.

**Sec. 22.** RCW 70.38.115 and 1995 1st sp.s. c 18 s 72 are each amended to read as follows:

(1) Certificates of need shall be issued, denied, suspended, or revoked by the designee of the secretary in accord with the provisions of this chapter and rules of the department which establish review procedures and criteria for the certificate of need program.

(2) Criteria for the review of certificate of need applications, except as provided in subsection (3) of this section for health maintenance organizations, shall include but not be limited to consideration of the following:

(a) The need that the population served or to be served by such services has for such services;

(b) The availability of less costly or more effective alternative methods of providing such services;

(c) The financial feasibility and the probable impact of the proposal on the cost of and charges for providing health services in the community to be served;

(d) In the case of health services to be provided, (i) the availability of alternative uses of project resources for the provision of other health services, (ii) the extent to which such proposed services will be accessible to all residents of the area to be served, and (iii) the need for and the availability in the community of services and facilities for osteopathic physicians and surgeons and allopathic physicians and their patients. The department shall consider the application in terms of its impact on existing and proposed institutional training programs for doctors of ((osteopathy)) osteopathic medicine and surgery and medicine at the student, internship, and residency training levels;

(e) In the case of a construction project, the costs and methods of the proposed construction, including the cost and methods of energy provision, and the probable impact of the construction project reviewed (i) on the cost of providing health services by the person proposing such construction project and (ii) on the cost and charges to the public of providing health services by other persons;

(f) The special needs and circumstances of osteopathic hospitals, nonallopathic services and children's hospitals;

(g) Improvements or innovations in the financing and delivery of health services which foster cost containment and serve to promote quality assurance and cost-effectiveness;

(h) In the case of health services proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed;

(i) In the case of existing services or facilities, the quality of care provided by such services or facilities in the past;

(j) In the case of hospital certificate of need applications, whether the hospital meets or exceeds the regional average level of charity care, as determined by the secretary; and

(k) In the case of nursing home applications:

(i) The availability of other nursing home beds in the planning area to be served; and

(ii) The availability of other services in the community to be served. Data used to determine the availability of other services will include but not be limited to data provided by the department of social and health services.

(3) A certificate of need application of a health maintenance organization or a health care facility which is controlled, directly or indirectly, by a health maintenance organization, shall be approved by the department if the department finds:

(a) Approval of such application is required to meet the needs of the members of the health maintenance organization and of the new members which such organization can reasonably be expected to enroll; and

(b) The health maintenance organization is unable to provide, through services or facilities which can reasonably be expected to be available to the organization, its health services in a reasonable and cost-effective manner which is consistent with the basic method of operation of the organization and which makes such services available on a long-term basis through physicians and other health professionals associated with it.

A health care facility, or any part thereof, with respect to which a certificate of need was issued under this subsection may not be sold or leased and a controlling interest in such facility or in a lease of such facility may not be acquired unless the department issues a certificate of need approving the sale, acquisition, or lease.

(4) Until the final expiration of the state health plan as provided under RCW 70.38.919, the decision of the department on a certificate of need application shall be consistent with the state health plan in effect, except in emergency circumstances which pose a threat to the public health. The department in making its final decision may issue a conditional certificate of need if it finds that the project is justified only under specific circumstances. The conditions shall directly relate to the project being reviewed. The conditions may be released if it can be substantiated that the conditions are no longer valid and the release of such conditions would be consistent with the purposes of this chapter.

(5) Criteria adopted for review in accordance with subsection (2) of this section may vary according to the purpose for which the particular review is being conducted or the type of health service reviewed.

(6) The department shall specify information to be required for certificate of need applications. Within fifteen days of receipt of the application, the department shall request additional information considered necessary to the application or start the review process. Applicants may decline to submit requested information through written notice to the department, in which case review starts on the date of receipt of the notice. Applications may be denied or limited because of failure to submit required and necessary information.

(7) Concurrent review is for the purpose of comparative analysis and evaluation of competing or similar projects in order to determine which of the projects may best meet identified needs. Categories of projects subject to concurrent review include at least new health care facilities, new services, and expansion of existing health care facilities. The department shall specify time periods for the submission of applications for certificates of need subject to concurrent review, which shall not exceed ninety days. Review of concurrent applications shall start fifteen days after the conclusion of the time period for submission of applications subject to concurrent review. Concurrent review periods shall be limited to one hundred fifty days, except as provided for in rules adopted by the department authorizing and limiting amendment during the course of the review, or for an unresolved pivotal issue declared by the department.

(8) Review periods for certificate of need applications other than those subject to concurrent review shall be limited to ninety days. Review periods may be extended up to thirty days if needed by a review agency, and for unresolved pivotal issues the department may extend up to an additional thirty days. A review may be extended in any case if the applicant agrees to the extension.

(9) The department or its designee, shall conduct a public hearing on a certificate of need application if requested unless the review is expedited or subject to emergency review. The department by rule shall specify the period of time within which a public hearing must be requested and requirements related to public notice of the hearing, procedures, recordkeeping and related matters.

(10)(a) Any applicant denied a certificate of need or whose certificate of need has been suspended or revoked has the right to an adjudicative proceeding. The proceeding is governed by chapter 34.05 RCW, the Administrative Procedure Act.

(b) Any health care facility or health maintenance organization that: (i) Provides services similar to the services provided by the applicant and under review pursuant to this subsection; (ii) is located within the applicant's health service area; and (iii) testified or submitted evidence at a public hearing held pursuant to subsection (9) of this section, shall be provided an opportunity to present oral or written testimony and argument in a proceeding under this subsection:

PROVIDED, That the health care facility or health maintenance organization had, in writing, requested to be informed of the department's decisions.

(c) If the department desires to settle with the applicant prior to the conclusion of the adjudicative proceeding, the department shall so inform the health care facility or health maintenance organization and afford them an opportunity to comment, in advance, on the proposed settlement.

(11) An amended certificate of need shall be required for the following modifications of an approved project:

(a) A new service requiring review under this chapter;

(b) An expansion of a service subject to review beyond that originally approved;

(c) An increase in bed capacity;

(d) A significant reduction in the scope of a nursing home project without a commensurate reduction in the cost of the nursing home project, or a cost increase (as represented in bids on a nursing home construction project or final cost estimates acceptable to the person to whom the certificate of need was issued) if the total of such increases exceeds twelve percent or fifty thousand dollars, whichever is greater, over the maximum capital expenditure approved. The review of reductions or cost increases shall be restricted to the continued conformance of the nursing home project with the review criteria pertaining to financial feasibility and cost containment.

(12) An application for a certificate of need for a nursing home capital expenditure which is determined by the department to be required to eliminate or prevent imminent safety hazards or correct violations of applicable licensure and accreditation standards shall be approved.

(13)(a) Replacement of existing nursing home beds in the same planning area by an existing licensee who has operated the beds for at least one year shall not require a certificate of need under this chapter. The licensee shall give written notice of its intent to replace the existing nursing home beds to the department and shall provide the department with information as may be required pursuant to rule. Replacement of the beds by a party other than the licensee is subject to certificate of need review under this chapter, except as otherwise permitted by subsection (14) of this section.

(b) When an entire nursing home ceases operation, the licensee or any other party who has secured an interest in the beds may reserve his or her interest in the beds for eight years or until a certificate of need to replace them is issued, whichever occurs first. However, the nursing home, licensee, or any other party who has secured an interest in the beds must give notice of its intent to retain the beds to the department of health no later than thirty days after the effective date of the facility's closure. Certificate of need review shall be required for any party who has reserved the nursing home beds except that the need criteria shall be deemed met when the applicant is the licensee who had operated the beds for at least one year, who has operated the beds for at least one year immediately preceding the reservation of the beds, and who is replacing the beds in the same planning area.

(14) In the event that a licensee, who has provided the department with notice of his or her intent to replace nursing home beds under subsection (13)(a) of this section, engages in unprofessional conduct or becomes unable to practice with reasonable skill and safety by reason of mental or physical condition, pursuant to chapter 18.130 RCW, or dies, the building owner shall be permitted to complete the nursing home bed replacement project, provided the building owner has secured an interest in the beds.

**Sec. 23.** RCW 70.96A.020 and 1994 c 231 s 1 are each amended to read as follows:

For the purposes of this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) "Alcoholic" means a person who suffers from the disease of alcoholism.

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(3) "Approved treatment program" means a discrete program of chemical dependency treatment provided by a treatment program certified by the department of social and health services as meeting standards adopted under this chapter.

(4) "Chemical dependency" means alcoholism or drug addiction, or dependence on alcohol and one or more other psychoactive chemicals, as the context requires.

(5) "Chemical dependency program" means expenditures and activities of the department designed and conducted to prevent or treat alcoholism and other drug addiction, including reasonable administration and overhead.

(6) "Department" means the department of social and health services.

(7) "Designated chemical dependency specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in RCW 70.96A.140 and qualified to do so by meeting standards adopted by the department.

(8) "Director" means the person administering the chemical dependency program within the department.

(9) "Drug addict" means a person who suffers from the disease of drug addiction.

(10) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(11) "Emergency service patrol" means a patrol established under RCW 70.96A.170.

(12) "Gravely disabled by alcohol or other drugs" means that a person, as a result of the use of alcohol or other drugs: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by a repeated and escalating loss of cognition or volitional control over his or her actions and is not receiving care as essential for his or her health or safety.

(13) "Incapacitated by alcohol or other psychoactive chemicals" means that a person, as a result of the use of alcohol or other psychoactive chemicals, has his or her judgment so impaired that he or she is incapable of realizing and making a rational decision with respect to his or her need for treatment and presents a likelihood of serious harm to himself or herself, to any other person, or to property.

(14) "Incompetent person" means a person who has been adjudged incompetent by the superior court.

(15) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(16) "Licensed physician" means a person licensed to practice medicine or ((osteopathy)) osteopathic medicine and surgery in the state of Washington.

(17) "Likelihood of serious harm" means either: (a) A substantial risk that physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on one's self; (b) a substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior that has caused the harm or that places another person or persons in reasonable fear of sustaining the harm; or (c) a substantial risk that physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others.

(18) "Minor" means a person less than eighteen years of age.

(19) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(20) "Person" means an individual, including a minor.

(21) "Secretary" means the secretary of the department of social and health services.

(22) "Treatment" means the broad range of emergency, detoxification, residential, and outpatient services and care, including diagnostic evaluation, chemical dependency education and counseling, medical, psychiatric, psychological, and social service care, vocational rehabilitation and career counseling, which may be extended to alcoholics and other drug addicts and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons.

(23) "Treatment program" means an organization, institution, or corporation, public or private, engaged in the care, treatment, or rehabilitation of alcoholics or other drug addicts.

**Sec. 24.** RCW 70.124.020 and 1981 c 174 s 2 are each amended to read as follows:

Unless the context requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Court" means the superior court of the state of Washington.

(2) "Law enforcement agency" means the police department, the director of public safety, or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice ((podiatry)) podiatric medicine and surgery, optometry, pharmacy, physical therapy, chiropractic, nursing, dentistry, ((osteopathy)) osteopathic medicine and surgery, or medicine and surgery. The term "practitioner" shall include a nurses aide, a nursing home administrator licensed under chapter 18.52 RCW, and a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a nursing home patient who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner shall not be considered, for that reason alone, a neglected patient for the purposes of this chapter.

(4) "Department" means the state department of social and health services.

(5) "Nursing home" has the meaning prescribed by RCW 18.51.010.

(6) "Social worker" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of nursing home patients, or providing social services to nursing home patients, whether in an individual capacity or as an employee or agent of any public or private organization or institution.

(7) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(8) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(9) "Abuse or neglect" or "patient abuse or neglect" means the nonaccidental physical injury or condition, sexual abuse, or negligent treatment of a nursing home or state hospital patient under circumstances which indicate that the patient's health, welfare, and safety is harmed thereby.

(10) "Negligent treatment" means an act or omission which evinces a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the patient's health, welfare, and safety.

(11) "State hospital" means any hospital operated and maintained by the state for the care of the mentally ill under chapter 72.23 RCW.

**NEW SECTION. Sec. 25.** This act shall take effect July 1, 1996."

On motion of Senator Thibaudeau, the following title amendment was adopted:

On page 1, line 2 of the title, after "surgeon;" strike the remainder of the title and insert "amending RCW 18.35.110, 18.57.001, 18.57.140, 18.71.030, 18.71.055, 18.71.205, 18.76.020, 18.76.060, 43.43.830, 48.46.170, 49.78.020, 68.50.530, 69.41.010, 69.41.030, 69.50.101, 70.05.050, 70.08.030, 70.28.031, 70.38.115, 70.96A.020, and 70.124.020; reenacting and amending RCW 18.120.020, 26.44.020, and 41.26.030; and providing an effective date."

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, House Bill No. 1627, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1627, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1627, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Owen and Quigley - 2.

HOUSE BILL NO. 1627, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 2371 and the pending amendment by Senators Wood, Haugen and Prince on page 2, line 2, to the Committee on Higher Education striking amendment, deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Bauer, the President finds that Substitute House Bill No. 2371 is a measure which is limited to the suspension of licenses, certificates, or business registrations of persons who have defaulted on certain financial obligations related to education.

"The amendment by Senators Wood, Haugen and Prince to the Committee on Higher Education striking amendment would prohibit the Board of Accountancy from requiring a certain number of educational credit hours from a potential licensee.

"The President, therefore, finds that the proposed amendment to the committee amendment does change the scope and object of the bill and the point of order is well taken."

The amendment on page 2, line 2, to the Committee on Higher Education striking amendment to Substitute House Bill No. 2371 was ruled out of order.

The President declared the question before the Senate to be the adoption of the Committee on Higher Education striking amendment to Substitute House Bill No. 2371.

The motion by Senator Bauer carried and the committee striking amendment was adopted.

#### MOTIONS

On motion of Senator Bauer, the following title amendment was adopted:

On page 1, line 1 of the title, after "loans;" strike the remainder of the title and insert "adding a new section to chapter 2.48 RCW; adding a new section to chapter 18.04 RCW; adding a new section to chapter 18.08 RCW; adding a new section to chapter 18.11 RCW; adding a new section to chapter 18.16 RCW; adding a new section to chapter 18.20 RCW; adding a new section to chapter 18.27 RCW; adding a new section to chapter 18.28 RCW; adding a new section to chapter 18.39 RCW; adding a new section to chapter 18.43 RCW; adding a new section to chapter 18.44 RCW; adding a new section to chapter 18.46 RCW; adding a new section to chapter 18.76 RCW; adding a new section to chapter 18.85 RCW; adding a new section to chapter 18.96 RCW; adding a new section to chapter 18.104 RCW; adding a new section to chapter 18.106 RCW; adding a new section to chapter 18.130 RCW; adding a new section to chapter 18.140 RCW; adding a new section to chapter 18.145 RCW; adding a new section to chapter 18.160 RCW; adding a new section to chapter 18.165 RCW; adding a new section to chapter 18.170 RCW; adding a new section to chapter 18.175 RCW; adding a new section to chapter 18.180 RCW; adding a new section to chapter 18.185 RCW; adding a new section to chapter 28A.410 RCW; and prescribing penalties."

On motion of Senator Bauer, the rules were suspended, Substitute House Bill No. 2371, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2371, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2371, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Owen and Quigley - 2.

SUBSTITUTE HOUSE BILL NO. 2371, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2217, by House Committee on Appropriations (originally sponsored by Representatives Carrell, Mitchell, Thompson, Cooke, Boldt, Backlund and Johnson)

Changing provisions for at-risk youth.

The bill was read the second time.

#### MOTIONS

Senator Hargrove moved that the following Committee on Human Services and Corrections amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that no children should be exposed to the dangers inherent in living on the streets. The legislature further finds that there are children who are not mentally ill or chemically dependent who are living on the street in dangerous situations. These children through their at-risk behavior place themselves at great personal risk and danger. The legislature further finds that these children with at-risk behaviors should receive treatment for their problems that result in excessive opposition to parental authority.

**NEW SECTION. Sec. 2.** This act shall be known and cited as the "Becca Too" bill.

**NEW SECTION. Sec. 3.** A new section is added to chapter 13.32A RCW to read as follows:

(1) In a disposition hearing, after a finding that a child is a child in need of services or an at-risk youth, the court may adopt the additional orders authorized under this section if it finds that the child involved in those proceedings is not eligible for inpatient treatment for a mental health or substance abuse condition and requires specialized treatment. The court may order that a child be placed in a staff secure facility, other than a crisis residential center, that will provide for the child's participation in a program designed to remedy his or her behavioral difficulties or needs. The court may not enter this order unless, at the disposition hearing, it finds that the placement is clearly necessary to protect the child and that a less restrictive order would be inadequate to protect the child, given the child's age, maturity, propensity to run away from home, past exposure to serious risk when the child ran away from home, and possible future exposure to serious risk should the child run away from home again.

(2) The order shall require periodic court review of the placement, with the first review hearing conducted not more than thirty days after the date of the placement. At each review hearing the court shall advise the parents of their rights under RCW 13.32A.160(1), review the progress of the child, and determine whether the orders are still necessary for the protection of the child or a less restrictive placement would be adequate. The court shall modify its orders as it finds necessary to protect the child. Reviews of orders adopted under this section are subject to the review provisions under RCW 13.32A.190 and 13.32.198.

(3) Placements in staff secure facilities under this section shall be limited to children who meet the statutory definition of a child in need of services or an at-risk youth as defined in RCW 13.32A.030.

(4) State funds may only be used to pay for placements under this section if, and to the extent that, such funds are appropriated to expressly pay for them.

**NEW SECTION. Sec. 4.** A new section is added to chapter 13.32A RCW to read as follows:

(1) A violation of RCW 13.32A.082 by a licensed child-serving agency shall be addressed as a licensing violation under chapter 74.15 RCW.

(2) A violation of RCW 13.32A.082 by any other person is a misdemeanor.

**NEW SECTION. Sec. 5.** A new section is added to chapter 70.96A RCW to read as follows:

School district personnel who contact a chemical dependency inpatient treatment program or provider for the purpose of referring a student to inpatient treatment shall provide the parents with notice of the contact within forty-eight hours.

**NEW SECTION. Sec. 6.** A new section is added to chapter 71.34 RCW to read as follows:

School district personnel who contact a mental health inpatient treatment program or provider for the purpose of referring a student to inpatient treatment shall provide the parents with notice of the contact within forty-eight hours.

**Sec. 7.** RCW 13.32A.090 and 1995 c 312 s 10 are each amended to read as follows:

(1) The ((~~person in charge~~)) administrator of a designated crisis residential center or the department shall perform the duties under subsection (2) of this section:

(a) Upon admitting a child who has been brought to the center by a law enforcement officer under RCW 13.32A.060;

(b) Upon admitting a child who has run away from home or has requested admittance to the center;

(c) Upon learning from a person under RCW 13.32A.080(3) that the person is providing shelter to a child absent from home; or

(d) Upon learning that a child has been placed with a responsible adult pursuant to RCW 13.32A.060.

(2) When any of the circumstances under subsection (1) of this section are present, the ((~~person in charge~~)) administrator of a center or the department shall perform the following duties:

(a) Immediately notify the child's parent of the child's whereabouts, physical and emotional condition, and the circumstances surrounding his or her placement;

(b) Initially notify the parent that it is the paramount concern of the family reconciliation service personnel to achieve a reconciliation between the parent and child to reunify the family and inform the parent as to the procedures to be followed under this chapter;

(c) Inform the parent whether a referral to children's protective services has been made and, if so, inform the parent of the standard pursuant to RCW 26.44.020(12) governing child abuse and neglect in this state;

(d) Arrange transportation for the child to the residence of the parent, as soon as practicable, at the latter's expense to the extent of his or her ability to pay, with any unmet transportation expenses to be assumed by the department, when the child and his or her parent agrees to the child's return home or when the parent produces a copy of a court order entered under this chapter requiring the child to reside in the parent's home;

(e) Arrange transportation for the child to: (i) An out-of-home placement which may include a licensed group care facility or foster family when agreed to by the child and parent; or (ii) a certified or licensed mental health or chemical dependency program of the parent's choice; at the ~~((latter's))~~ parent's expense to the extent of his or her ability to pay, with any unmet transportation expenses assumed by the department~~((;~~

~~(f) Immediately notify the department of the placement)).~~

(3) If the administrator of the crisis residential center performs the duties listed in subsection (2) of this section, he or she shall also notify the department that a child has been admitted to the crisis residential center.

**Sec. 8.** RCW 13.32A.130 and 1995 c 312 s 12 are each amended to read as follows:

(1) A child admitted to a secure facility within a crisis residential center shall remain in the facility for not more than five consecutive days, but for at least twenty-four hours after admission. If the child admitted under this section is transferred between centers or between secure and semi-secure facilities, the aggregate length of time spent in all such centers or facilities may not exceed five consecutive days.

(2)(a)(i) The facility administrator shall determine within twenty-four hours after a child's admission to a secure facility whether the child ~~((can be safely admitted to))~~ is likely to remain in a semi-secure facility and may transfer the child to a semi-secure facility or release the child to the department. The determination shall be based on: (A) The need for continued assessment, protection, and treatment of the child in a secure facility; and (B) the likelihood the child would remain at a semi-secure facility until his or her parents can take the child home or a petition can be filed under this title.

(ii) In making the determination the administrator shall ~~((include consideration of))~~ consider the following information if known: (A) ~~((A))~~ The child's age and maturity; (B) the child's condition upon arrival at the center; (C) the circumstances that led to the child's being taken to the center; (D) whether the child's behavior endangers the health, safety, or welfare of the child or any other person; (E) the child's history of running away which has endangered the health, safety, and welfare of the child; and (F) the child's willingness to cooperate in ~~((conducting))~~ the assessment.

(b) If the administrator of a secure facility determines the child is unlikely to remain in a semi-secure facility, the administrator shall keep the child in the secure facility pursuant to this chapter and in order to provide for space for the child may transfer another child who has been in the facility for at least seventy-two hours to a semi-secure facility. The administrator shall only make a transfer of a child after determining that the child who may be transferred is likely to remain at the semi-secure facility.

(c) A crisis residential center administrator is authorized to transfer a child to a crisis residential center in the area where the child's parents reside or where the child's lawfully prescribed residence is located.

(d) An administrator may transfer a child from a semi-secure facility to a secure facility whenever ~~((the administrator))~~ he or she reasonably believes that the child is likely to leave the semi-secure facility and not return and after full consideration of all factors in (a)(i) and (ii) of this subsection.

(3) If no parent is available or willing to remove the child during the five-day period, the department shall consider the filing of a petition under RCW 13.32A.140.

(4) The requirements of this section shall not apply to a child who is: (a) Returned to the home of his or her parent; (b) placed in a semi-secure facility within a crisis residential center pursuant to a temporary out-of-home placement order authorized under RCW 13.32A.125; (c) placed in an out-of-home placement; or (d) ~~((is subject to a petition under RCW 13.32A.191))~~ the subject of an at-risk youth petition.

(5) Notwithstanding the provisions of subsection (1) of this section, the parents may remove the child at any time during the five-day period unless the staff of the crisis residential center has reasonable cause to believe that the child is absent from the home because he or she is abused or neglected or if allegations of abuse or neglect have been made against the parents. ~~((The department may remove the child whenever a dependency petition is filed under chapter 13.34 RCW.))~~ The department or any agency legally charged with the supervision of a child may remove a child from a crisis residential center at any time after the first twenty-four-hour period after admission has elapsed and only after full consideration by all parties of the factors in subsection (2)(a) of this section.

(6) Crisis residential center staff shall make reasonable efforts to protect the child and achieve a reconciliation of the family. If a reconciliation and voluntary return of the child has not been achieved within forty-eight hours from the time of intake, and if the ~~((person in charge))~~ administrator of the center does not consider it likely that reconciliation will be achieved within the five-day period, then the ~~((person in charge))~~ administrator shall inform the parent and child of: (a) The availability of counseling services; (b) the right to file a child in need of services petition for an out-of-home placement, the right of a parent to file an at-risk youth petition, and the right of the parent and child to obtain assistance in filing the petition; (c) the right to request the facility administrator or his or her designee to form a multidisciplinary team; ~~((and))~~ (d) the right to request a review of any out-of-home placement; (e) the right to request a mental health or chemical dependency evaluation by

a county-designated professional or a private treatment facility; and (f) the right to request treatment in a program to address the child's at-risk behavior under section 3 of this act.

(7) At no time shall information regarding a parent's or child's rights be withheld. The department shall develop and distribute to all law enforcement agencies and to each crisis residential center administrator a written statement delineating the services and rights. Every officer taking a child into custody shall provide the child and his or her parent(s) or responsible adult with whom the child is placed with a copy of the statement. In addition, the administrator of the facility or his or her designee shall provide every resident and parent with a copy of the statement.

(8) A crisis residential center and its administrator or his or her designee acting in good faith in carrying out the provisions of this section are immune from criminal or civil liability for such actions.

**Sec. 9.** RCW 13.32A.030 and 1995 c 312 s 3 are each amended to read as follows:

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

(1) "Administrator" means the individual who has the daily administrative responsibility of a crisis residential center, or his or her designee.

(2) "At-risk youth" means a juvenile:

- (a) Who is absent from home for at least seventy-two consecutive hours without consent of his or her parent;
- (b) Who is beyond the control of his or her parent such that the child's behavior endangers the health, safety, or welfare of the child or any other person; or
- (c) Who has a substance abuse problem for which there are no pending criminal charges related to the substance abuse.

~~((2))~~ (3) "Child," "juvenile," and "youth" mean any unemancipated individual who is under the chronological age of eighteen years.

~~((3))~~ (4) "Child in need of services" means a juvenile:

- (a) Who is beyond the control of his or her parent such that the child's behavior endangers the health, safety, or welfare of the child or other person;
- (b) Who has been reported to law enforcement as absent without consent for at least twenty-four consecutive hours from the parent's home, a crisis residential center, an out-of-home placement, or a court-ordered placement on two or more separate occasions; and
  - (i) Has exhibited a serious substance abuse problem; or
  - (ii) Has exhibited behaviors that create a serious risk of harm to the health, safety, or welfare of the child or any other person; or
- (c)(i) Who is in need of necessary services, including food, shelter, health care, clothing, educational, or services designed to maintain or reunite the family;
- (ii) Who lacks access, or has declined, to utilize these services; and
- (iii) Whose parents have evidenced continuing but unsuccessful efforts to maintain the family structure or are unable or unwilling to continue efforts to maintain the family structure.

~~((4))~~ (5) "Child in need of services petition" means a petition filed in juvenile court by a parent, child, or the department seeking adjudication of placement of the child.

~~((5))~~ (6) "Crisis residential center" means a secure or semi-secure facility established pursuant to chapter 74.13 RCW.

(7) "Custodian" means the person or entity who has the legal right to the custody of the child.

~~((6))~~ (8) "Department" means the department of social and health services.

~~((7))~~ (9) "Extended family member" means an adult who is a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom the child has a relationship and is comfortable, and who is willing and available to care for the child.

~~((8))~~ (10) "Guardian" means that person or agency that (a) has been appointed as the guardian of a child in a legal proceeding other than a proceeding under chapter 13.34 RCW, and (b) has the right to legal custody of the child pursuant to such appointment. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under chapter 13.34 RCW.

~~((9))~~ (11) "Multidisciplinary team" means a group formed to provide assistance and support to a child who is an at-risk youth or a child in need of services and his or her parent. The team shall include the parent, a department case worker, a local government representative when authorized by the local government, and when appropriate, members from the mental health and substance abuse disciplines. The team may also include, but is not limited to, the following persons: Educators, law enforcement personnel, probation officers, employers, church persons, tribal members, therapists, medical personnel,

social service providers, placement providers, and extended family members. The team members shall be volunteers who do not receive compensation while acting in a capacity as a team member, unless the member's employer chooses to provide compensation or the member is a state employee.

~~((10))~~ (12) "Out-of-home placement" means a placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

~~((11))~~ (13) "Parent" means the parent or parents who have the legal right to custody of the child. "Parent" includes custodian or guardian.

~~((12))~~ (14) "Secure facility" means a crisis residential center, or portion thereof, that has locking doors, locking windows, or a secured perimeter, designed and operated to prevent a child from leaving without permission of the facility staff.

~~((13))~~ (15) "Semi-secure facility" means any facility, including but not limited to crisis residential centers or specialized foster family homes, operated in a manner to reasonably assure that youth placed there will not run away. Pursuant to rules established by the department, the facility administrator shall establish reasonable hours for residents to come and go from the facility such that no residents are free to come and go at all hours of the day and night. To prevent residents from taking unreasonable actions, the facility administrator, where appropriate, may condition a resident's leaving the facility upon the resident being accompanied by the administrator or the administrator's designee and the resident may be required to notify the administrator or the administrator's designee of any intent to leave, his or her intended destination, and the probable time of his or her return to the center.

~~((14))~~ (16) "Temporary out-of-home placement" means an out-of-home placement of not more than fourteen days ordered by the court at a fact-finding hearing on a child in need of services petition.

**Sec. 10.** RCW 13.32A.050 and 1995 c 312 s 6 are each amended to read as follows:

(1) A law enforcement officer shall take a child into custody:

(a) If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or

(b) If a law enforcement officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's safety or that a child is violating a local curfew ordinance; or

(c) If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement; or

(d) If a law enforcement agency has been notified by the juvenile court that the court finds probable cause exists to believe that the child has violated a court placement order issued pursuant to chapter 13.32A or 13.34 RCW or that the court has issued an order for law enforcement pick-up of the child under this chapter or chapter 13.34 RCW.

(2) Law enforcement custody shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination.

(3) If a law enforcement officer takes a child into custody pursuant to either subsection (1)(a) or (b) of this section and transports the child to a crisis residential center, the officer shall, within twenty-four hours of delivering the child to the center, provide to the center a written report detailing the reasons the officer took the child into custody. The center shall provide the department with a copy of the officer's report.

(4) If the law enforcement officer who initially takes the juvenile into custody or the staff of the crisis residential center have reasonable cause to believe that the child is absent from home because he or she is abused or neglected, a report shall be made immediately to the department.

(5) Nothing in this section affects the authority of any political subdivision to make regulations concerning the conduct of minors in public places by ordinance or other local law.

(6) If a law enforcement officer receives a report that causes the officer to have reasonable suspicion that a child is being harbored under RCW 13.32A.080 or for other reasons has a reasonable suspicion that a child is being harbored under RCW 13.32A.080, the officer shall remove the child from the custody of the person harboring the child and shall transport the child to one of the locations specified in RCW 13.32A.060.

(7) No child may be placed in a secure facility except as provided in this chapter.

**Sec. 11.** RCW 13.32A.060 and 1995 c 312 s 7 are each amended to read as follows:

(1) An officer taking a child into custody under RCW 13.32A.050(1) (a) or (b) shall inform the child of the reason for such custody and shall ~~((either))~~:

(a) Transport the child to his or her home or to a parent at his or her place of employment, if no parent is at home. ~~((The officer releasing a child into the custody of the parent shall inform the parent of the reason for the taking of the child~~

~~into custody and shall inform the child and the parent of the nature and location of appropriate services available in their community.))~~ The parent may ~~((direct))~~ request that the officer ~~((to))~~ take the child to the home of an adult extended family member, responsible adult, crisis residential center, the department, or a licensed youth shelter. In responding to the request of the parent, the officer shall take the child to a requested place which, in the officer's belief, is within a reasonable distance of the parent's home. The officer releasing a child into the custody of a parent, an adult extended family member, responsible adult, or a licensed youth shelter shall inform ~~((the child and))~~ the person receiving the child of the reason for taking the child into custody and inform all parties of the nature and location of appropriate services available in the community; or

(b) After attempting to notify the parent, take the child to a designated crisis residential center's secure facility or a center's semi-secure facility if a secure facility is full, not available, or not located within a reasonable distance:

(i) If the child expresses fear or distress at the prospect of being returned to his or her home which leads the officer to believe there is a possibility that the child is experiencing some type of child abuse or neglect, as defined in RCW 26.44.020; ~~((or))~~

(ii) If it is not practical to transport the child to his or her home or place of the parent's employment; or

(iii) If there is no parent available to accept custody of the child; or

(c) After attempting to notify the parent, if a crisis residential center is full, not available, or not located within a reasonable distance, the officer may request the department to accept custody of the child. If the department determines that an appropriate placement is currently available, the department shall accept custody and place the child in an out-of-home placement. If the department declines to accept custody of the child, the officer may release the child after attempting to take the child to the following, in the order listed: The home of an adult extended family member; a responsible adult; a licensed youth shelter and shall immediately notify the department if no placement option is available and the child is released.

(2) An officer taking a child into custody under RCW 13.32A.050(1) (c) or (d) shall inform the child of the reason for custody. An officer taking a child into custody under RCW 13.32A.050(1)(c) ~~((shall))~~ may release the child to the supervising agency, or shall take the child to a designated crisis residential center's secure facility ~~((or,))~~. If the secure facility is not available ~~((or)), not~~ located within a reasonable distance, or full, the officer shall take the child to a semi-secure ~~((facility within a))~~ crisis residential center~~((, licensed by the department and established pursuant to chapter 74.13 RCW))~~. An officer taking a child into custody under RCW 13.32A.050(1)(d) may place the child in a juvenile detention facility as provided in RCW 13.32A.065 or a secure facility, except that the child shall be taken to detention whenever the officer has been notified that a juvenile court has entered a detention order under this chapter or chapter 13.34 RCW.

(3) The department shall ensure that all law enforcement authorities are informed on a regular basis as to the location of all designated secure and semi-secure facilities within ~~((crisis residential center or))~~ centers in their jurisdiction, where children taken into custody under RCW 13.32A.050 may be taken.

**Sec. 12.** RCW 13.32A.065 and 1981 c 298 s 4 are each amended to read as follows:

(1) A child may be placed in detention after being taken into custody pursuant to RCW 13.32A.050~~((4))~~ (1)(d). The court shall hold a detention review hearing within twenty-four hours, excluding Saturdays, Sundays, and holidays. The court shall release the child after twenty-four hours, excluding Saturdays, Sundays, and holidays, unless:

(a) A motion and order to show why the child should not be held in contempt has been filed and served on the child at or before the detention hearing; and

(b) The court believes that the child would not appear at a hearing on contempt.

(2) If the court orders the child to remain in detention, the court shall set the matter for a hearing on contempt within seventy-two hours, excluding Saturdays, Sundays, and holidays.

**Sec. 13.** RCW 13.32A.070 and 1995 c 312 s 8 are each amended to read as follows:

(1) A law enforcement officer acting in good faith pursuant to this chapter ~~((in failing to take a child into custody, in taking a child into custody, in placing a child in a crisis residential center, or in releasing a child to a person at the request of a parent))~~ is immune from civil or criminal liability for such action.

(2) A person with whom a child is placed pursuant to this chapter and who acts reasonably and in good faith is immune from civil or criminal liability for the act of receiving the child. The immunity does not release the person from liability under any other law.

**Sec. 14.** RCW 13.32A.082 and 1995 c 312 s 34 are each amended to read as follows:

(1) Any person who, without legal authorization, provides shelter to a minor and who knows at the time of providing the shelter that the minor is away from the parent's home, or other lawfully prescribed residence, without the permission of the parent, shall promptly report the location of the child to the parent, the law enforcement agency of the jurisdiction in which the person lives, or the department. The report may be made by telephone or any other reasonable means.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Shelter" means the person's home or any structure over which the person has any control.

(b) "Promptly report" means to report within eight hours after the person has knowledge that the minor is away from home without parental permission.

~~((c) "Parent" means any parent having legal custody of the child, whether individually or jointly.))~~

(3) When the department receives a report under subsection (1) of this section, it shall make a good faith attempt to notify the parent that a report has been received and offer services designed to resolve the conflict and accomplish a reunification of the family.

**Sec. 15.** RCW 13.32A.095 and 1995 c 312 s 21 are each amended to read as follows:

The ~~((crisis residential center))~~ administrator of the crisis residential center shall notify parents and the appropriate law enforcement agency immediately as to any unauthorized leave from the center by a child placed at the center.

**Sec. 16.** RCW 13.32A.100 and 1981 c 298 s 8 are each amended to read as follows:

Where a child is placed in ~~((a residence other than that of his or her parent))~~ an out-of-home placement pursuant to RCW 13.32A.090(2)(e), the department shall make available family reconciliation services in order to facilitate the reunification of the family. Any such placement may continue as long as there is agreement by the child and parent.

**Sec. 17.** RCW 13.32A.110 and 1979 c 155 s 25 are each amended to read as follows:

If a child who has a legal residence outside the state of Washington is admitted to a crisis residential center or is ~~((placed))~~ released by a law enforcement officer ~~((with a responsible person other than the child's parent))~~ to the department, and the child refuses to return home, the provisions of RCW 13.24.010 shall apply.

**Sec. 18.** RCW 13.32A.120 and 1995 c 312 s 11 are each amended to read as follows:

(1) Where either a child or the child's parent or the person or facility currently providing shelter to the child notifies the center that such individual or individuals cannot agree to the continuation of an out-of-home placement arrived at pursuant to RCW 13.32A.090(2)(e), the administrator of the center shall immediately contact the remaining party or parties to the agreement and shall attempt to bring about the child's return home or to an alternative living arrangement agreeable to the child and the parent as soon as practicable.

(2) If a child and his or her parent cannot agree to an out-of-home placement under RCW 13.32A.090(2)(e), either the child or parent may file with the juvenile court a child in need of services petition to approve an out-of-home placement or the parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth under this chapter.

(3) If a child and his or her parent cannot agree to the continuation of an out-of-home placement arrived at under RCW 13.32A.090(2)(e), either the child or parent may file with the juvenile court a child in need of services petition to approve an out-of-home placement or the parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth under this chapter.

**Sec. 19.** RCW 13.32A.140 and 1995 c 312 s 15 are each amended to read as follows:

Unless the department files a dependency petition, the department shall file a child in need of services petition to approve an out-of-home placement on behalf of a child under any of the following sets of circumstances:

(1) The child has been admitted to a crisis residential center or has been placed ~~((with a responsible person other than his or her parent))~~ by the department in an out-of-home placement, and:

- (a) The parent has been notified that the child was so admitted or placed;
- (b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;
- (c) No agreement between the parent and the child as to where the child shall live has been reached;
- (d) No child in need of services petition has been filed by either the child or parent;
- (e) The parent has not filed an at-risk youth petition; and
- (f) The child has no suitable place to live other than the home of his or her parent.

(2) The child has been admitted to a crisis residential center and:

- (a) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such placement;
- (b) The staff, after searching with due diligence, have been unable to contact the parent of such child; and
- (c) The child has no suitable place to live other than the home of his or her parent.

(3) An agreement between parent and child made pursuant to RCW 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer acceptable to parent or child, and:

- (a) The party to whom the arrangement is no longer acceptable has so notified the department;
- (b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;
- (c) No new agreement between parent and child as to where the child shall live has been reached;
- (d) No child in need of services petition has been filed by either the child or the parent;
- (e) The parent has not filed an at-risk youth petition; and
- (f) The child has no suitable place to live other than the home of his or her parent.

Under the circumstances of subsections (1), (2), or (3) of this section, the child shall remain in an out-of-home placement until a child in need of services petition filed by the department on behalf of the child is reviewed by the juvenile court and is resolved by ~~((such))~~ the court. The department may authorize emergency medical or dental care for a child ~~((placed under this section))~~ admitted to a crisis residential center or placed in an out-of-home placement by the department. The state, when the department files a child in need of services petition under this section, shall be represented as provided for in RCW 13.04.093.

~~((If the department files a petition under this section, the department shall submit in a supporting affidavit any information provided under section 38 of this act.))~~

**Sec. 20.** RCW 13.32A.150 and 1995 c 312 s 16 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, the juvenile court shall not accept the filing of a child in need of services petition by the child or the parents or the filing of an at-risk youth petition by the parent, unless verification is provided that a family assessment has been completed by the department. The family assessment provided by the department shall involve the multidisciplinary team as provided in RCW 13.32A.040, if one exists. The family assessment or plan of services developed by the multidisciplinary team shall be aimed at family reconciliation, reunification, and avoidance of the out-of-home placement of the child. If the department is unable to complete an assessment within two working days following a request for assessment the child or the parents may proceed under subsection (2) of this section or the parent may proceed under RCW 13.32A.191.

(2) A child or a child's parent may file with the juvenile court a child in need of services petition to approve an out-of-home placement for the child. The department shall, when requested, assist either a parent or child in the filing of the petition. The petition must be filed in the county where the parent resides. The petition shall ~~((only))~~ allege that the child is a child in need of services and shall ask only that the placement of a child outside the home of his or her parent be approved. The filing of a petition to approve the placement is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent, and confers upon the court a special jurisdiction to approve or disapprove an out-of-home placement.

(3) A petition may not be filed if the child is the subject of a proceeding under chapter 13.34 RCW.

**Sec. 21.** RCW 13.32A.152 and 1995 c 312 s 4 are each amended to read as follows:

(1) Whenever a child in need of services petition is filed by a youth pursuant to RCW ~~((13.32A.130))~~ 13.32A.150, or the department pursuant to RCW ~~((13.32A.150))~~ 13.32A.140, the ~~((youth or the department))~~ filing party shall have a copy of the petition served on the parents of the youth. Service shall first be attempted in person and if unsuccessful, then by certified mail with return receipt.

(2) Whenever a child in need of services petition is filed by a youth or parent pursuant to RCW 13.32A.150, the court shall immediately notify the department that a petition has been filed.

**Sec. 22.** RCW 13.32A.160 and 1995 c 312 s 17 are each amended to read as follows:

(1) When a proper child in need of services petition to approve an out-of-home placement is filed under RCW 13.32A.120, 13.32A.140, or 13.32A.150 the juvenile court shall: (a)(i) Schedule a fact-finding hearing to be held: (A) For a child who is in a center or a child who is not residing at home, nor in an out-of-home placement, within ((three judicial)) five calendar days unless the last calendar day is a Saturday, Sunday, or holiday, in which case the hearing shall be held on the preceding judicial day; or (B) for any other child, within ten days; and (ii) notify the parent, child, and the department of such date; (b) notify the parent of the right to be represented by counsel and, if indigent, to have counsel appointed for him or her by the court; (c) appoint legal counsel for the child; (d) inform the child and his or her parent of the legal consequences of the court approving or disapproving ~~((an out-of-home placement))~~ a child in need of services petition; (e) notify the parents of their rights under this chapter and chapters 11.88, 13.34, 70.96A, and 71.34 RCW, including the right to file an at-risk youth petition, the right to submit ~~((on [an]))~~ an application for admission of their child to a treatment facility for alcohol, chemical dependency, or mental health treatment, and the right to file a guardianship petition; and (f) notify all parties, including the department, of their right to present evidence at the fact-finding hearing.

(2) Upon filing of a child in need of services petition, the child may be placed, if not already placed, by the department in a crisis residential center, foster family home, group home facility licensed under chapter 74.15 RCW, or any other suitable residence to be determined by the department. The court may place a child in a crisis residential center for a temporary out-of-home placement as long as the requirements of RCW 13.32A.125 are met.

(3) If the child has been placed in a foster family home or group care facility under chapter 74.15 RCW, the child shall remain there, or in any other suitable residence as determined by the department, pending resolution of the petition by the court. Any placement may be reviewed by the court within three judicial days upon the request of the juvenile or the juvenile's parent.

**Sec. 23.** RCW 13.32A.170 and 1995 c 312 s 18 are each amended to read as follows:

(1) The court shall hold a fact-finding hearing to consider a proper child in need of services petition, giving due weight to the intent of the legislature that families have the right to place reasonable restrictions and rules upon their children, appropriate to the individual child's developmental level. The court may appoint legal counsel and/or a guardian ad litem to represent the child and advise parents of their right to be represented by legal counsel. At the commencement of the hearing, the court shall advise the parents of their rights as set forth in RCW 13.32A.160(1). If the court approves or denies a child in need of services petition, a written statement of the reasons must be filed.

(2) The court may approve an order stating that the child shall be placed in a residence other than the home of his or her parent only if it is established by a preponderance of the evidence, including a departmental recommendation for approval or dismissal of the petition, that:

- ~~(a) (The petition is not capricious;~~
- ~~(b) The petitioner, if a child, has made a reasonable effort to resolve the conflict;~~
- ~~(c) The conflict cannot be resolved by delivery of services to the family during continued placement of the child in the parental home;~~
- ~~(d)) The child is a child in need of services as defined in RCW 13.32A.030(4);~~
- ~~(b) If the petitioner is a child, he or she has made a reasonable effort to resolve the conflict;~~
- ~~(c) Reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and~~
- ~~((e)) (d) A suitable out-of-home placement resource is available.~~

The court may not grant a petition filed by the child or the department if it is established that the petition is based only upon a dislike of reasonable rules or reasonable discipline established by the parent. The court may not grant the petition if the child is the subject of a proceeding under chapter 13.34 RCW.

~~((2)) (3) Following the fact-finding hearing the court shall: (a) Approve a child in need of services petition and, if appropriate, enter a temporary out-of-home placement for a period not to exceed fourteen days pending approval of a disposition decision to be made under RCW 13.32A.179(2); (b) approve an at-risk youth petition filed by the parents and dismiss the child in need of services petition; (c) dismiss the petition; or (d) order the department to review the case to determine whether the case is appropriate for a dependency petition under chapter 13.34 RCW.~~

**Sec. 24.** RCW 13.32A.179 and 1995 c 312 s 20 are each amended to read as follows:

(1) A disposition hearing shall be held no later than fourteen days after the approval of the temporary out-of-home placement. The parents, child, and department shall be notified by the court of the time and place of the hearing.

~~(2) ((At the commencement of the hearing the court shall advise the parents of their rights as set forth in RCW 13.32A.160(1)(e). If the court approves or denies a child in need of services petition, a written statement of the reasons shall be filed.))~~ At the conclusion of the disposition hearing, the court may: (a) Reunite the family and dismiss the petition; (b) approve an at-risk youth petition filed by the parents and dismiss the child in need of services petition; (c) approve ~~((a voluntary))~~ an out-of-home placement requested in the child in need of services petition by the parents; (d) order ~~((any conditions set forth in RCW 13.32A.196(2)))~~ an out-of-home placement at the request of the child or the department not to exceed ninety days; or (e) order the department to ~~((file a petition))~~ review the matter for purposes of filing a dependency petition under chapter 13.34 RCW. Whether or not the court approves or orders an out-of-home placement, the court may also order any conditions of supervision as set forth in RCW 13.32A.196(2).

~~(3) ((At the conclusion of the hearing, if the court has not taken action under subsection (2) of this section it may, at the request of the child or department, enter an order for out-of-home placement for not more than ninety days.))~~ The court may only enter an order under ~~((this))~~ (2)(d) of this section if it finds by clear, cogent, and convincing evidence that: (a)(i) The order is in the best interest of the family; (ii) the parents have not requested an out-of-home placement; (iii) the parents have not exercised any other right listed in RCW 13.32A.160(1)(e); (iv) the child has made reasonable efforts to resolve the ~~((conflict))~~ problems that led to the filing of the petition; (v) the ~~((conflict))~~ problems cannot be resolved by delivery of services to the family during continued placement of the child in the parental home; (vi) reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and (vii) a suitable out-of-home placement resource is available; (b)(i) the order is in the best interest of the child; and (ii) the parents are unavailable; or (c) the parent's actions cause an imminent threat to the child's health or safety. ~~((If the court has entered an order under this section, it may order any conditions set forth in RCW 13.32A.196(2).))~~

(4) The court may order the department to submit a dispositional plan if such a plan would assist the court in ordering a suitable disposition in the case. The plan, if ordered, shall address only the needs of the child and shall not address the perceived needs of the parents, unless the order was entered under subsection (2)(d) of this section or specifically agreed to by the parents. If the court orders the department to prepare a plan, the department shall provide copies of the plan to the

parent, the child, and the court. If the parties or the court desire the department to be involved in any future proceedings or case plan development, the department shall be provided with timely notification of all court hearings.

(5) A child who fails to comply with a court order issued under this section shall be subject to contempt proceedings, as provided in this chapter, but only if the noncompliance occurs within one year after the entry of the order.

~~((5))~~ (6) After the court approves or orders an out-of-home placement, the parents or the department may request, and the court may grant, dismissal of ((a placement order)) the child in need of services proceeding when it is not feasible for the department to provide services due to one or more of the following circumstances:

(a) The child has been absent from court approved placement for thirty consecutive days or more;

(b) The parents or the child, or all of them, refuse to cooperate in available, appropriate intervention aimed at reunifying the family; or

(c) The department has exhausted all available and appropriate resources that would result in reunification.

~~((6))~~ (7) The court shall dismiss a placement made under subsection (2)(c) of this section upon the request of the parents.

**Sec. 25.** RCW 13.32A.190 and 1995 c 312 s 24 are each amended to read as follows:

(1) Upon making a dispositional order under RCW 13.32A.179, the court shall schedule the matter on the calendar for review within three months, advise the parties of the date thereof, appoint legal counsel and/or a guardian ad litem to represent the child at the review hearing, advise parents of their right to be represented by legal counsel at the review hearing, and notify the parties of their rights to present evidence at the hearing. Where resources are available, the court shall encourage the parent and child to participate in programs for reconciliation of their conflict.

(2) At the review hearing, the court shall approve or disapprove the continuation of the dispositional plan in accordance with this chapter. The court shall determine whether reasonable efforts have been made to reunify the family and make it possible for the child to return home. The court shall discontinue the placement and order that the child return home if the court has reasonable grounds to believe that the parents have made reasonable efforts to resolve the conflict and the court has reason to believe that the child's refusal to return home is capricious. If out-of-home placement is continued, the court may modify the dispositional plan.

(3) Out-of-home placement may not be continued past one hundred eighty days from the day the review hearing commenced. The court shall order the child to return to the home of the parent at the expiration of the placement. If an out-of-home placement is disapproved prior to one hundred eighty days, the court shall enter an order requiring the child to return to the home of the child's parent.

(4) The parents and the department may request, and the juvenile court may grant, dismissal of an out-of-home placement order when it is not feasible for the department to provide services due to one or more of the following circumstances:

(a) The child has been absent from court approved placement for thirty consecutive days or more;

(b) The parents or the child, or all of them, refuse to cooperate in available, appropriate intervention aimed at reunifying the family; or

(c) The department has exhausted all available and appropriate resources that would result in reunification.

(5) The court shall terminate a placement made under this section upon the request of a parent unless the placement is made pursuant to RCW 13.32A.179(3).

(6) The court may dismiss a child in need of services petition filed by a parent at any time if the court finds good cause to believe that continuation of out-of-home placement would serve no useful purpose.

(7) The court shall dismiss a child in need of services proceeding if the child is the subject of a proceeding under chapter 13.34 RCW.

**Sec. 26.** RCW 13.32A.192 and 1995 c 312 s 26 are each amended to read as follows:

(1) When a proper at-risk youth petition is filed by a child's parent under this chapter, the juvenile court shall:

(a)(i) Schedule a fact-finding hearing to be held: (A) For a child who is in a center or a child who is not residing at home, nor in an out-of-home placement, within ((three judicial)) five calendar days unless the last calendar day is a Saturday, Sunday, or holiday, in which case the hearing shall be held on the preceding judicial day; or (B) for any other child, within ten days; and (ii) notify the parent and the child of such date;

(b) Notify the parent of the right to be represented by counsel at the parent's own expense;

(c) Appoint legal counsel for the child;

(d) Inform the child and his or her parent of the legal consequences of the court finding the child to be an at-risk youth; and

(e) Notify the parent and the child of their rights to present evidence at the fact-finding hearing.

(2) Unless out-of-home placement of the child is otherwise authorized or required by law, the child shall reside in the home of his or her parent or in an out-of-home placement requested by the parent or child and approved by the parent.

(3) If upon sworn written or oral declaration of the petitioning parent, the court has reason to believe that a child has willfully and knowingly violated a court order issued pursuant to subsection (2) of this section, the court may issue an order directing law enforcement to take the child into custody and place the child in a juvenile detention facility or in a secure facility within a crisis residential center. If the child is placed in detention, a review shall be held as provided in RCW 13.32A.065.

(4) If both a child in need of services petition and an at-risk youth petition have been filed with regard to the same child, the petitions and proceedings shall be consolidated as an at-risk youth petition. Pending a fact-finding hearing regarding the petition, the child may be placed in the parent's home or in an out-of-home placement if not already placed in a temporary out-of-home placement pursuant to a child in need of services petition. The child or the parent may request a review of the child's placement including a review of any court order requiring the child to reside in the parent's home.

**Sec. 27.** RCW 13.32A.194 and 1995 c 312 s 27 are each amended to read as follows:

(1) The court shall hold a fact-finding hearing to consider a proper at-risk youth petition. The court shall grant the petition and enter an order finding the child to be an at-risk youth if the allegations in the petition are established by a preponderance of the evidence, unless the child is the subject of a proceeding under chapter 13.34 RCW. If the petition is granted, the court shall enter an order requiring the child to reside in the home of his or her parent or in an out-of-home placement as provided in RCW 13.32A.192(2).

(2) The court may order the department to submit a dispositional plan if such a plan would assist the court in ordering a suitable disposition in the case. If the court orders the department to prepare a plan, the department shall provide copies of the plan to the parent, the child, and the court. If the parties or the court desire the department to be involved in any future proceedings or case plan development, the department shall be provided timely notification of all court hearings.

(3) A dispositional hearing shall be held no later than fourteen days after the ~~((court has granted an at-risk youth petition))~~ fact-finding hearing. Each party shall be notified of the time and date of the hearing.

(4) If the court grants or denies an at-risk youth petition, a statement of the written reasons shall be entered into the records. If the court denies an at-risk youth petition, the court shall verbally advise the parties that the child is required to remain within the care, custody, and control of his or her parent.

**Sec. 28.** RCW 13.32A.250 and 1995 c 312 s 29 are each amended to read as follows:

(1) In all child in need of services proceedings and at-risk youth proceedings, the court shall verbally notify the parents and the child of the possibility of a finding of contempt for failure to comply with the terms of a court order entered pursuant to this chapter. Except as otherwise provided in this section, the court shall treat the parents and the child equally for the purposes of applying contempt of court processes and penalties under this section.

(2) Failure by a party to comply with an order entered under this chapter is a contempt of court as provided in chapter 7.21 RCW, subject to the limitations of subsection (3) of this section.

(3) The court may impose a fine of up to one hundred dollars and confinement for up to seven days, or both for contempt of court under this section.

(4) A child placed in confinement for contempt under this section shall be placed in confinement only in a secure juvenile detention facility operated by or pursuant to a contract with a county.

(5) A motion for contempt may be made by a parent, a child, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order adopted pursuant to this chapter.

(6) Whenever the court finds probable cause to believe, based upon consideration of a motion for contempt and the information set forth in a supporting declaration, that a child has violated a placement order entered under this chapter, the court may issue an order directing law enforcement to pick up and take the child to detention. The order may be entered ex parte without prior notice to the child or other parties. Following the child's admission to detention, a detention review hearing must be held in accordance with RCW 13.32A.065.

**Sec. 29.** RCW 13.34.165 and 1989 c 373 s 17 are each amended to read as follows:

(1) Failure by a party to comply with an order entered under this chapter is contempt of court as provided in chapter 7.21 RCW.

(2) The maximum term of imprisonment that may be imposed as a punitive sanction for contempt of court under this section is confinement for up to seven days.

(3) A child imprisoned for contempt under this section shall be confined only in a secure juvenile detention facility operated by or pursuant to a contract with a county.

(4) A motion for contempt may be made by a parent, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order entered pursuant to this chapter.

(5) Whenever the court finds probable cause to believe, based upon consideration of a motion for contempt and the information set forth in a supporting declaration, that a child has violated a placement order entered under this chapter, the court may issue an order directing law enforcement to pick up and take the child to detention. The order may be entered ex parte without prior notice to the child or other parties. Following the child's admission to detention, a detention review hearing must be held in accordance with RCW 13.32A.065.

**Sec. 30.** RCW 28A.225.030 and 1995 c 312 s 68 are each amended to read as follows:

If the actions taken by a school district under RCW 28A.225.020 are not successful in substantially reducing an enrolled student's absences from school, upon the fifth unexcused absence by a child within any month during the current school year or upon the tenth unexcused absence during the current school year the school district shall file a petition for a civil action with the juvenile court alleging a violation of RCW 28A.225.010: (1) By the parent; (2) by the child; or (3) by the parent and the child.

If the school district fails to file a petition under this section, the parent of a child with five or more unexcused absences in any month during the current school year or upon the tenth unexcused absence during the current school year may file a petition with the juvenile court alleging a violation of RCW 28A.225.010.

**Sec. 31.** RCW 28A.225.035 and 1995 c 312 s 69 are each amended to read as follows:

(1) A petition for a civil action under RCW 28A.225.030 shall consist of a written notification to the court alleging that:

(a) The child has five or more unexcused absences within any month during the current school year or ten or more unexcused absences in the current school year;

(b) Actions taken by the school district have not been successful in substantially reducing the child's absences from school; and

(c) Court intervention and supervision are necessary to assist the school district or parent to reduce the child's absences from school.

(2) The petition shall set forth the name, age, school, and residence of the child and the names and residence of the child's parents.

(3) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this chapter.

(4) When a petition is filed under RCW 28A.225.030, the juvenile court may:

(a) Schedule a fact-finding hearing at which the court shall consider the petition;

(b) Separately notify the child, the parent of the child, and the school district of the fact-finding hearing;

(c) Notify the parent and the child of their rights to present evidence at the fact-finding hearing; and

(d) Notify the parent and the child of the options and rights available under chapter 13.32A RCW.

(5) The court may require the attendance of both the child and the parents at any hearing on a petition filed under RCW 28A.225.030.

(6) The court shall grant the petition and enter an order assuming jurisdiction to intervene for the remainder of the school year, if the allegations in the petition are established by a preponderance of the evidence.

(7) If the court assumes jurisdiction, the school district shall regularly report to the court any additional unexcused absences by the child.

**Sec. 32.** RCW 28A.225.090 and 1995 c 312 s 74 are each amended to read as follows:

Any person violating any of the provisions of either RCW 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. However, a child found to be in violation of RCW 28A.225.010 shall be required to attend school and shall not be fined. If the child fails to comply with the court order to attend school, the court may: (1) Order the child be punished by detention; or (2) impose alternatives to detention such as community service hours or participation in dropout prevention programs or referral to a community truancy board, if available. Failure by a child to comply with an order issued under this section shall not be punishable by detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community service at the child's school instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

School districts shall make complaint for violation of the provisions of RCW 28A.225.010 through 28A.225.140 to a judge of the juvenile court.

**Sec. 33.** RCW 70.96A.020 and 1994 c 231 s 1 are each amended to read as follows:

For the purposes of this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

- (1) "Alcoholic" means a person who suffers from the disease of alcoholism.
- (2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.
- (3) "Approved treatment program" means a discrete program of chemical dependency treatment provided by a treatment program certified by the department of social and health services as meeting standards adopted under this chapter.
- (4) "Chemical dependency" means alcoholism or drug addiction, or dependence on alcohol and one or more other psychoactive chemicals, as the context requires.
- (5) "Chemical dependency program" means expenditures and activities of the department designed and conducted to prevent or treat alcoholism and other drug addiction, including reasonable administration and overhead.
- (6) "Department" means the department of social and health services.
- (7) "Designated chemical dependency specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in RCW 70.96A.140 and qualified to do so by meeting standards adopted by the department.
- (8) "Director" means the person administering the chemical dependency program within the department.
- (9) "Drug addict" means a person who suffers from the disease of drug addiction.
- (10) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.
- (11) "Emergency service patrol" means a patrol established under RCW 70.96A.170.
- (12) "Gravely disabled by alcohol or other drugs" means that a person, as a result of the use of alcohol or other drugs: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by a repeated and escalating loss of cognition or volitional control over his or her actions and is not receiving care as essential for his or her health or safety.
- (13) "Incapacitated by alcohol or other psychoactive chemicals" means that a person, as a result of the use of alcohol or other psychoactive chemicals, has his or her judgment so impaired that he or she is incapable of realizing and making a rational decision with respect to his or her need for treatment and presents a likelihood of serious harm to himself or herself, to any other person, or to property.
- (14) "Incompetent person" means a person who has been adjudged incompetent by the superior court.
- (15) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.
- (16) "Licensed physician" means a person licensed to practice medicine or osteopathy in the state of Washington.
- (17) "Likelihood of serious harm" means either: (a) A substantial risk that physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on one's self; (b) a substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior that has caused the harm or that places another person or persons in reasonable fear of sustaining the harm; or (c) a substantial risk that physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others.
- (18) "Minor" means a person less than eighteen years of age.
- (19) "Parent" means the parent or parents who have the legal right to custody of the child. Parent includes custodian or guardian.
- (20) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.
- ~~((20))~~ (21) "Person" means an individual, including a minor.
- ~~((21))~~ (22) "Secretary" means the secretary of the department of social and health services.
- ~~((22))~~ (23) "Treatment" means the broad range of emergency, detoxification, residential, and outpatient services and care, including diagnostic evaluation, chemical dependency education and counseling, medical, psychiatric, psychological, and social service care, vocational rehabilitation and career counseling, which may be extended to alcoholics and other drug addicts and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons.

~~((23))~~ (24) "Treatment program" means an organization, institution, or corporation, public or private, engaged in the care, treatment, or rehabilitation of alcoholics or other drug addicts.

**Sec. 34.** RCW 70.96A.095 and 1995 c 312 s 47 are each amended to read as follows:

(1) Any person thirteen years of age or older may give consent for himself or herself to the furnishing of ~~((counseling, care,))~~ outpatient treatment~~((, or rehabilitation))~~ by a chemical dependency treatment program ~~((or by any person))~~ certified by the department. Consent of the parent~~((, parents, or legal guardian))~~ of a person less than eighteen years of age for inpatient treatment is ~~((not))~~ necessary to authorize the care~~((, except that the person shall not become a resident of the treatment program without such permission except as provided in RCW 70.96A.120 or 70.96A.140))~~ unless the child meets the definition of a child in need of services in RCW 13.32A.030(4)(c), as determined by the department. Parental authorization is required for any treatment of a minor under the age of thirteen. The parent~~((, parents, or legal guardian))~~ of a ~~((person less than eighteen years of age are))~~ minor is not liable for payment of care for such persons pursuant to this chapter, unless they have joined in the consent to the ~~((counseling, care,))~~ treatment~~((, or rehabilitation))~~.

(2) The parent of any minor child may apply to ~~((an approved))~~ a certified treatment program for the admission of his or her minor child for purposes authorized in this chapter. The consent of the minor child shall not be required for the application or admission. The ~~((approved))~~ certified treatment program shall accept the application and evaluate the child for admission. The ability of a parent to apply to ~~((an approved))~~ a certified treatment program for the ~~((involuntary))~~ admission of his or her minor child does not create a right to obtain or benefit from any funds or resources of the state. However, the state may provide services for indigent minors to the extent that funds are available therefor.

(3) Any provider of outpatient treatment who provides outpatient treatment to a minor thirteen years of age or older shall provide notice of the minor's request for treatment to the minor's parents if: (a) The minor signs a written consent authorizing the disclosure; or (b) the treatment program director determines that the minor lacks capacity to make a rational choice regarding consenting to disclosure. The notice shall be made within seven days of the request for treatment, excluding Saturdays, Sundays, and holidays, and shall contain the name, location, and telephone number of the facility providing treatment, and the name of a professional person on the staff of the facility providing treatment who is designated to discuss the minor's need for treatment with the parent.

**Sec. 35.** RCW 71.34.030 and 1995 c 312 s 52 are each amended to read as follows:

(1)(a) Any minor thirteen years or older may request and receive outpatient treatment without the consent of the minor's parent. Parental authorization is required for outpatient treatment of a minor under the age of thirteen.

(b) Any provider of outpatient treatment for a minor thirteen years of age or older shall provide notice of the request for treatment to the minor's parents. The notice shall be made within seven days of the request for treatment, excluding Saturdays, Sundays, and holidays, and shall contain the name, location, and telephone number of the facility providing treatment, and the name of a professional person on the staff of the facility providing treatment who is designated to discuss the minor's need for treatment with the parent.

(c) A treatment provider may defer notification to a parent of a minor's request for treatment if the minor alleges physical or sexual abuse by the parent and the treatment provider notifies the department of the alleged abuse. Upon completion of its assessment of the allegation, the department shall notify the treatment provider of its findings. If the department determines the allegation is not valid, the treatment provider shall immediately notify the parent of the minor's request for treatment. If the department determines the allegation is valid, the treatment provider need not provide notice to the parent.

(2) When in the judgment of the professional person in charge of an evaluation and treatment facility there is reason to believe that a minor is in need of inpatient treatment because of a mental disorder, and the facility provides the type of evaluation and treatment needed by the minor, and it is not feasible to treat the minor in any less restrictive setting or the minor's home, the minor may be admitted to an evaluation and treatment facility in accordance with the following requirements:

(a) A minor may be voluntarily admitted by application of the parent. The consent of the minor is not required for the minor to be evaluated and admitted as appropriate.

(b) A minor thirteen years or older may, with the concurrence of the professional person in charge of an evaluation and treatment facility, admit himself or herself without parental consent to the evaluation and treatment facility, provided that notice is given by the facility to the minor's parent in accordance with the following requirements:

(i) Notice of the minor's admission shall be in the form most likely to reach the parent within twenty-four hours of the minor's voluntary admission and shall advise the parent that the minor has been admitted to inpatient treatment; the location and telephone number of the facility providing such treatment; and the name of a professional person on the staff of the facility providing treatment who is designated to discuss the minor's need for inpatient treatment with the parent.

(ii) The minor shall be released to the parent at the parent's request for release unless the facility files a petition with the superior court of the county in which treatment is being provided setting forth the basis for the facility's belief that the minor is in need of inpatient treatment and that release would constitute a threat to the minor's health or safety.

(iii) The petition shall be signed by the professional person in charge of the facility or that person's designee.

(iv) The parent may apply to the court for separate counsel to represent the parent if the parent cannot afford counsel.

(v) There shall be a hearing on the petition, which shall be held within three judicial days from the filing of the petition.

(vi) The hearing shall be conducted by a judge, court commissioner, or licensed attorney designated by the superior court as a hearing officer for such hearing. The hearing may be held at the treatment facility.

(vii) At such hearing, the facility must demonstrate by a preponderance of the evidence presented at the hearing that the minor is in need of inpatient treatment and that release would constitute a threat to the minor's health or safety. The hearing shall not be conducted using the rules of evidence, and the admission or exclusion of evidence sought to be presented shall be within the exercise of sound discretion by the judicial officer conducting the hearing.

(c) Written renewal of voluntary consent must be obtained from the applicant no less than once every twelve months.

(d) The minor's need for continued inpatient treatments shall be reviewed and documented no less than every one hundred eighty days.

(3) A notice of intent to leave shall result in the following:

(a) Any minor under the age of thirteen must be discharged immediately upon written request of the parent.

(b) Any minor thirteen years or older voluntarily admitted may give notice of intent to leave at any time. The notice need not follow any specific form so long as it is written and the intent of the minor can be discerned.

(c) The staff member receiving the notice shall date it immediately, record its existence in the minor's clinical record, and send copies of it to the minor's attorney, if any, the county-designated mental health professional, and the parent.

(d) The professional person in charge of the evaluation and treatment facility shall discharge the minor, thirteen years or older, from the facility within twenty-four hours after receipt of the minor's notice of intent to leave, unless the county-designated mental health professional or a parent or legal guardian files a petition or an application for initial detention within the time prescribed by this chapter.

(4) The ability of a parent to apply to a certified evaluation and treatment program for the involuntary admission of his or her minor child does not create a right to obtain or benefit from any funds or resources of the state. However, the state may provide services for indigent minors to the extent that funds are available therefor.

**Sec. 36.** RCW 71.34.035 and 1995 c 312 s 58 are each amended to read as follows:

The department shall randomly select and review the information on children who are admitted to ~~((in-patient))~~ inpatient treatment on application of the child's parent regardless of the source of payment, if any. The review shall determine whether the children reviewed were appropriately admitted into treatment based on an objective evaluation of the child's condition and the outcome of the child's treatment.

**Sec. 37.** RCW 74.13.036 and 1995 c 312 s 65 are each amended to read as follows:

(1) The department of social and health services shall oversee implementation of chapter 13.34 RCW and chapter 13.32A RCW. The oversight shall be comprised of working with affected parts of the criminal justice and child care systems as well as with local government, legislative, and executive authorities to effectively carry out these chapters. The department shall work with all such entities to ensure that chapters 13.32A and 13.34 RCW are implemented in a uniform manner throughout the state.

(2) The department shall develop a plan and procedures, in cooperation with the state-wide advisory committee, to insure the full implementation of the provisions of chapter 13.32A RCW. Such plan and procedures shall include but are not limited to:

(a) Procedures defining and delineating the role of the department and juvenile court with regard to the execution of the child in need of services placement process;

(b) Procedures for designating department staff responsible for family reconciliation services;

(c) Procedures assuring enforcement of contempt proceedings in accordance with RCW 13.32A.170 and 13.32A.250; and

(d) Procedures for the continued education of all individuals in the criminal juvenile justice and child care systems who are affected by chapter 13.32A RCW, as well as members of the legislative and executive branches of government.

There shall be uniform application of the procedures developed by the department and juvenile court personnel, to the extent practicable. Local and regional differences shall be taken into consideration in the development of procedures required under this subsection.

- (3) In addition to its other oversight duties, the department shall:
- (a) Identify and evaluate resource needs in each region of the state;
  - (b) Disseminate information collected as part of the oversight process to affected groups and the general public;
  - (c) Educate affected entities within the juvenile justice and child care systems, local government, and the legislative branch regarding the implementation of chapters 13.32A and 13.34 RCW;
  - (d) Review complaints concerning the services, policies, and procedures of those entities charged with implementing chapters 13.32A and 13.34 RCW; and
  - (e) Report any violations and misunderstandings regarding the implementation of chapters 13.32A and 13.34 RCW.
- (4) The secretary shall submit a quarterly report to the appropriate local government entities.

(5) The department shall provide an annual report to the legislature not later than December 1, indicating the number of times it has declined to accept custody of a child from a law enforcement agency under chapter 13.32A RCW and the number of times it has received a report of a child being released without placement under RCW 13.32A.060(1)(c). The report shall include the dates, places, and reasons the department declined to accept custody and the dates and places children are released without placement.

**NEW SECTION. Sec. 38.** It is the intent of the legislature that the changes in this act be construed to expedite the administrative and judicial processes provided for in the existing and amended statutes to assist in assuring that children placed in a crisis residential center have an appropriate placement available to them at the conclusion of their stay at the center.

**NEW SECTION. Sec. 39.** A new section is added to chapter 74.13 RCW to read as follows:

Within available funds appropriated for this purpose, the department shall establish, by contracts with private vendors, transitional living programs for dependent youth who are being assisted by the department in being emancipated as part of their permanency plan under chapter 13.34 RCW. These programs shall be licensed under rules adopted by the department."

Senator McAuliffe moved that the following amendment by Senators McAuliffe, Pelz, Kohl and Fairley to the Committee on Human Services and Corrections striking amendment be adopted:

On page 2 of the striking amendment, after line 23, strike all the material down to and including "hours." on line 29  
Renumber the sections consecutively and correct any internal references accordingly

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe, Pelz, Kohl and Fairley to the Committee on Human Services and Corrections striking amendment to Engrossed Second Substitute House Bill No. 2217.

The motion by Senator McAuliffe failed and the amendment to the committee striking amendment was not adopted.

#### MOTION

On motion of Senator Hargrove, the following amendment by Senators Hargrove, Long, Franklin and Kohl to the Committee on Human Services and Corrections striking amendment was adopted:

On page 31, beginning on line 23 of the amendment, strike all of subsections (b) and (c) and insert the following:

"(b) Any provider of outpatient treatment for a minor thirteen years of age or older shall provide notice of the treatment to the minor's parents. The notice shall be made upon the completion of the child's second visit for treatment, and shall contain the name, location, and telephone number of the mental health care provider who is designated to discuss the minor's need for treatment with the parent.

(c) A treatment provider may defer notification to a parent of a minor's request for treatment if: (i) The minor alleges physical or sexual abuse by the parent and the treatment provider notifies the department of the alleged abuse. Upon completion of its assessment of the allegation, the department shall notify the treatment provider of its findings. If the department determines the allegation is not valid, the treatment provider shall immediately notify the parent of the minor's treatment. If the department determines the allegation is valid, the treatment provider need not provide notice to the parent; or (ii) the provider believes the parental notification will interfere with the necessary treatment for the minor. If the provider believes the notification will interfere with the necessary treatment, the provider shall notify the department. The department shall review the circumstances and pursue either a child in need of services petition, if the child meets the definition under RCW 13.32A.030(4)(c), or a dependency petition under chapter 13.34 RCW, if the child meets the definition of a dependent

child under RCW 13.34.030(4). If the department determines neither petition is appropriate it shall immediately inform the provider, who shall notify the parent of the treatment within twenty-four hours or after the second visit for treatment, whichever is later."

The President declared the question before the Senate to be the adoption of the Committee on Human Services and Corrections striking amendment, as amended, to Engrossed Second Substitute House Bill No. 2217.

The committee striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 1 of the title, after "youth;" strike the remainder of the title and insert "amending RCW 13.32A.090, 13.32A.130, 13.32A.030, 13.32A.050, 13.32A.060, 13.32A.065, 13.32A.070, 13.32A.082, 13.32A.095, 13.32A.100, 13.32A.110, 13.32A.120, 13.32A.140, 13.32A.150, 13.32A.152, 13.32A.160, 13.32A.170, 13.32A.179, 13.32A.190, 13.32A.192, 13.32A.194, 13.32A.250, 13.34.165, 28A.225.030, 28A.225.035, 28A.225.090, 70.96A.020, 70.96A.095, 71.34.030, 71.34.035, and 74.13.036; adding new sections to chapter 13.32A RCW; adding a new section to chapter 70.96A RCW; adding a new section to chapter 71.34 RCW; adding a new section to chapter 74.13 RCW; creating new sections; and prescribing penalties."

On motion of Senator Hargrove, the rules were suspended, Engrossed Second Substitute House Bill No. 2217, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 2217, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2217, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wood and Zarelli - 40.

Voting nay: Senators Fairley, Fraser, Kohl, McAuliffe, Pelz, Thibaudeau and Wojahn - 7.

Excused: Senators Owen and Quigley - 2.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2217, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 8:05 p.m., on motion of Senator Spanel, the Senate adjourned until 8:00 a.m., Friday, March 1, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-THIRD DAY, FEBRUARY 29, 1996

**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**FIFTY-FOURTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Friday, March 1, 1996  
The Senate was called to order at 8:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Drew, Finkbeiner, Hargrove, Haugen, Heavey, Johnson, Long, McDonald, Moyer, Rasmussen, Schow, Sellar, Swecker and Thibaudeau. On motion of Senator Sheldon, Senators Drew, Hargrove, Haugen, Heavey, Rasmussen and Thibaudeau were excused. On motion of Senator Anderson, Senators Finkbeiner, Johnson, Long, Moyer, Schow, Sellar and Swecker were excused.

The Sergeant at Arms Color Guard, consisting of Pages Brent Bleakney and Kris Schmidt, presented the Colors. President Pritchard offered the prayer.

**MOTION**

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

**MESSAGES FROM THE HOUSE**

MR. PRESIDENT:

The Speaker has signed:  
SECOND ENGROSSED HOUSE BILL NO. 1659,  
HOUSE BILL NO. 2259,  
SUBSTITUTE HOUSE BILL NO. 2487,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2637,  
HOUSE BILL NO. 2638,  
HOUSE BILL NO. 2814, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 29, 1996

MR. PRESIDENT:

The Speaker has signed:  
HOUSE BILL NO. 2136,  
SUBSTITUTE HOUSE BILL NO. 2294,  
SUBSTITUTE HOUSE BILL NO. 2431,  
HOUSE BILL NO. 2459,  
HOUSE BILL NO. 2494,  
HOUSE BILL NO. 2495,  
SUBSTITUTE HOUSE BILL NO. 2513,  
SUBSTITUTE HOUSE BILL NO. 2520,  
HOUSE BILL NO. 2551,  
HOUSE BILL NO. 2591,  
HOUSE BILL NO. 2659,  
HOUSE BILL NO. 2660,  
HOUSE BILL NO. 2687,  
HOUSE BILL NO. 2729,  
SUBSTITUTE HOUSE BILL NO. 2730,  
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4014,  
HOUSE JOINT MEMORIAL NO. 4017, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 29, 1996

MR. PRESIDENT:

The Speaker has signed:  
SUBSTITUTE HOUSE BILL NO. 1008,  
SECOND SUBSTITUTE HOUSE BILL NO. 1182,  
HOUSE BILL NO. 1302,  
HOUSE BILL NO. 2440,  
HOUSE BILL NO. 2538,  
HOUSE BILL NO. 2692,  
SUBSTITUTE HOUSE BILL NO. 2746,  
SUBSTITUTE HOUSE BILL NO. 2939, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 29, 1996

MR. PRESIDENT:

The Speaker has signed:

February 29, 1996

SENATE BILL NO. 6157,  
SUBSTITUTE SENATE BILL NO. 6188,  
SUBSTITUTE SENATE BILL NO. 6198,  
SENATE BILL NO. 6220,  
SENATE BILL NO. 6224,  
SENATE BILL NO. 6225,  
SENATE BILL NO. 6226,  
SENATE BILL NO. 6233,  
SUBSTITUTE SENATE BILL NO. 6236,  
SUBSTITUTE SENATE BILL NO. 6262,  
SUBSTITUTE SENATE BILL NO. 6279,  
SENATE BILL NO. 6294,  
SENATE BILL NO. 6302,  
SENATE BILL NO. 6305,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6427,  
SENATE BILL NO. 6441,  
SUBSTITUTE SENATE BILL NO. 6466,  
SENATE BILL NO. 6482,  
SUBSTITUTE SENATE BILL NO. 6529,  
SUBSTITUTE SENATE BILL NO. 6572,  
SENATE BILL NO. 6615,  
ENGROSSED SENATE BILL NO. 6635,  
ENGROSSED SENATE BILL NO. 6651,  
SUBSTITUTE SENATE BILL NO. 6694,  
ENGROSSED SENATE BILL NO. 6702,  
SUBSTITUTE SENATE BILL NO. 6725,  
SUBSTITUTE SENATE BILL NO. 6748, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 2136,  
SUBSTITUTE HOUSE BILL NO. 2294,  
SUBSTITUTE HOUSE BILL NO. 2431,  
HOUSE BILL NO. 2459,  
HOUSE BILL NO. 2494,  
HOUSE BILL NO. 2495,  
SUBSTITUTE HOUSE BILL NO. 2513,  
SUBSTITUTE HOUSE BILL NO. 2520,  
HOUSE BILL NO. 2551,  
HOUSE BILL NO. 2591,  
HOUSE BILL NO. 2659,  
HOUSE BILL NO. 2660,  
HOUSE BILL NO. 2687,  
HOUSE BILL NO. 2729,  
SUBSTITUTE HOUSE BILL NO. 2730,  
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4014,  
HOUSE JOINT MEMORIAL NO. 4017.

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 1008,  
SECOND SUBSTITUTE HOUSE BILL NO. 1182,  
HOUSE BILL NO. 1302,  
HOUSE BILL NO. 2440,  
HOUSE BILL NO. 2538,  
HOUSE BILL NO. 2692,  
SUBSTITUTE HOUSE BILL NO. 2746,  
SUBSTITUTE HOUSE BILL NO. 2939.

SIGNED BY THE PRESIDENT

The President signed:  
SECOND ENGROSSED HOUSE BILL NO. 1659,  
HOUSE BILL NO. 2259,  
SUBSTITUTE HOUSE BILL NO. 2487,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2637,  
HOUSE BILL NO. 2638,  
HOUSE BILL NO. 2814.

INTRODUCTION AND FIRST READING

SB 6781 by Senators Swecker and Zarelli

AN ACT Relating to property tax levies for schools; and amending RCW 84.52.067 and 84.52.053.

Referred to Committee on Ways and Means.

MOTION

On motion of Senator Spanel, Senate Rule 46 was waived to permit a committee meeting during this time of the session.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9242, Carol A. Wendle, as a member of the Spokane Joint Center for Higher Education, was confirmed.

APPOINTMENT OF CAROL A. WENDLE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 35; Nays, 0; Absent, 1; Excused, 13. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hochstatter, Kohl, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rinehart, Roach, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, West, Winsley, Wojahn, Wood and Zarelli - 35.

Absent: Senator McDonald - 1.

Excused: Senators Drew, Finkbeiner, Hargrove, Haugen, Heavey, Johnson, Long, Moyer, Rasmussen, Schow, Sellar, Swecker and Thibaudeau - 13.

MOTION

At 8:26 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 10:10 a.m. by President Pritchard.  
There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

February 29, 1996

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6229, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 29, 1996

MR. PRESIDENT:

The House has passed:  
SENATE BILL NO. 6177,  
SENATE BILL NO. 6425, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 29, 1996

MR. PRESIDENT:

The House has passed:  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6146,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6284,  
SENATE BILL NO. 6366,  
SENATE BILL NO. 6380,  
SUBSTITUTE SENATE BILL NO. 6422,  
SENATE BILL NO. 6617,  
SUBSTITUTE SENATE BILL NO. 6673,  
SENATE JOINT MEMORIAL NO. 8028, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6146,  
SENATE BILL NO. 6177,  
SUBSTITUTE SENATE BILL NO. 6229,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6284,  
SENATE BILL NO. 6366,  
SENATE BILL NO. 6380,  
SUBSTITUTE SENATE BILL NO. 6422,  
SENATE BILL NO. 6425,  
SENATE BILL NO. 6617,  
SUBSTITUTE SENATE BILL NO. 6673,  
SENATE JOINT MEMORIAL NO. 8028.

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

## MOTIONS

On motion of Senator Thibaudeau, Senators Loveland and Rinehart were excused.  
On motion of Senator Anderson, Senator West was excused.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1556, by House Committee on Law and Justice (originally sponsored by Representatives Wolfe, Boldt, Scott, Romero, B. Thomas, Johnson, Talcott, Delvin, Carrell, Campbell, Van Luven, Cooke, Dickerson, Kessler, Basich, Conway, Smith and Costa)

Revising procedures for determining visitation rights for persons other than a parent.

The bill was read the second time.

## MOTION

On motion of Senator Smith, the rules were suspended, Engrossed Substitute House Bill No. 1556 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## MOTION

On motion of Senator Spanel, further consideration of Engrossed Substitute House Bill No. 1556 was deferred.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2689, by House Committee on Health Care (originally sponsored by Representatives Dyer, Cody, Campbell and Conway)

Defining the practice of oral and maxillofacial surgery.

The bill was read the second time.

## MOTIONS

On motion of Senator Quigley, the following Committee on Health and Long-Term Care amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.32.020 and 1957 c 98 s 1 are each amended to read as follows:

A person practices dentistry, within the meaning of this chapter, who (1) represents himself as being able to diagnose, treat, remove stains and concretions from teeth, operate or prescribe for any disease, pain, injury, deficiency, deformity, or physical condition of the human teeth, alveolar process, gums, or jaw, or (2) offers or undertakes by any means or methods to diagnose, treat, remove stains or concretions from teeth, operate or prescribe for any disease, pain, injury, deficiency, deformity, or physical condition of the same, or take impressions of the teeth or jaw, or (3) owns, maintains or operates an office for the practice of dentistry, or (4) engages in any of the practices included in the curricula of recognized and approved dental schools or colleges, or (5) professes to the public by any method to furnish, supply, construct, reproduce, or repair any prosthetic denture, bridge, appliance, or other structure to be worn in the human mouth.

The fact that a person uses any dental degree, or designation, or any card, device, directory, poster, sign, or other media whereby he represents himself to be a dentist, shall be prima facie evidence that such person is engaged in the practice of dentistry.

X-ray diagnosis as to the method of dental practice in which the diagnosis and examination is made of the normal and abnormal structures, parts or functions of the human teeth, the alveolar process, maxilla, mandible or soft tissues adjacent thereto, is hereby declared to be the practice of dentistry. Any person other than a regularly licensed physician or surgeon who makes any diagnosis or interpretation or explanation, or attempts to diagnose or to make any interpretation or explanation of the registered shadow or shadows of any part of the human teeth, alveolar process, maxilla, mandible or soft tissues adjacent thereto by the use of x-ray is declared to be engaged in the practice of dentistry, medicine or surgery.

The practice of dentistry includes the performance of any dental or oral and maxillofacial surgery. "Oral and maxillofacial surgery" means the specialty of dentistry that includes the diagnosis and surgical and adjunctive treatment of diseases, injuries, and defects of the hard and soft tissues of the oral and maxillofacial region.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Quigley, the following title amendment was adopted:

On page 1, line 1 of the title, after "surgery;" strike the remainder of the title and insert "amending RCW 18.32.020; and declaring an emergency."

## MOTION

On motion of Senator Quigley, the rules were suspended, Substitute House Bill No. 2689, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2689, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2689, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 45.

Absent: Senator McAuliffe - 1.

Excused: Senators Loveland, Rinehart and West - 3.

SUBSTITUTE HOUSE BILL NO. 2689, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2656, by House Committee on Commerce and Labor (originally sponsored by Representatives Cairnes, Romero and Thompson)

Creating a new class of liquor license for sports entertainment facilities.

The bill was read the second time.

## MOTIONS

On motion of Senator Wojahn, the following amendment was adopted:

On page 4, after line 15, insert the following:

"Sec. 4. RCW 66.24.420 and 1995 c 55 s 1 are each amended to read as follows:

(1) The class H license shall be issued in accordance with the following schedule of annual fees:

(a) The annual fee for said license, if issued to a club, whether inside or outside of incorporated cities and towns, shall be seven hundred dollars.

(b) The annual fee for said license, if issued to any other class H licensee in incorporated cities and towns, shall be graduated according to the population thereof as follows:

Incorporated Cities and towns	Fees
Less than 20,000	\$1,200
20,000 or over	\$2,000

(c) The annual fee for said license when issued to any other class H licensee outside of incorporated cities and towns shall be: Two thousand dollars; this fee shall be prorated according to the calendar quarters, or portion thereof, during which the licensee is open for business, except in case of suspension or revocation of the license.

(d) Where the license shall be issued to any corporation, association or person operating a bona fide restaurant in an airport terminal facility providing service to transient passengers with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place: PROVIDED, That the holder of a master license for a restaurant in an airport terminal facility shall be required to maintain in a substantial manner at least one place on the premises for preparing, cooking, and serving of complete meals, and such food service shall be available on request in other licensed places on the premises: PROVIDED, FURTHER, That an additional license fee of twenty-five percent of the annual master license fee shall be required for such duplicate licenses.

(e) Where the license shall be issued to any corporation, association, or person operating dining places at a publicly or privately owned civic or convention center(s) with facilities for sports, entertainment, ~~((and))~~ or conventions, or a combination thereof, with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place: PROVIDED, That the holder of a master license for a dining place at such a publicly or privately owned civic or convention center shall be required to maintain in a substantial manner at least one place on the premises for preparing, cooking, and serving of complete meals, and food service shall be available on request in other licensed places on the premises: PROVIDED FURTHER, That an additional license fee of ten dollars shall be required for such duplicate licenses.

(f) Where the license shall be issued to any corporation, association or person operating more than one building containing dining places at privately owned facilities which are open to the public and where there is a continuity of ownership of all adjacent property, such license shall be issued upon the payment of an annual fee which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to the additional dining places on the property or, in the case of a class H licensed hotel, property owned or controlled by leasehold interest by that hotel for use as a conference or convention center or banquet facility open to the general public for special events in the same metropolitan area, at the discretion of the board and a duplicate license may be issued for each additional place: PROVIDED, That the holder of the master license for the dining place shall not offer alcoholic beverages for sale, service, and consumption at the additional place unless food service is available at both the location of the master license and the duplicate license: PROVIDED FURTHER, That an additional license fee of twenty dollars shall be required for such duplicate licenses.

(2) The board, so far as in its judgment is reasonably possible, shall confine class H licenses to the business districts of cities and towns and other communities, and not grant such licenses in residential districts, nor within the immediate vicinity of schools, without being limited in the administration of this subsection to any specific distance requirements.

(3) The board shall have discretion to issue class H licenses outside of cities and towns in the state of Washington. The purpose of this subsection is to enable the board, in its discretion, to license in areas outside of cities and towns and other communities, establishments which are operated and maintained primarily for the benefit of tourists, vacationers and travelers, and also golf and country clubs, and common carriers operating dining, club and buffet cars, or boats.

(4) The total number of class H licenses issued in the state of Washington by the board, not including those class H licenses issued to clubs, shall not in the aggregate at any time exceed one license for each fifteen hundred of population in the state, determined according to the yearly population determination developed by the office of financial management pursuant to RCW 43.62.030.

(5) Notwithstanding the provisions of subsection (4) of this section, the board shall refuse a class H license to any applicant if in the opinion of the board the class H licenses already granted for the particular locality are adequate for the reasonable needs of the community."

On motion of Senator Pelz, the following title amendment was adopted:

On page 1, line 2 of the title, after "'66.20.300" strike "and 66.20.310" and insert "; 66.20.310; and 66.24.420"

#### MOTION

On motion of Senator Pelz, the rules were suspended, Substitute House Bill No. 2656, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2656, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2656, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 45.

Absent: Senator McAuliffe - 1.

Excused: Senators Loveland, Rinehart and West - 3.

SUBSTITUTE HOUSE BILL NO. 2656, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2386, by House Committee on Government Operations (originally sponsored by Representatives D. Schmidt, Dyer, Thompson, Radcliff, Hargrove, Sheahan, Chappell, Cairnes, Cooke, Crouse, Scheuerman, Campbell, Honeyford, Buck, Huff, Elliot, Clements, Foreman, Quall, Backlund, Hymes, Costa, Mulliken and McMahan)

Requiring the text of applicable state or federal law or rule be provided as part of agency technical assistance.

The bill was read the second time.

#### MOTIONS

On motion of Senator Haugen, the following Committee on Government Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that many individuals and small businesses who are required to comply with laws and agency rules often do not have access to the Revised Code of Washington, the Washington Administrative Code, the United States Code, or the Code of Federal Regulations. In this case, those informed of violations do not know whether, or to what extent, the cited law or agency rule actually applies to their situation. In order to facilitate greater understanding of the law and agency rules, the legislature finds that those who make the effort to obtain technical assistance from a regulatory agency, and those who are issued a notice of correction, should be given the text of the specific section or subsection of the law or agency rule they are alleged to have violated.

**Sec. 2.** RCW 43.05.030 and 1995 c 403 s 604 are each amended to read as follows:

(1) For the purposes of this chapter, a technical assistance visit is a visit by a regulatory agency to a facility, business, or other location that:

(a) Has been requested or is voluntarily accepted; and

(b) Is declared by the regulatory agency at the beginning of the visit to be a technical assistance visit.

(2) A technical assistance visit also includes a consultative visit pursuant to RCW 49.17.250.

(3) During a technical assistance visit, or within a reasonable time thereafter, a regulatory agency shall inform the owner or operator of the facility of any violations of law or agency rules identified by the agency as follows:

(a) A description of the condition that is not in compliance and (~~(a specific citation to)~~) the text of the specific section or subsection of the applicable state or federal law or rule;

(b) A statement of what is required to achieve compliance;

(c) The date by which the agency requires compliance to be achieved;

(d) Notice of the means to contact any technical assistance services provided by the agency or others; and

(e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the agency.

**Sec. 3.** RCW 43.05.060 and 1995 c 403 s 607 are each amended to read as follows:

(1) If in the course of any site inspection or visit that is not a technical assistance visit, the department of ecology becomes aware of conditions that are not in compliance with applicable laws and rules enforced by the department and are not subject to civil penalties as provided for in RCW 43.05.070, the department may issue a notice of correction to the responsible party that shall include:

(a) A description of the condition that is not in compliance and (~~(a specific citation to)~~) the text of the specific section or subsection of the applicable state or federal law or rule;

(b) A statement of what is required to achieve compliance;

(c) The date by which the department requires compliance to be achieved;

(d) Notice of the means to contact any technical assistance services provided by the department or others; and

(e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the department.

(2) A notice of correction is not a formal enforcement action, is not subject to appeal, and is a public record.

(3) If the department issues a notice of correction, it shall not issue a civil penalty for the violations identified in the notice of correction unless the responsible party fails to comply with the notice.

**Sec. 4.** RCW 43.05.090 and 1995 c 403 s 610 are each amended to read as follows:

(1) Following a consultative visit pursuant to RCW 49.17.250, the department of labor and industries shall issue a report to the employer that the employer shall make available to its employees. The report shall contain:

(a) A description of the condition that is not in compliance and (~~(a specific citation to)~~) the text of the specific section or subsection of the applicable state or federal law or rule;

(b) A statement of what is required to achieve compliance;

(c) The date by which the department requires compliance to be achieved;

(d) Notice of means to contact technical assistance services provided by the department; and

(e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the department.

(2) Following a compliance inspection pursuant to RCW 49.17.120, the department of labor and industries shall issue a citation for violations of industrial safety and health standards. The citation shall not assess a penalty if the violations:

(a) Are determined not to be of a serious nature;

(b) Have not been previously cited;

(c) Are not willful; and

(d) Do not have a mandatory penalty under chapter 49.17 RCW.

**Sec. 5.** RCW 43.05.100 and 1995 c 403 s 611 are each amended to read as follows:

(1) If in the course of any inspection or visit that is not a technical assistance visit, the department of agriculture, fish and wildlife, health, licensing, or natural resources becomes aware of conditions that are not in compliance with applicable laws and rules enforced by the department and are not subject to civil penalties as provided for in RCW 43.05.110, the department may issue a notice of correction to the responsible party that shall include:

(a) A description of the condition that is not in compliance and (~~(a specific citation to)~~) the text of the specific section or subsection of the applicable state or federal law or rule;

(b) A statement of what is required to achieve compliance;

(c) The date by which the department requires compliance to be achieved;

(d) Notice of the means to contact any technical assistance services provided by the department or others; and

(e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the department.

(2) A notice of correction is not a formal enforcement action, is not subject to appeal, and is a public record.

(3) If the department issues a notice of correction, it shall not issue a civil penalty for the violations identified in the notice of correction unless the responsible party fails to comply with the notice.

**NEW SECTION. Sec. 6.** A new section is added to chapter 35.21 RCW to read as follows:

(1) A property owner may make a written request for a statement of restrictions applicable to a single parcel, tract, lot, or block of real property to the city or town in which the real property is located.

(2) Within thirty days of the receipt of the request, the city or town shall provide the owner, by registered mail, with a statement of restrictions as described in subsection (3) of this section.

(3) The statement of restrictions shall include the following:

(a) The zoning currently applicable to the real property;

(b) Pending zoning changes currently advertised for public hearing that would be applicable to the real property;

(c) Any designations made by the city or town pursuant to chapter 36.70A RCW of any portion of the real property as agricultural land, forest land, mineral resource land, wetland, an area with a critical recharging effect on aquifers used for potable water, a fish and wildlife habitat conservation area, a frequently flooded area, and as a geological hazardous area; and

(d) If information regarding the designations listed in (c) of this subsection are not readily available, inform the owner of the procedure by which the owner can obtain that site-specific information from the city or town.

(4) If a city or town fails to provide the statement of restrictions within thirty days after receipt of the written request, the owner shall be awarded recovery of all attorneys' fees and costs incurred in any successful application for a writ of mandamus to compel production of a statement.

(5) For purposes of this section:

(a) "Owner" means any vested owner or any person holding the buyer's interest under a recorded real estate contract in which the seller is the vested owner; and

(b) "Real property" means a parcel, tract, lot or block: (i) Containing a single-family residence that is occupied by the owner or a member of his or her family, or rented to another by the owner; or (ii) five acres or less in size.

(6) This section does not affect the vesting of permits or development rights.

Nothing in this section shall be deemed to create any liability on the part of a city or town.

**NEW SECTION. Sec. 7.** A new section is added to chapter 35A.21 RCW to read as follows:

(1) A property owner may make a written request for a statement of restrictions applicable to a single parcel, tract, lot, or block of real property to the code city in which the real property is located.

(2) Within thirty days of the receipt of the request, the code city shall provide the owner, by registered mail, with a statement of restrictions as described in subsection (3) of this section.

(3) The statement of restrictions shall include the following:

(a) The zoning currently applicable to the real property;

(b) Pending zoning changes currently advertised for public hearing that would be applicable to the real property;

(c) Any designations made by the code city pursuant to chapter 36.70A RCW of any portion of the real property as agricultural land, forest land, mineral resource land, wetland, an area with a critical recharging effect on aquifers used for potable water, a fish and wildlife habitat conservation area, a frequently flooded area, and as a geological hazardous area; and

(d) If information regarding the designations listed in (c) of this subsection are not readily available, inform the owner of the procedure by which the owner can obtain that site-specific information from the code city.

(4) If a code city fails to provide the statement of restrictions within thirty days after receipt of the written request, the owner shall be awarded recovery of all attorneys' fees and costs incurred in any successful application for a writ of mandamus to compel production of a statement.

(5) For purposes of this section:

(a) "Owner" means any vested owner or any person holding the buyer's interest under a recorded real estate contract in which the seller is the vested owner; and

(b) "Real property" means a parcel, tract, lot or block: (i) Containing a single-family residence that is occupied by the owner or a member of his or her family, or rented to another by the owner; or (ii) five acres or less in size.

(6) This section does not affect the vesting of permits or development rights.

Nothing in this section shall be deemed to create any liability on the part of a code city.

**NEW SECTION. Sec. 8.** A new section is added to chapter 36.70 RCW to read as follows:

(1) A property owner may make a written request for a statement of restrictions applicable to a single parcel, tract, lot, or block of real property located in an unincorporated portion of a county to the county in which the real property is located.

(2) Within thirty days of the receipt of the request, the county shall provide the owner, by registered mail, with a statement of restrictions as described in subsection (3) of this section.

(3) The statement of restrictions shall include the following:

(a) The zoning currently applicable to the real property;

(b) Pending zoning changes currently advertised for public hearing that would be applicable to the real property;

(c) Any designations made by the county pursuant to chapter 36.70A RCW of any portion of the real property as agricultural land, forest land, mineral resource land, wetland, an area with a critical recharging effect on aquifers used for potable water, a fish and wildlife habitat conservation area, a frequently flooded area, and as a geological hazardous area; and

(d) If information regarding the designations listed in (c) of this subsection are not readily available, inform the owner of the procedure by which the owner can obtain that site-specific information from the county.

(4) If a county fails to provide the statement of restrictions within thirty days after receipt of the written request, the owner shall be awarded recovery of all attorneys' fees and costs incurred in any successful application for a writ of mandamus to compel production of a statement.

(5) For purposes of this section:

(a) "Owner" means any vested owner or any person holding the buyer's interest under a recorded real estate contract in which the seller is the vested owner; and

(b) "Real property" means a parcel, tract, lot or block: (i) Containing a single-family residence that is occupied by the owner or a member of his or her family, or rented to another by the owner; or (ii) five acres or less in size.

(6) This section does not affect the vesting of permits or development rights.

Nothing in this section shall be deemed to create any liability on the part of a county.

**NEW SECTION. Sec. 9.** A new section is added to chapter 36.70B RCW to read as follows:

(1) Each county and city having populations of ten thousand or more that plan under RCW 36.70A.040 shall designate permit assistance staff whose function it is to assist permit applicants. An existing employee may be designated as the permit assistance staff.

(2) Permit assistance staff designated under this section shall:

(a) Make available to permit applicants all current local government regulations and adopted policies that apply to the subject application. The local government shall provide counter copies thereof and, upon request, provide copies according to chapter 42.17 RCW. The staff shall also publish and keep current one or more handouts containing lists and explanations of all local government regulations and adopted policies;

(b) Establish and make known to the public the means of obtaining the handouts and related information; and

(c) Provide assistance regarding the application of the local government's regulations in particular cases.

(3) Permit assistance staff designated under this section may obtain technical assistance and support in the compilation and production of the handouts under subsection (2) of this section from the municipal research council and the department of community, trade, and economic development.

**NEW SECTION. Sec. 10.** A new section is added to chapter 43.110 RCW to read as follows:

The municipal research council shall provide technical assistance in the compilation of and support in the production of the handouts to be published and kept current by counties and cities under section 9 of this act.

**NEW SECTION. Sec. 11.** A new section is added to chapter 43.330 RCW to read as follows:

The department shall provide technical assistance in the compilation of and support in the production of the handouts to be published and kept current by counties and cities under section 9 of this act.

**NEW SECTION. Sec. 12.** Sections 6 through 8 of this act take effect January 1, 1997."

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 43.05.030, 43.05.060, 43.05.090, and 43.05.100; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 36.70B RCW; adding a new section to chapter 43.110 RCW; adding a new section to chapter 43.330 RCW; creating a new section; and providing an effective date."

#### MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 2386, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Thibaudeau, Senator Quigley was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2386, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2386, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wood and Zarelli - 44.

Absent: Senator Wojahn - 1.

Excused: Senators Loveland, Quigley, Rinehart and West - 4.

SUBSTITUTE HOUSE BILL NO. 2386, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2545, by House Committee on Corrections (originally sponsored by Representatives Sehlin, Sheahan, Goldsmith, Robertson, L. Thomas, Mulliken, Sheldon, McMahan, Conway, Costa, Patterson, Chopp, Ogden, Hatfield, Hickel, Campbell, Mitchell, Morris, Johnson, Hymes, Thompson, Silver and McMorris)

Imposing additional notice requirements upon release of a sex offender.

The bill was read the second time.

#### MOTIONS

On motion of Senator Hargrove, the following Committee on Health and Human Services amendment was adopted:

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 4.24.550 and 1994 c 129 s 2 are each amended to read as follows:

(1) Public agencies are authorized to release relevant and necessary information regarding sex offenders to the public when the release of the information is necessary for public protection.

(2) Local law enforcement agencies and officials who decide to release information pursuant to this section shall make a good faith effort to notify the public and residents at least fourteen days before the sex offender is released. If a change occurs in the release plan, this notification provision will not require an extension of the release date. The department of corrections and the department of social and health services shall provide local law enforcement officials with all relevant information on sex offenders about to be released or placed into the community in a timely manner. When a sex offender under county jurisdiction will be released from jail and will reside in a county other than the county of incarceration, the chief law enforcement officer of the jail, or his or her designee, shall notify the sheriff in the county where the offender will reside of the offender's release as provided in RCW 70.48.470.

(3) An elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for damages for any discretionary decision to release relevant and necessary information, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith. The authorization and immunity in this section applies to information regarding: (a) A person convicted of, or juvenile found to have committed, a sex offense as defined by RCW 9.94A.030; (b) a person found not guilty of a sex offense by reason of insanity under chapter 10.77 RCW; (c) a person found incompetent to stand trial for a sex offense and subsequently committed under chapter 71.05 or 71.34 RCW; (d) a person committed as a sexual psychopath under chapter 71.06 RCW; or (e) a person committed as a sexually violent predator under chapter 71.09 RCW. The immunity provided under this section applies to the release of relevant information to other employees or officials or to the general public.

(4) Except as otherwise provided by statute, nothing in this section shall impose any liability upon a public official, public employee, or public agency for failing to release information as provided in subsections (2) and (3) of this section.

(5) Nothing in this section implies that information regarding persons designated in subsections (2) and (3) of this section is confidential except as otherwise provided by statute.

**Sec. 2.** RCW 70.48.470 and 1990 c 3 s 406 are each amended to read as follows:

(1) A person having charge of a jail shall notify in writing any confined person who is in the custody of the jail for a conviction of a sexual offense as defined in RCW 9.94A.030 of the registration requirements of RCW 9A.44.130 at the time of the inmate's release from confinement, and shall obtain written acknowledgment of such notification. The person shall also obtain from the inmate the county of the inmate's residence upon release from jail.

(2) If an inmate convicted of a sexual offense will reside in a county other than the county of incarceration upon release, the chief law enforcement officer, or his or her designee, shall notify the sheriff of the county where the inmate will reside of the inmate's impending release. Notice shall be provided at least fourteen days prior to the inmate's release, or if the release date is not known at least fourteen days prior to release, notice shall be provided not later than the day after the inmate's release.

**Sec. 3.** RCW 72.09.340 and 1990 c 3 s 708 are each amended to read as follows:

(1) In making all discretionary decisions regarding release plans for and supervision of ~~((sexually violent))~~ sex offenders, the department ~~((of corrections))~~ shall set priorities and make decisions based on an assessment of public safety risks ~~((rather than the legal category of the sentences)).~~

(2) The department shall, no later than September 1, 1996, implement a policy governing the department's evaluation and approval of release plans for sex offenders. The policy shall include, at a minimum, a formal process by which victims, witnesses, and other interested people may provide information and comments to the department on potential safety risks to specific individuals or classes of individuals posed by a specific sex offender. The department shall make all reasonable efforts to publicize the availability of this process through currently existing mechanisms and shall seek the assistance of courts, prosecutors, law enforcement, and victims' advocacy groups in doing so. Notice of an offender's proposed residence shall be provided to all people registered to receive notice of an offender's release under RCW 9.94A.155(2), except that in no case may this notification requirement be construed to require an extension of an offender's release date.

(3) For any offender convicted of a felony sex offense against a minor victim after the effective date of this act, the department shall not approve a residence location if the proposed residence: (a) Includes a minor victim or child of similar age or circumstance as a previous victim who the department determines may be put at substantial risk of harm by the offender's residence in the household; or (b) is within close proximity of the current residence of a minor victim, unless the whereabouts of the minor victim cannot be determined or unless such a restriction would impede family reunification efforts ordered by the court or directed by the department of social and health services. The department is further authorized to reject a residence location if the proposed residence is within close proximity to schools, child care centers, playgrounds, or other grounds or facilities where children of similar age or circumstance as a previous victim are present who the department determines may be put at substantial risk of harm by the sex offender's residence at that location.

(4) When the department requires supervised visitation as a term or condition of a sex offender's community placement under RCW 9.94A.120(9)(c)(vi), the department shall, prior to approving a supervisor, consider the following:

(a) The relationships between the proposed supervisor, the offender, and the minor; (b) the proposed supervisor's acknowledgment and understanding of the offender's prior criminal conduct, general knowledge of the dynamics of child sexual abuse, and willingness and ability to protect the minor from the potential risks posed by contact with the offender; and (c) recommendations made by the department of social and health services about the best interests of the child.

**Sec. 4.** RCW 9.94A.155 and 1994 c 129 s 3 and 1994 c 77 s 1 are each reenacted and amended to read as follows:

(1) At the earliest possible date, and in no event later than thirty days before release except in the event of escape or emergency furloughs as defined in RCW 72.66.010, the department of corrections shall send written notice of parole, release, community placement, work release placement, furlough, or escape about a specific inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, or a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110, to the following:

(a) The chief of police of the city, if any, in which the inmate will reside or in which placement will be made in a work release program; and

(b) The sheriff of the county in which the inmate will reside or in which placement will be made in a work release program.

The sheriff of the county where the offender was convicted shall be notified if the department does not know where the offender will reside. The department shall notify the state patrol of the release of all sex offenders, and that information shall be placed in the Washington crime information center for dissemination to all law enforcement.

(2) The same notice as required by subsection (1) of this section shall be sent to the following if such notice has been requested in writing about a specific inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, or a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110:

- (a) The victim of the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide;
- (b) Any witnesses who testified against the inmate in any court proceedings involving the violent offense; ~~(and)~~
- (c) Any person specified in writing by the prosecuting attorney; and
- (d) Any person who requests such notice about a specific inmate convicted of a sex offense as defined by RCW 9.94A.030 from the department of corrections at least sixty days prior to the expected release date of the offender.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the inmate. Whenever the department of corrections mails notice pursuant to this subsection and the notice is returned as undeliverable, the department shall attempt alternative methods of notification, including a telephone call to the person's last known telephone number.

(3) The existence of the notice requirements contained in subsections (1) and (2) of this section shall not require an extension of the release date in the event that the release plan changes after notification.

(4) If an inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, or a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110, escapes from a correctional facility, the department of corrections shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the inmate resided immediately before the inmate's arrest and conviction. If previously requested, the department shall also notify the witnesses and the victim of the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide. If the inmate is recaptured, the department shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(5) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(6) The department of corrections shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(7) The department of corrections shall keep, for a minimum of two years following the release of an inmate, the following:

(a) A document signed by an individual as proof that that person is registered in the victim or witness notification program; and  
(b) A receipt showing that an individual registered in the victim or witness notification program was mailed a notice, at the individual's last known address, upon the release or movement of an inmate.

(8) For purposes of this section the following terms have the following meanings:

- (a) "Violent offense" means a violent offense under RCW 9.94A.030;
- (b) "Next of kin" means a person's spouse, parents, siblings and children.

(9) Nothing in this section shall impose any liability upon a chief of police of a city or sheriff of a county for failing to request in writing a notice as provided in subsection (1) of this section.

**Sec. 5.** RCW 9.94A.120 and 1995 c 108 s 3 are each amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (4), (5), (6), and (8) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) A persistent offender shall be sentenced to a term of total confinement for life without the possibility of parole or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, notwithstanding the maximum sentence under any other law. An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section. In addition, all offenders subject to the provisions of this subsection shall not be eligible for community custody, earned early release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release as defined under RCW 9.94A.150 (1), (2), (3), (5), (7), or (8), or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer or officers during such minimum terms of total confinement except in the case of an offender in need of emergency medical treatment or for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree.

(5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

- (a) Devote time to a specific employment or occupation;
  - (b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;
  - (c) Pursue a prescribed, secular course of study or vocational training;
  - (d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
  - (e) Report as directed to the court and a community corrections officer; or
  - (f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community service work.
- (6)(a) An offender is eligible for the special drug offender sentencing alternative if:
- (i) The offender is convicted of the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or a felony that is, under chapter 9A.28 RCW or RCW 69.50.407, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes, and the violation does not involve a sentence enhancement under RCW 9.94A.310 (3) or (4);

(ii) The offender has no prior convictions for a felony in this state, another state, or the United States; and

(iii) The offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance.

(b) If the midpoint of the standard range is greater than one year and the sentencing judge determines that the offender is eligible for this option and that the offender and the community will benefit from the use of the special drug offender sentencing alternative, the judge may waive imposition of a sentence within the standard range and impose a sentence that must include a period of total confinement in a state facility for one-half of the midpoint of the standard range. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections. If the midpoint of the standard range is twenty-four months or less, no more than three months of the sentence may be served in a work release status. The court shall also impose one year of concurrent community custody and community supervision that must include appropriate outpatient substance abuse treatment, crime-related prohibitions including a condition not to use illegal controlled substances, and a requirement to submit to urinalysis or other testing to monitor that status. The court may require that the monitoring for controlled substances be conducted by the department or by a treatment ~~((alternative(s)))~~ alternatives to street crime program or a comparable court or agency-referred program. The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court shall impose three or more of the following conditions:

- (i) Devote time to a specific employment or training;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;
- (iii) Report as directed to a community corrections officer;
- (iv) Pay all court-ordered legal financial obligations;
- (v) Perform community service work;
- (vi) Stay out of areas designated by the sentencing judge.

(c) If the offender violates any of the sentence conditions in (b) of this subsection, the department shall impose sanctions administratively, with notice to the prosecuting attorney and the sentencing court. Upon motion of the court or the prosecuting attorney, a violation hearing shall be held by the court. If the court finds that conditions have been willfully violated, the court may impose confinement consisting of up to the remaining one-half of the midpoint of the standard range. All total confinement served during the period of community custody shall be credited to the offender, regardless of whether the total confinement is served as a result of the original sentence, as a result of a sanction imposed by the department, or as a result of a violation found by the court. The term of community supervision shall be tolled by any period of time served in total confinement as a result of a violation found by the court.

(d) The department shall determine the rules for calculating the value of a day fine based on the offender's income and reasonable obligations which the offender has for the support of the offender and any dependents. These rules shall be developed in consultation with the administrator for the courts, the office of financial management, and the commission.

(7) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(8)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (A) Frequency and type of contact between offender and therapist;
- (B) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;
- (D) Anticipated length of treatment; and
- (E) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sexual offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eight years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(A) The court shall place the defendant on community supervision for the length of the suspended sentence or three years, whichever is greater; and

(B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (I) Devote time to a specific employment or occupation;
- (II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (III) Report as directed to the court and a community corrections officer;
- (IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or
- (V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

(iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.

(iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community supervision, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community supervision.

(v) The court may revoke the suspended sentence at any time during the period of community supervision and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(vi) Except as provided in (a)(vii) of this subsection, after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW.

(vii) A sex offender therapist who examines or treats a sex offender pursuant to this subsection (8) does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (8) and the rules adopted by the department of health.

For purposes of this subsection, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(b) When an offender commits any felony sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his or her term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his or her community supervision, the court may order the offender to serve out the balance of his or her community supervision term in confinement in the custody of the department of corrections.

Nothing in this subsection (8)(b) shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (8)(b) does not apply to any crime committed after July 1, 1990.

(c) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds.

(9)(a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after July 1, 1988, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or serious violent offense committed on or after July 1, 1990, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions:

- (i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;
- (ii) The offender shall work at department of corrections-approved education, employment, and/or community service;
- (iii) The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions;
- (iv) An offender in community custody shall not unlawfully possess controlled substances;
- (v) The offender shall pay supervision fees as determined by the department of corrections; and
- (vi) The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement.

(c) As a part of any sentence imposed under (a) or (b) of this subsection, the court may also order any of the following special conditions:

- (i) The offender shall remain within, or outside of, a specified geographical boundary;
- (ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;
- (iii) The offender shall participate in crime-related treatment or counseling services;
- (iv) The offender shall not consume alcohol; ((~~or~~))
- (v) The offender shall comply with any crime-related prohibitions; or

(vi) For an offender convicted of a felony sex offense against a minor victim after the effective date of this act, the offender shall comply with any terms and conditions of community placement imposed by the department of corrections relating to contact between the sex offender and a minor victim or a child of similar age or circumstance as a previous victim.

(d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

(10) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(11) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order.

(12) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision or community placement which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(13) All offenders sentenced to terms involving community supervision, community service, community placement, or legal financial obligation shall be under the supervision of the secretary of the department of corrections or such person as the secretary may designate and shall follow explicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment. The department may require offenders to pay for special services rendered on or after July 25, 1993, including electronic monitoring, day reporting, and telephone reporting, dependent upon the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

(14) All offenders sentenced to terms involving community supervision, community service, or community placement under the supervision of the department of corrections shall not own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the appropriate violation process and sanctions. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

(15) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(16) A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

(17) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

(18) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement.

(19) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

(20) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations."

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 1 of the title, after "notification;" strike the remainder of the title and insert "amending RCW 4.24.550, 70.48.470, 72.09.340, and 9.94A.120; and reenacting and amending RCW 9.94A.155."

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 2545, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2545, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2545, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Quigley and Rinehart - 2.

SUBSTITUTE HOUSE BILL NO. 2545, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Thibaudeau, Senator Loveland was excused.

## SECOND READING

HOUSE BILL NO. 2567, by Representatives Wolfe, Rust, Scheuerman, Scott, Costa, Chappell, Linville, Dickerson, Romero, McMahan, Murray, Tokuda, Morris and Conway

Notifying the assessor of real property actions.

The bill was read the second time.

## MOTIONS

On motion of Senator Haugen, the following Committee on Government Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 36.70B.130 and 1995 c 347 s 417 are each amended to read as follows:

A local government planning under RCW 36.70A.040 shall provide a notice of decision that also includes a statement of any threshold determination made under chapter 43.21C RCW and the procedures for administrative appeal, if any. The notice of decision may be a copy of the report or decision on the project permit application. The notice shall be provided to the applicant and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application. The local government shall provide for notice of its decision as provided in RCW 36.70B.110(4). The local government shall provide notice of decision to the county assessor's office of the county or counties in which the property is situated.

**NEW SECTION. Sec. 2.** A new section is added to chapter 35.22 RCW to read as follows:

By July 31, 1997, a first class city planning under RCW 36.70A.040 shall provide to the county assessor a copy of the first class city's comprehensive plan and development regulations in effect on July 1st of that year and shall thereafter provide any amendments to the plan and regulations that were adopted before July 31st of each following year.

**NEW SECTION. Sec. 3.** A new section is added to chapter 35.63 RCW to read as follows:

By July 31, 1997, a city planning under RCW 36.70A.040 shall provide to the county assessor a copy of the city's comprehensive plan and development regulations in effect on July 1st of that year and shall thereafter provide any amendments to the plan and regulations that were adopted before July 31st of each following year.

**NEW SECTION. Sec. 4.** A new section is added to chapter 35A.63 RCW to read as follows:

By July 31, 1997, a code city planning under RCW 36.70A.040 shall provide to the county assessor a copy of the code city's comprehensive plan and development regulations in effect on July 1st of that year and shall thereafter provide any amendments to the plan and regulations that were adopted before July 31st of each following year.

**NEW SECTION. Sec. 5.** A new section is added to chapter 36.70 RCW to read as follows:

By July 31, 1997, a county planning under RCW 36.70A.040 shall provide to the county assessor a copy of the county's comprehensive plan and development regulations in effect on July 1st of that year and shall thereafter provide any amendments to the plan and regulations that were adopted before July 31st of each following year.

**NEW SECTION. Sec. 6.** A new section is added to chapter 36.70B RCW to read as follows:

By July 31, 1997, a local government planning under RCW 36.70A.040 shall provide to the county assessor a copy of the local government's comprehensive plan and development regulations in effect on July 1st of that year and shall thereafter provide any amendments to the plan and regulations that were adopted before July 31st of each following year.

**Sec. 7.** RCW 84.41.030 and 1982 1st ex.s. c 46 s 1 are each amended to read as follows:

Each county assessor shall maintain an active and systematic program of revaluation on a continuous basis, and shall establish a revaluation schedule which will result in revaluation of all taxable real property within the county at least once each four years and physical inspection of all taxable real property within the county at least once each six years. Notwithstanding any program of revaluation established by any county assessor, each county assessor may change, as appropriate, the valuation of real property upon the receipt of a notice of decision received under RCW 36.70B.130, section 8 of this act, or chapter 35.22, 35.63, 35A.63, or 36.70 RCW pertaining to the value of the real property.

**NEW SECTION. Sec. 8.** A new section is added to chapter 90.60 RCW to read as follows:

(1) A state permit agency shall forward to the appropriate county assessor a notice of the agency's final decision with respect to a permit sought from the agency in connection with a project permit application as defined in RCW 36.70B.020.

(2) For the purposes of this section:

(a) "Permit" means a license, certificate, registration, permit, or other form of authorization required by a permit agency in connection with a project permit application as defined in RCW 36.70B.020; and  
(b) "State permit agency" means the department of ecology, the department of natural resources, the department of fish and wildlife, or the department of health."

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 2 of the title, after "property;" strike the remainder of the title and insert "amending RCW 36.70B.130 and 84.41.030; adding a new section to chapter 35.22 RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 36.70B RCW; and adding a new section to chapter 90.60 RCW."

## MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 2567, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2567, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2567, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz,

Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator Sutherland - 1.

Excused: Senator Loveland - 1.

HOUSE BILL NO. 2567, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2661, by Representatives L. Thomas and Wolfe (by request of State Treasurer Grimm)

Regulating public funds.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2661 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2661.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2661 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senators Kohl and Owen - 2.

HOUSE BILL NO. 2661, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTIONS

On motion of Senator Thibaudeau, Senator Loveland was excused.

On motion of Senator Sellar, Senator Wood was excused.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2703, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Clements, Chappell, Chandler, Koster, Lisk, Thompson and Johnson)

Limiting department of labor and industries authority when the department of agriculture has authority to prescribe or enforce occupational safety and health standards.

The bill was read the second time.

#### MOTION

Senator Pelz moved that the following Committee on Labor, Commerce and Trade amendment not be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** RCW 49.70.117 and 1992 c 173 s 2 & 1989 c 380 s 76 are each repealed."

The President declared the question before the Senate to be the motion by Senator Pelz to not adopt the Committee on Labor, Commerce and Trade striking amendment to Engrossed Substitute House Bill No. 2703.

The motion by Senator Pelz carried and the committee striking amendment was not adopted.

#### MOTION

Senator Pelz moved that the following amendment by Senators Pelz, Rasmussen, Loveland, Newhouse, Heavey, Deccio, Franklin, Anderson, Morton and Swecker be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that the state's highly productive and efficient agriculture sector is composed predominately of family owned and managed farms and an industrious and efficient work force. It is the intent of the legislature that the department of agriculture and the department of labor and industries coordinate adoption, implementation, and enforcement of a common set of worker protection standards related to pesticides in order to avoid inconsistency and conflict in the application of those rules. It is also the intent of the legislature that the department of agriculture and the department of labor and industries coordinate investigations with the department of health as well. Further, coordination of enforcement procedures under this act shall not reduce the effectiveness of the enforcement provisions of the Washington Industrial Safety and Health Act of 1973 or the Washington Pesticide Application Act. Finally, when the department of agriculture or the department of labor and industries anticipates regulatory changes to standards regarding pesticide application and handling, they shall involve the affected parties in the rule-making process and solicit relevant information. The department of

agriculture and the department of labor and industries shall identify differences in their respective jurisdictions and penalty structures and publish those differences.

**NEW SECTION. Sec. 2.** A new section is added to chapter 49.17 RCW to read as follows:

(1) As used in this section, "federal worker protection standard" or "federal standard" means the worker protection standard for agricultural workers and handlers of agricultural pesticides adopted by the United States environmental protection agency in 40 C.F.R., part 170 as it exists on the effective date of this section.

(2)(a) No rule adopted under this chapter may impose requirements that make compliance with the federal worker protection standard impossible.

(b) The department shall adopt by rule safety and health standards that are at least as effective as the federal standard. Standards adopted by the department under this section shall be adopted in coordination with the department of agriculture.

(3) If a violation of the federal worker protection standard, or of state rules regulating activities governed by the federal standard, is investigated by the department and by the department of agriculture, the agencies shall conduct a joint investigation if feasible, and shall share relevant information. However, an investigation conducted by the department under Title 51 RCW solely with regard to industrial insurance shall not be considered to be an investigation by the department for this purpose. The agencies shall not issue duplicate citations to an individual or business for the same violation of the federal standard or state rules regulating activities governed by the federal standard. By December 1, 1996, the department and the department of agriculture shall jointly establish a formal agreement that: Identifies the roles of each of the two agencies in conducting investigations of activities governed by the federal standard; and provides for protection of workers and enforcement of standards that is at least as effective as provided to all workers under this chapter. The department's role under the agreement shall not extend beyond protection of safety and health in the workplace as provided under this chapter.

**NEW SECTION. Sec. 3.** A new section is added to chapter 17.21 RCW to read as follows:

(1) As used in this section, "federal worker protection standard" or "federal standard" means the worker protection standard for agricultural workers and handlers of agricultural pesticides adopted by the United States environmental protection agency in 40 C.F.R., part 170 as it exists on the effective date of this section.

(2)(a) No rule adopted under this chapter may impose requirements that make compliance with the federal worker protection standard impossible.

(b) The department shall adopt by rule safety and health standards that are at least as effective as the federal standard. Standards adopted by the department under this section shall be adopted in coordination with the department of labor and industries.

(3) If a violation of the federal worker protection standard, or of state rules regulating activities governed by the federal standard, is investigated by the department and by the department of labor and industries, the agencies shall conduct a joint investigation if feasible, and shall share relevant information. However, an investigation conducted by the department of labor and industries under Title 51 RCW solely with regard to industrial insurance shall not be considered to be an investigation by the department of labor and industries for this purpose. The agencies shall not issue duplicate citations to an individual or business for the same violation of the federal standard or state rules regulating activities governed by the federal standard. By December 1, 1996, the department and the department of labor and industries shall jointly establish a formal agreement that: Identifies the roles of each of the two agencies in conducting investigations of activities governed by the federal standard; and provides for protection of workers and enforcement of standards that is at least effective as provided for other enforcement under this chapter.

**NEW SECTION. Sec. 4.** By December 1, 1996, the department of agriculture and the department of labor and industries shall report to the standing committees of the legislature dealing with agriculture and labor matters on the implementation and impact of this act. The report shall include the number of multiple on-site investigations for the same incident during 1996 and the reasons why the investigations were not coordinated.

**NEW SECTION. Sec. 5.** RCW 49.70.117 and 1992 c 173 s 2 & 1989 c 380 s 76 are each repealed.

**NEW SECTION. Sec. 6.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 7.** Section 5 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Pelz, Rasmussen, Loveland, Newhouse, Heavey, Deccio, Franklin, Anderson, Morton and Swecker to Engrossed Substitute House Bill No. 2703.

The motion by Senator Pelz carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Pelz, the following title amendment was adopted:

On page 1, line 1 of the title, after "health;" strike the remainder of the title and insert "adding a new section to chapter 49.17 RCW; adding a new section to chapter 17.21 RCW; creating new sections; repealing RCW 49.70.117; and declaring an emergency."

On motion of Senator Pelz, the rules were suspended, Engrossed Substitute House Bill No. 2703, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 2703, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2703, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Loveland and Wood - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2703, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2811, by Representatives L. Thomas, Robertson, Hickel, Pelesky, Mitchell, Kessler, Keiser, Blanton, Wolfe, Boldt and Thompson

Authorizing community and technical college districts and the state board for community and technical colleges to participate with the state in investing surplus funds.

The bill was read the second time.

#### MOTION

On motion of Senator Drew, the rules were suspended, House Bill No. 2811 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2811.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2811 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Loveland and Wood - 2.

HOUSE BILL NO. 2811, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2836, by Representatives K. Schmidt, R. Fisher and Blanton

Authorizing speed limits set according to engineering and traffic studies.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, House Bill No. 2836 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2836.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2836 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47.

Excused: Senators Loveland and Wood - 2.

HOUSE BILL NO. 2836, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2199, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Mastin, Schoesler, Sheldon, Hymes, Honeyford, Delvin, Robertson, Campbell, Johnson, Boldt, Linville, Goldsmith and McMahan)

Granting water rights to certain persons who were water users before January 1, 1993.

The bill was read the second time.

#### MOTIONS

Senator Spanel moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 90.03 RCW to read as follows:

(1) This section shall apply only within a water resource inventory area, as such areas were defined in chapter 173-500 WAC as it existed on January 1, 1996, that meets all of the following:

(a) More than two hundred fifty applications for water use authorizations or modifications were filed with the department and pending on April 1, 1996, that requested authorization for water uses commenced before January 1, 1993; and

(b) There was no proceeding for general adjudication of water rights filed in superior court for the basin on or before January 1, 1996.

(2) On or before June 30, 1997, the department shall issue a permit for the appropriation of water to the persons satisfying the requirements of subsection (4) of this section. The permit shall be conditioned for the protection of streamflows consistent with any adopted rule for the protection of instream resources. The department shall review streamflow requirements in existing rules and the requirements for stream segments for which rules have not been adopted for the purpose of conditioning permits issued under this section in order to ensure the viability of fish and wildlife resources, including but not limited to the continued production of fish in numbers that will sustain the commercial, sport, and tribal fisheries in the water resource inventory area, and that will ensure the protection of other instream resources. The department's review and required mitigating conditions under this subsection shall accord strong consideration to the review and recommendations of a watershed planning task force applicable to the area that includes a broad range of water resource interests in the basin, including existing and prospective water rights holders, tribal and local governments, and agricultural, business, environmental, fisheries, and recreational interests. In developing proposed permit conditions the department shall consider alternatives to mitigate the impacts of permit issuance upon streamflows and other existing water rights, including changes in source of supply from surface water to ground water sources and the provision of substitute sources of supply to mitigate impacts upon existing rights and streamflows. The department shall allow a change in source of supply from surface water to a ground water source that is not in immediate hydraulic continuity with surface water as mitigation for potential impacts to streamflows and existing rights, unless the department makes specific findings supported by the permit application record that the proposed change will have a significant detriment to existing rights or to minimum streamflows necessary for the protection of instream resources.

(3) Upon a showing satisfactory to the department that the conditions of the permit have been implemented and that the appropriation has been perfected in accordance with the other provisions of this chapter, the department shall issue a certificate of water right in accordance with RCW 90.03.330.

(4) To qualify for a permit issued pursuant to subsection (2) of this section a person must meet the following limitations:

(a) The person must have placed surface or ground water to beneficial use for agricultural irrigation or stock watering purposes before January 1, 1993, for which a permit or certificate was not issued by the department or its predecessors;

(b) The person filed with the department before April 1, 1996, an application for the water beneficially used;

(c) The person or the person's successor files with the department a statement requesting to qualify under this section during the period beginning September 1, 1996, and ending midnight March 31, 1997; and

(d) The person or the person's successor files with the statement evidence that the water described in the statement was used beneficially before January 1, 1993, in the form of any two or more of the following:

(i) A statement signed by two persons who are not related by family to the person filing the statement required by (c) of this subsection verifying that the water was beneficially used by the claimant before January 1, 1993, as described in the statement required by (c) of this subsection;

(ii) A copy of a dated photograph clearly demonstrating the presence of a high value crop requiring irrigation in the amounts asserted in the statement or of livestock requiring water in such amounts; or records of receipts of the sale of crops by the person or the person's successor indicating that irrigation in the amount claimed was required to produce the crops; or records of receipts of the sale of milk by the person or the person's successor indicating that stockwatering in the amount requested was required to produce the milk marketed;

(iii) Receipts or records of irrigation or stockwatering equipment purchases or repairs associated with the water use specified in the statement;

(iv) Water well construction records identifying the date the well specified in the statement as the point of withdrawal was constructed;

(v) Records of electricity bills directly associated with the withdrawal of water as specified in the statement; or

(vi) Personal records such as photographs, journals, or correspondence indicating the use of water as asserted in the statement.

(5) The priority date of a permit issued under this section shall be the date and time of filing with the department the statement required under subsection (4)(c) of this section.

(6) The department's decision upon the conditions to be included within a permit issued under this section, but not the permit issuance, is appealable to the pollution control hearings board under RCW 43.21B.110.

(7) Effective July 1, 1997, in any water resource inventory area for which permits have been issued under this section, the department is authorized to regulate as among water rights claimants, for the protection of adopted streamflow levels, or to enforce the conditions of any permit issued under this section or otherwise issued for water withdrawals from water sources within the area. In issuing regulatory orders pursuant to this subsection, the department shall first determine whether any use of water is based on a valid existing water right. In making such determination, the department shall investigate and make a tentative determination as to the priority, quantity, place of use, and point of diversion of the water right. Unless exigent circumstances exist, the department shall notify the person whose use of water will be regulated before issuing an order of regulation. The notice shall state that the order of regulation shall be issued in three days after receipt of the notice, unless the person can show cause in writing to the department why the department's decision is in error. The order of regulation shall be effective immediately upon issuance, unless otherwise stated in the order. The department's determination of the validity of a water right is not binding in any subsequent general adjudication, but is prima facie evidence of the existence and conditions of the right.

(8) A permit granted under this section shall not affect or impair in any respect whatsoever a water right or an application for a water right existing before April 1, 1996.

**NEW SECTION. Sec. 2.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1996, in the omnibus appropriations act, this act is null and void."

On motion of Senator Spanel, the following amendments by Senators Spanel, Fraser and Anderson to the Committee on Ways and Means striking amendment were considered simultaneously and were adopted:

On page 1, line 14 of the amendment, after "on" strike "April 1" and insert "January 1"

On page 2, line 26 of the amendment, after "before" strike "April 1" and insert "January 1"

On page 4, line 11 of the amendment, after "before" strike "April 1" and insert "January 1"

#### MOTION

On motion of Senator Anderson, the following amendments by Senators Anderson and Spanel to the Committee on Ways and Means striking amendment were considered simultaneously and were adopted:

On page 1, line 25, after "requirements for" insert "additional"

On page 1, line 25, after "adopted" Strike all material through "resources" on line 31

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Substitute House Bill No. 2199.

The committee amendment, as amended, was adopted.

## MOTIONS

On motion of Senator Spanel, the following title amendment was adopted:

On page 1, line 1 of the title, after "rights;" strike the remainder of the title and insert "adding a new section to chapter 90.03 RCW; and creating a new section."

On motion of Senator Spanel, the rules were suspended, Substitute House Bill No. 2199, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

## POINT OF INQUIRY

Senator Anderson: "Senator Spanel, is it your understanding that under the provisions of the striking amendment on page 2, lines 7 through 14, that it is the responsibility of the Department of Ecology to demonstrate the existence and impact of hydraulic continuity?"

Senator Spanel: "Senator Anderson, yes, under the provisions of this amendment, it is the intent of the Legislature that the burden of proof regarding the impact of ground water on surface water, in regard to changing a source of supply from surface water to ground water, is placed on the Department of Ecology, and not on permit applicants or holders."

## MOTION

On motion of Senator Thibaudeau, Senator Rinehart was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2199, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2199, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Excused: Senators Loveland, Rinehart and Wood - 3.

SUBSTITUTE HOUSE BILL NO. 2199, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2188, by House Committee on Health Care (originally sponsored by Representatives Backlund, Hymes, Dyer, Sherstad and Horn)

Requiring a majority vote of the medical quality assurance commission to revoke a physician's license.

The bill was read the second time.

## MOTIONS

On motion of Senator Quigley, the following Committee on Health and Long-Term Care amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.71.019 and 1994 sp.s. c 9 s 305 are each amended to read as follows:

The Uniform Disciplinary Act, chapter 18.130 RCW, governs unlicensed practice and the issuance and denial of licenses and discipline of licensees under this chapter. When a panel of the commission revokes a license, the respondent may request review of the revocation order of the panel by the remaining members of the commission not involved in the initial investigation. The respondent's request for review must be filed within twenty days of the effective date of the order revoking the respondent's license. The review shall be scheduled for hearing by the remaining members of the commission not involved in the initial investigation within sixty days. The commission shall adopt rules establishing review procedures."

On motion of Senator Quigley, the following title amendment was adopted:

On page 1, line 1 of the title, after "license;" strike the remainder of the title and insert "and amending RCW 18.71.019."

## MOTION

On motion of Senator Quigley, the rules were suspended, Substitute House Bill No. 2188, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2188, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2188, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 3; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Absent: Senators Deccio, McDonald and Schow - 3.

Excused: Senators Loveland, Rinehart and Wood - 3.

SUBSTITUTE HOUSE BILL NO. 2188, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2420, by House Committee on Law and Justice (originally sponsored by Representatives McMorris, Sheahan, Thompson, Koster, Buck, Mastin, McMahan, Grant, Schoesler, Crouse, Chandler, Dyer, Smith, Campbell, Goldsmith, Radcliff, Boldt, Mulliken, Beeksma, Robertson, Morris, Fuhrman, L. Thomas, Sterk, D. Schmidt, Johnson, Chappell, Carrell, Hatfield, Sheldon, Sherstad, Stevens, Honeyford, Elliot, Huff, Van Luven, B. Thomas, Pennington, Kessler and Benton)

Revising standards for qualification to possess firearms.

The bill was read the second time.

## MOTION

Senator Smith moved that the following Committee on Law and Justice amendment not be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.41.010 and 1994 sp.s. c 7 s 401 and 1994 c 121 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder.

(2) "Pistol" means any firearm with a barrel less than ~~((twelve))~~ sixteen inches in length, or is designed to be held and fired by the use of a single hand.

(3) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(4) "Short-barreled rifle" means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

(5) "Shotgun" means a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(6) "Short-barreled shotgun" means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

(7) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

(8) "Antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(9) "Loaded" means:

(a) There is a cartridge in the chamber of the firearm;

(b) ~~((Bullets))~~ Cartridges are in a clip that is locked in place in the firearm;

(c) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; ~~((or))~~

(d) There is a cartridge in the tube~~((s))~~ or magazine~~((, or other compartment of the firearm))~~ that is inserted in the action; or

(e) There is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle loader.

(10) "Dealer" means a person engaged in the business of selling firearms ~~((or ammunition))~~ at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms.

(11) "Crime of violence" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, ~~((rape in the second degree,))~~ kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, residential burglary, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to ~~((July 1, 1976))~~ the effective date of this act, which is comparable to a felony classified as a crime of violence in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under (a) or (b) of this subsection.

(12) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any crime of violence;

(b) Any felony violation of the uniform controlled substances act, chapter 69.50 RCW, that is classified as a class B felony or that has a maximum term of imprisonment of at least ten years;

(c) Child molestation in the second degree;

~~((e) Controlled substance homicide;))~~

(d) Incest when committed against a child under age fourteen;

(e) Indecent liberties;

(f) Leading organized crime;  
(g) Promoting prostitution in the first degree;  
(h) Rape in the third degree;  
(i) Reckless endangerment in the first degree;  
(j) Sexual exploitation;  
~~((j))~~ (k) Vehicular assault;  
~~((k))~~ (l) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;  
~~((l))~~ (m) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under RCW 9.94A.030;  
~~((m))~~ (n) Any other felony with a deadly weapon verdict under RCW 9.94A.125; or  
~~((n))~~ (o) Any felony offense in effect at any time prior to ~~((July 1, 1994,))~~ the effective date of this act that is comparable to a serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious offense.

(13) "Law enforcement officer" includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially commissioned Washington peace officer as defined in RCW 10.93.020. "Law enforcement officer" also includes a limited authority Washington peace officer as defined in RCW 10.93.020 if such officer is duly authorized by his or her employer to carry a concealed pistol.

(14) "Felony" means any felony offense under the laws of this state or any federal or out-of-state offense comparable to a felony offense under the laws of this state.

(15) "Sell" refers to the actual approval of the delivery of a firearm in consideration of payment or promise of payment of a certain price in money.

(16) "Barrel length" means the distance from the bolt face of a closed action down the length of the axis of the bore to the crown of the muzzle, or in the case of a barrel with attachments to the end of any legal device permanently attached to the end of the muzzle.

Sec. 2. RCW 9.41.040 and 1995 c 129 s 16 (Initiative Measure No. 159) are each reenacted and amended to read as follows:

(1)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree, if the person owns, has in his or her possession, or has in his or her control any firearm after having previously been convicted in this state or elsewhere of any serious offense as defined in this chapter ~~((-residential burglary, reckless endangerment in the first degree, any felony violation of the Uniform Controlled Substances Act, chapter 69.50 RCW, classified as a class A or class B felony, or with a maximum sentence of at least ten years, or both, or equivalent statutes of another jurisdiction, except as otherwise provided in subsection (3) or (4) of this section))~~.

(b) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the second degree, if the person does not qualify under (a) of this subsection for the crime of unlawful possession of a firearm in the first degree and the person owns, has in his or her possession, or has in his or her control any firearm:

(i) After having previously been convicted in this state or elsewhere of any ~~((remaining))~~ felony ~~((violation of the Uniform Controlled Substances Act, chapter 69.50 RCW, or equivalent statutes of another jurisdiction))~~ not specifically listed as prohibiting firearm possession under (a) of this subsection, ~~((any remaining felony in which a firearm was used or displayed and the felony is not specifically listed as prohibiting firearm possession under (a) of this subsection,))~~ or any ~~((domestic violence offense enumerated in RCW 10.99.020(2), or any harassment offense enumerated in RCW 9A.46.060, except as otherwise provided in subsection (3) or (4) of this section))~~ of the following crimes when committed by one family or household member against another, committed on or after July 1, 1993: Assault in the fourth degree, coercion, stalking; violation of the provisions of a restraining order restraining the person or excluding the person from a residence (RCW 26.09.300); or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence (RCW 26.50.060, 26.50.070, 26.50.130, or 10.99.040);

(ii) ~~((After having previously been convicted on three occasions within five years of driving a motor vehicle or operating a vessel while under the influence of intoxicating liquor or any drug, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;~~

~~((iii))~~ After having previously been involuntarily committed for mental health treatment under RCW 71.05.320, 71.34.090, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047; ~~((and/or~~

~~((iv))~~ (iii) If the person is under eighteen years of age, except as provided in RCW 9.41.042; and/or

(iv) If the person is free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense as defined in RCW 9.41.010.

(2)(a) Unlawful possession of a firearm in the first degree is a class B felony, punishable under chapter 9A.20 RCW.

(b) Unlawful possession of a firearm in the second degree is a class C felony, punishable under chapter 9A.20 RCW.

(3) Notwithstanding RCW 9.41.047 or any other provisions of law, as used in this ~~((section))~~ chapter, a person has been "convicted", whether in an adult court or adjudicated in a juvenile court, at such time as a plea of guilty has been accepted, or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including but not limited to sentencing or disposition, post-trial or post-factfinding motions, and appeals. Conviction includes a dismissal entered after a period of probation, suspension or deferral of sentence, and also includes equivalent dispositions by courts in jurisdictions other than Washington state. A person shall not be precluded from possession of a firearm if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or the conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. Where no record of the court's disposition of the charges can be found, there shall be a rebuttable presumption that the person was not convicted of the charge.

(4) Notwithstanding subsection (1) of this section, a person convicted of an offense prohibiting the possession of a firearm under this section other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401(a) and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from possession of a firearm as a result of the conviction. Notwithstanding any other provisions of this section, if a person is prohibited from possession of a firearm under subsection (1) of this section and has not previously been convicted of a sex offense prohibiting firearm ownership under subsection (1) of this section and/or any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, the individual may petition a court of record to have his or her right to possess a firearm restored:

(a) Under RCW 9.41.047; and/or

(b) After five or more consecutive years in the community without being convicted or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.360.

(5) In addition to any other penalty provided for by law, if a person under the age of eighteen years is found by a court to have possessed a firearm in a vehicle in violation of subsection (1) of this section or to have committed an offense while armed with a firearm during which offense a motor vehicle served an integral function, the court shall notify the department of licensing within twenty-four hours and the person's privilege to drive shall be revoked under RCW 46.20.265.

(6) Nothing in chapter 129, Laws of 1995 shall ever be construed or interpreted as preventing an offender from being charged and subsequently convicted for the separate felony crimes of theft of a firearm or possession of a stolen firearm, or both, in addition to being charged and subsequently convicted under this section for unlawful possession of a firearm in the first or second degree. Notwithstanding any other law, if the offender is convicted under this section for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, then the offender shall serve consecutive sentences for each of the felony crimes of conviction listed in this subsection.

(7) Each firearm unlawfully possessed under this section shall be a separate offense.

**Sec. 3.** RCW 9.41.047 and 1994 sp.s. c 7 s 404 are each reenacted and amended to read as follows:

(1) ~~((a))~~ At the time a person is convicted of an offense making the person ineligible to possess a firearm, or at the time a person is committed by court order under RCW 71.05.320, 71.34.090, or chapter 10.77 RCW for mental health treatment, the convicting or committing court shall notify the person, orally and in writing, that the person must immediately surrender any concealed pistol license and that the person may not possess a firearm unless his or her right to do so is restored by a court of record.

The convicting or committing court also shall forward a copy of the person's driver's license or identicard, or comparable information, to the department of licensing, along with the date of conviction or commitment.

(2) Upon receipt of the information provided for by subsection (1) of this section, the department of licensing shall determine if the convicted or committed person has a concealed pistol license. If the person does have a concealed pistol license, the department of licensing shall immediately notify the license-issuing authority which, upon receipt of such notification, shall immediately revoke the license.

(3) ~~((A person who is prohibited from possessing a firearm by reason of having previously been convicted on three occasions of driving a motor vehicle or operating a vessel while under the influence of intoxicating liquor or any drug may, after five continuous years without further conviction for any alcohol related offense, petition a court of record to have his or her right to possess a firearm restored.~~

~~((4))~~(a) A person who is prohibited from possessing a firearm, by reason of having been ~~((either: (ii) involuntarily committed for mental health treatment under RCW 71.05.320, 71.34.090, chapter 10.77 RCW, or equivalent statutes of another jurisdiction((-)) may, upon discharge, petition a court of record to have his or her right to possess a firearm restored.~~

~~((b) At a minimum, a petition under this subsection (4) shall include the following:~~

~~(i) The fact, date, and place of commitment;~~

~~(ii) The place of treatment;~~

~~(iii) The fact and date of release from commitment;~~

~~(iv) A certified copy of the most recent order, if one exists, of commitment, with the findings of fact and conclusions of law; and~~

~~(v) A statement by the person that he or she is no longer required to participate in an inpatient or outpatient treatment program, is no longer required to take medication to treat any condition related to the commitment, and does not present a substantial danger to himself or herself, to others, or to the public safety.-) At the time of commitment, the court shall specifically state to the person that he or she is barred from possession of firearms.~~

(b) The secretary of social and health services shall develop appropriate rules to create an approval process under this subsection. The rules must provide for the restoration of the right to possess a firearm upon a showing in a court of competent jurisdiction that the person is no longer required to participate in an inpatient or outpatient treatment program, is no longer required to take medication to treat any condition related to the commitment, and does not present a substantial danger to himself or herself, others, or the public. Unlawful possession of a firearm under this subsection shall be punished as a class C felony under chapter 9A.20 RCW.

(c) A person petitioning the court under this subsection ~~((4))~~ (3) shall bear the burden of proving by a preponderance of the evidence that the circumstances resulting in the commitment no longer exist and are not reasonably likely to recur.

~~(4)(a) A person shall not be precluded from possession of a firearm if three years have elapsed since the date of conviction for any domestic violence offense enumerated in this subsection.~~

(b) The prosecutor may petition the superior court, prior to the expiration of the period prescribed in this subsection, to deny restoration of the right to possess a firearm for an additional three years. The person must be given adequate notice to respond to the petition. The court may deny restoration of the right to possess a firearm if it finds by clear and convincing evidence that the person eligible for restoration poses a manifest risk to public safety by reason of criminal activity or mental instability.

**Sec. 4.** RCW 9.41.050 and 1994 sp.s. c 7 s 405 are each amended to read as follows:

(1) Except in the person's place of abode or fixed place of business, a person shall not carry a pistol concealed on his or her person without a license to carry a concealed pistol. Every licensee shall have his or her concealed pistol license in his or her immediate possession at all times that he or she is required by this section to have a concealed pistol license and shall display the same upon demand to any police officer or to any other person when and if required by law to do so. Any violation of this subsection shall be a class 1 civil infraction under chapter 7.84 RCW and shall be punished accordingly pursuant to chapter 7.84 RCW and the infraction rules for courts of limited jurisdiction.

(2) A person shall not carry or place a loaded pistol in any vehicle unless the person has a license to carry a concealed pistol and: (a) The pistol is on the licensee's person, (b) the licensee is within the vehicle at all times that the pistol is there, or (c) the licensee is away from the vehicle and the pistol is locked within the vehicle and concealed from view from outside the vehicle.

(3) A person at least eighteen years of age who is in possession of an unloaded pistol shall not leave the unloaded pistol in a vehicle unless the unloaded pistol is locked within the vehicle and concealed from view from outside the vehicle.

(4) Except as otherwise provided in this chapter, no person may carry a firearm unless it is unloaded and enclosed in an opaque case or secure wrapper or the person is:

(a) Licensed under RCW 9.41.070 to carry a concealed pistol;

(b) In attendance at a hunter's safety course or a firearms safety course;

(c) Engaging in practice in the use of a firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located or any other area where the discharge of a firearm is not prohibited;

(d) Engaging in an organized competition involving the use of a firearm, or participating in or practicing for a performance by an organized group that uses firearms as a part of the performance;

(e) ~~((Hunting or trapping under a valid license issued to the person under Title 77 RCW))~~ Engaging in a lawful outdoor recreational activity such as hunting, fishing, camping, hiking, or horseback riding, only if, considering all of the attendant circumstances, including but not limited to whether the person has a valid hunting or fishing license, it is reasonable to conclude that the person is participating in lawful outdoor activities or is traveling to or from a legitimate outdoor recreation area;

(f) In an area where the discharge of a firearm is permitted, and is not trespassing;

(g) Traveling with any unloaded firearm in the person's possession to or from any activity described in (b), (c), (d), (e), or (f) of this subsection, except as provided in (h) of this subsection;

(h) Traveling in a motor vehicle with a firearm, other than a pistol, that is unloaded and locked in the trunk or other compartment of the vehicle, ~~((secured))~~ placed in a gun rack, or otherwise secured in place in a vehicle, provided that this subsection (4)(h) does not apply to motor homes if the firearms are not within the driver's compartment of the motor home while the vehicle is in operation. Notwithstanding (a) of this subsection, and subject to federal and state park regulations regarding firearm possession therein, a motor home shall be considered a residence when parked at a recreational park, campground, or other temporary residential setting for the purposes of enforcement of this chapter;

(i) On real property under the control of the person or a relative of the person;

(j) At his or her residence;

(k) Is a member of the armed forces of the United States, national guard, or organized reserves, when on duty;

(l) Is a law enforcement officer; (~~o~~)

(m) Carrying a firearm from or to a vehicle for the purpose of taking or removing the firearm to or from a place of business for repair; or

(n) An armed private security guard or armed private detective licensed by the department of licensing, while on duty or enroute to and from employment.

(5) Violation of any of the prohibitions of subsections (2) through (4) of this section is a misdemeanor.

(6) Nothing in this section permits the possession of firearms illegal to possess under state or federal law.

~~((6))~~ (7) Any city, town, or county may enact an ordinance to exempt itself from the prohibition of subsection (4) of this section.

**Sec. 5.** RCW 9.41.060 and 1995 c 392 s 1 are each amended to read as follows:

The provisions of RCW 9.41.050 shall not apply to:

(1) Marshals, sheriffs, prison or jail wardens or their deputies, or other law enforcement officers;

(2) Members of the armed forces of the United States or of the national guard or organized reserves, when on duty;

(3) Officers or employees of the United States duly authorized to carry a concealed pistol;

(4) Any person engaged in the business of manufacturing, repairing, or dealing in firearms, or the agent or representative of the person, if possessing, using, or carrying a pistol in the usual or ordinary course of the business;

(5) Regularly enrolled members of any organization duly authorized to purchase or receive pistols from the United States or from this state;

(6) Regularly enrolled members of clubs organized for the purpose of target shooting, when those members are at or are going to or from their places of target practice;

(7) Regularly enrolled members of clubs organized for the purpose of modern and antique firearm collecting, when those members are at or are going to or from their collector's gun shows and exhibits;

(8) ~~(Individual hunters when on a hunting, camping, or fishing trip)~~ Any person engaging in a lawful outdoor recreational activity such as hunting, fishing, camping, hiking, or horseback riding, only if, considering all of the attendant circumstances, including but not limited to whether the person has a valid hunting or fishing license, it is reasonable to conclude that the person is participating in lawful outdoor activities or is traveling to or from a legitimate outdoor recreation area;

(9) Any person while carrying a pistol unloaded and in a closed opaque case or secure wrapper; or

(10) Law enforcement officers retired for service or physical disabilities, except for those law enforcement officers retired because of mental or stress-related disabilities. This subsection applies only to a retired officer who has: (a) Obtained documentation from a law enforcement agency within Washington state from which he or she retired that is signed by the agency's chief law enforcement officer and that states that the retired officer was retired for service or physical disability; and (b) not been convicted of a crime making him or her ineligible for a concealed pistol license.

**Sec. 6.** RCW 9.41.070 and 1995 c 351 s 1 are each amended to read as follows:

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

The applicant's constitutional right to bear arms shall not be denied, unless:

(a) He or she is ineligible to possess a firearm under the provisions of RCW 9.41.040 or 9.41.045;

(b) The applicant's concealed pistol license is in a revoked status;

(c) He or she is under twenty-one years of age;

(d) He or she is subject to a court order or injunction regarding firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or 26.50.070;

(e) He or she is free on bond or personal recognizance pending trial, appeal, or sentencing for a ~~(serious)~~ felony offense;

(f) He or she has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor; or

(g) He or she has been ordered to forfeit a firearm under RCW 9.41.098(1)(e) within one year before filing an application to carry a pistol concealed on his or her person(~~o~~);

~~(h)(i) He or she has been convicted of any crime against a child or other person listed in RCW 43.43.830(5).~~

~~(ii) Except as provided in (h)(iii) of this subsection, any person who becomes ineligible for a concealed pistol license as a result of a conviction for a crime listed in (h)(i) of this subsection and then successfully completes all terms of his or her sentence, as evidenced by a certificate of discharge issued under RCW 9.94A.220 in the case of a sentence under chapter 9.94A RCW, and has not again been convicted of any crime and is not under indictment for any crime, may, one year or longer after such successful sentence completion, petition a court of record for a declaration that the person is no longer ineligible for a concealed pistol license under (h)(i) of this subsection).~~

~~((iii))~~ No person convicted of a ~~(serious offense as defined in RCW 9.41.010)~~ felony may have his or her right to possess firearms restored or his or her privilege to carry a concealed pistol restored, unless the person has been granted relief from disabilities by the secretary of the treasury under 18 U.S.C. Sec. 925(c), or RCW 9.41.040 (3) or (4) applies.

(2) The issuing authority shall check with the national crime information center, the Washington state patrol electronic data base, the department of social and health services electronic data base, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess a firearm and therefore ineligible for a concealed pistol license. This subsection applies whether the applicant is applying for a new concealed pistol license or to renew a concealed pistol license.

(3) Any person whose firearms rights have been restricted and who has been granted relief from disabilities by the secretary of the treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec. 921(a)(20)(A) shall have his or her right to acquire, receive, transfer, ship, transport, carry, and possess firearms in accordance with Washington state law restored except as otherwise prohibited by this chapter.

(4) The license application shall bear the full name, residential address, telephone number at the option of the applicant, date and place of birth, race, gender, description, not more than two complete sets of fingerprints, and signature of the licensee, and the licensee's driver's license number or state identification card number if used for identification in applying for the license. A signed application for a concealed pistol license shall constitute a waiver of confidentiality and written request that the department of social and health services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for a concealed pistol license to an inquiring court or law enforcement agency.

The application for an original license shall include two complete sets of fingerprints to be forwarded to the Washington state patrol.

The license and application shall contain a warning substantially as follows:

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

The license shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law. The application shall contain questions about the applicant's eligibility under RCW 9.41.040 to possess a pistol, the applicant's place of birth, and whether the applicant is a United States citizen. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. A person who is not a citizen of the United States shall meet the additional requirements of RCW 9.41.170 and produce proof of compliance with RCW 9.41.170 upon application. The license shall be in triplicate and in a form to be prescribed by the department of licensing.

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

The department of licensing shall make available to law enforcement and corrections agencies, in an on-line format, all information received under this subsection.

(5) The nonrefundable fee, paid upon application, for the original five-year license shall be thirty-six dollars plus additional charges imposed by the Federal Bureau of Investigation that are passed on to the applicant. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of the license.

The fee shall be distributed as follows:

- (a) Fifteen dollars shall be paid to the state general fund;
- (b) Four dollars shall be paid to the agency taking the fingerprints of the person licensed;
- (c) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and
- (d) Three dollars to the firearms range account in the general fund.

(6) The nonrefundable fee for the renewal of such license shall be thirty-two dollars. No other branch or unit of government may impose any additional charges on the applicant for the renewal of the license.

The renewal fee shall be distributed as follows:

- (a) Fifteen dollars shall be paid to the state general fund;
- (b) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and
- (c) Three dollars to the firearms range account in the general fund.
- (7) The nonrefundable fee for replacement of lost or damaged licenses is ten dollars to be paid to the issuing authority.
- (8) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the issuing authority.

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

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

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

(10) Notwithstanding the requirements of subsections (1) through (9) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section. However, a temporary emergency license issued under this subsection shall not exempt the holder of the license from any records check requirement. Temporary emergency licenses shall be easily distinguishable from regular licenses.

(11) A political subdivision of the state shall not modify the requirements of this section or chapter, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section.

(12) A person who knowingly makes a false statement regarding citizenship or identity on an application for a concealed pistol license is guilty of false swearing under RCW 9A.72.040. In addition to any other penalty provided for by law, the concealed pistol license of a person who knowingly makes a false statement shall be revoked, and the person shall be permanently ineligible for a concealed pistol license.

(13) A person may apply for a concealed pistol license:

- (a) To the municipality or to the county in which the applicant resides if the applicant resides in a municipality;
- (b) To the county in which the applicant resides if the applicant resides in an unincorporated area; or
- (c) Anywhere in the state if the applicant is a nonresident.

**Sec. 7.** RCW 9.41.075 and 1994 sp.s. c 7 s 408 are each amended to read as follows:

(1) ~~((The))~~ A concealed pistol license shall be revoked by the license-issuing authority immediately upon:

(a) Discovery by the issuing authority that the person ~~((was))~~ is ineligible under RCW 9.41.070 for a concealed pistol license when applying for the license or license renewal;

(b) Conviction of the licensee of an offense, or commitment of the licensee for mental health treatment, that makes a person ineligible under RCW 9.41.040 to possess a firearm;

(c) Conviction of the licensee for a third violation of this chapter within five calendar years; or

(d) An order that the licensee forfeit a firearm under RCW 9.41.098(1)~~((d))~~ (e).

~~(2)((a) Unless the person may lawfully possess a pistol without a concealed pistol license, an ineligible person to whom a concealed pistol license was issued shall, within fourteen days of license revocation, lawfully transfer ownership of any pistol acquired while the person was in possession of the license.~~

~~(b) Upon discovering a person issued a concealed pistol license was ineligible for the license, the issuing authority shall contact the department of licensing to determine whether the person purchased a pistol while in possession of the license. If the person did purchase a pistol while in possession of the concealed pistol license, if the person may not lawfully possess a pistol without a concealed pistol license, the issuing authority shall require the person to present satisfactory evidence of having lawfully transferred ownership of the pistol. The issuing authority shall require the person to produce the evidence within fifteen days of the revocation of the license.~~

~~(3))~~ When a licensee is ordered to forfeit a firearm under RCW 9.41.098(1)~~((d))~~ (e), the issuing authority shall:

- (a) On the first forfeiture, revoke the license for one year;
- (b) On the second forfeiture, revoke the license for two years; or
- (c) On the third or subsequent forfeiture, revoke the license for five years.

Any person whose license is revoked as a result of a forfeiture of a firearm under RCW 9.41.098~~((1)(d))~~ may not reapply for a new license until the end of the revocation period.

~~((4))~~ (3) The issuing authority shall notify, in writing, the department of licensing of the revocation or denial of a license. The department of licensing shall record the revocation or denial. Denial information shall be maintained by the department of licensing for the purposes of background checks and statistical research.

(4) Unless otherwise provided, revocation periods for concealed pistol licenses shall be consistent with restoration periods set forth in RCW 9.41.047, or three years, whichever is the longer.

(5) Any person whose license is revoked may not reapply for a new license until the end of the revocation period.

(6) Notice of revocation of a license shall additionally require the license holder to surrender the license to the issuing authority. Refusal to comply with this requirement within thirty days is a misdemeanor and shall be punished accordingly.

**Sec. 8.** RCW 9.41.090 and 1994 sp.s. c 7 s 410 and 1994 c 264 s 1 are each reenacted and amended to read as follows:

(1) In addition to the other requirements of this chapter, no dealer may deliver a pistol to the purchaser thereof until:

(a) The purchaser produces a valid concealed pistol license and the dealer has recorded the purchaser's name, license number, and issuing agency, such record to be made in triplicate and processed as provided in subsection (5) of this section. For purposes of this subsection (1)(a), a "valid concealed pistol license" does not include a temporary emergency license, and does not include any license issued before July 1, 1994, unless the issuing agency conducted a records search for disqualifying crimes under RCW 9.41.070 at the time of issuance;

(b) The dealer is notified in writing by the chief of police or the sheriff of the jurisdiction in which the purchaser resides that the purchaser is eligible to possess a pistol under RCW 9.41.040 and that the application to purchase is approved by the chief of police or sheriff; or

(c) Five business days, meaning days on which state offices are open, have elapsed from the time of receipt of the application for the purchase thereof as provided herein by the chief of police or sheriff designated in subsection (5) of this section, and, when delivered, the pistol shall be securely wrapped and shall be unloaded. However, if the purchaser does not have a valid permanent Washington driver's license or state identification card or has not been a resident of the state for the previous consecutive ninety days, the waiting period under this subsection (1)(c) shall be up to sixty days.

(2)(a) Except as provided in (b) of this subsection, in determining whether the purchaser meets the requirements of RCW 9.41.040, the chief of police or sheriff, or the designee of either, shall check with the national crime information center, the Washington state patrol electronic data base, the department of social and health services electronic data base, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 to possess a firearm.

(b) Once the system is established, a dealer shall use the state system and national instant criminal background check system, provided for by the Brady Handgun (~~Control~~) Violence Prevention Act (~~((H.R. 1025, 103rd Cong., 1st Sess. (1993)))~~) (18 U.S.C. Sec. 921 et seq.), to make criminal background checks of applicants to purchase firearms. However, a chief of police or sheriff, or a designee of either, shall continue to check the department of social and health services' electronic data base and with other agencies or resources as appropriate, to determine whether applicants are ineligible under RCW 9.41.040 to possess a firearm.

(3) In any case under subsection (1)(c) of this section where the applicant has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor, the dealer shall hold the delivery of the pistol until the warrant for arrest is served and satisfied by appropriate court appearance. The local jurisdiction for purposes of the sale shall confirm the existence of outstanding warrants within seventy-two hours after notification of the application to purchase a pistol is received. The local jurisdiction shall also immediately confirm the satisfaction of the warrant on request of the dealer so that the hold may be released if the warrant was for an offense other than an offense making a person ineligible under RCW 9.41.040 to possess a pistol.

(4) In any case where the chief or sheriff of the local jurisdiction has reasonable grounds based on the following circumstances: (a) Open criminal charges, (b) pending criminal proceedings, (c) pending commitment proceedings, (d) an outstanding warrant for an offense making a person ineligible under RCW 9.41.040 to possess a pistol, or (e) an arrest for an offense making a person ineligible under RCW 9.41.040 to possess a pistol, if the records of disposition have not yet been reported or entered sufficiently to determine eligibility to purchase a pistol, the local jurisdiction may hold the sale and delivery of the pistol beyond five days up to thirty days in order to confirm existing records in this state or elsewhere. After thirty days, the hold will be lifted unless an extension of the thirty days is approved by a local district court or municipal court for good cause shown. ~~((An applicant))~~ A dealer shall be notified of each hold placed on the sale by local law enforcement and of any application to the court for additional hold period to confirm records or confirm the identity of the applicant.

(5) At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the dealer an application containing his or her full name, ~~((street))~~ residential address, date and place of birth, race, and gender; the date and hour of the application; the applicant's driver's license number or state identification card number; a description of the pistol including the make, model, caliber and manufacturer's number if available at the time of applying for the purchase of a pistol. If the manufacturer's number is not available, the application may be processed, but delivery of the pistol to the purchaser may not occur unless the manufacturer's number is recorded on the application by the dealer and transmitted to the chief of police of the municipality or the sheriff of the county in which the purchaser resides; and a statement that the purchaser is eligible to possess a pistol under RCW 9.41.040.

The application shall contain a warning substantially as follows:

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

The purchaser shall be given a copy of the department of fish and wildlife pamphlet on the legal limits of the use of firearms, firearms safety, and the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law.

The dealer shall, by the end of the business day, sign and attach his or her address and deliver the original of the application and such other documentation as required under subsection (1) of this section to the chief of police of the municipality or the sheriff of the county of which the purchaser is a resident. The dealer shall deliver the pistol to the purchaser following the period of time specified in this section unless the dealer is notified of an investigative hold under subsection (4) of this section in writing by the chief of police of the municipality or the sheriff of the county, whichever is applicable, denying the purchaser's application to purchase and the grounds thereof. The application shall not be denied unless the purchaser is not eligible to possess a pistol under RCW 9.41.040 or 9.41.045, or federal law.

The chief of police of the municipality or the sheriff of the county shall retain or destroy applications to purchase a pistol in accordance with the requirements of 18 U.S.C. Sec. 922.

(6) A person who knowingly makes a false statement regarding identity or eligibility requirements on the application to purchase a pistol is guilty of false swearing under RCW 9A.72.040.

(7) This section does not apply to sales to licensed dealers for resale or to the sale of antique firearms.

**Sec. 9.** RCW 9.41.0975 and 1994 sp.s. c 7 s 413 are each amended to read as follows:

(1) The state, local governmental entities, any public or private agency, and the employees of any state or local governmental entity or public or private agency, acting in good faith, are immune from liability:

(a) For failure to prevent the sale or transfer of a firearm to a person whose receipt or possession of the firearm is unlawful;

(b) For preventing the sale or transfer of a firearm to a person who may lawfully receive or possess a firearm;

(c) For issuing a concealed pistol license to a person ineligible for such a license;

(d) For failing to issue a concealed pistol license to a person eligible for such a license;

(e) For revoking or failing to revoke an issued concealed pistol license; ~~((or))~~

(f) For errors in preparing or transmitting information as part of determining a person's eligibility to receive or possess a firearm, or eligibility for a concealed pistol license;

~~(g) For issuing a dealer's license to a person ineligible for such a license; or~~

~~(h) For failing to issue a dealer's license to a person eligible for such a license.~~

(2) An application may be made to a court of competent jurisdiction for a writ of mandamus:

(a) Directing an issuing agency to issue a concealed pistol license wrongfully refused;

(b) Directing a law enforcement agency to approve an application to purchase wrongfully denied; ~~((e))~~

(c) Directing that erroneous information resulting either in the wrongful refusal to issue a concealed pistol license or in the wrongful denial of a purchase application be corrected; or

~~(d) Directing a law enforcement agency to approve a dealer's license wrongfully denied.~~

The application for the writ may be made in the county in which the application for a concealed pistol license or to purchase a pistol was made, or in Thurston county, at the discretion of the petitioner. A court shall provide an expedited hearing for an application brought under this subsection (2) for a writ of mandamus. A person granted a writ of mandamus under this subsection (2) shall be awarded reasonable attorneys' fees and costs.

**Sec. 10.** RCW 9.41.098 and 1994 sp.s. c 7 s 414 are each amended to read as follows:

(1) The superior courts and the courts of limited jurisdiction of the state may order forfeiture of a firearm which is proven to be:

(a) Found concealed on a person not authorized by RCW 9.41.060 or 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute defense to forfeiture if the person possessed a valid Washington concealed pistol license within the preceding two years and has not become ineligible for a concealed pistol license in the interim. Before the firearm may be returned, the person must pay the past due renewal fee and the current renewal fee;

(b) Commercially sold to any person without an application as required by RCW 9.41.090;

(c) ~~(Found)~~ In the possession of a person prohibited from possessing the firearm under RCW 9.41.040 or 9.41.045;

(d) ~~(Found)~~ In the possession or under the control of a person at the time the person committed or was arrested for committing a ~~(serious offense)~~ felony or committing a nonfelony crime in which a firearm was used or displayed ~~((or a felony violation of the Uniform Controlled Substances Act, chapter 69.50 RCW))~~;

(e) ~~(Found concealed on)~~ In the possession of a person who is in any place in which a concealed pistol license is required, and who is under the influence of any drug or under the influence of intoxicating liquor, as defined in chapter 46.61 RCW;

(f) ~~(Found)~~ In the possession of a person free on bail or personal recognizance pending trial, appeal, or sentencing for a ~~(serious offense)~~ felony or for a nonfelony crime in which a firearm was used or displayed, except that violations of Title 77 RCW shall not result in forfeiture under this section;

(g) ~~(Found)~~ In the possession of a person found to have been mentally incompetent while in possession of a firearm when apprehended or who is thereafter committed pursuant to chapter 10.77 or 71.05 RCW;

(h) ~~(Known to have been)~~ Used or displayed by a person in the violation of a proper written order of a court of general jurisdiction; or

(i) ~~(Known to have been)~~ Used in the commission of a ~~(serious offense)~~ felony or of a nonfelony crime in which a firearm was used or displayed ~~((or a felony violation of the Uniform Controlled Substances Act, chapter 69.50 RCW))~~.

(2) Upon order of forfeiture, the court in its discretion may order destruction of any forfeited firearm. A court may temporarily retain forfeited firearms needed for evidence.

(a) Except as provided in (b), (c), and (d) of this subsection, firearms that are: (i) Judicially forfeited and no longer needed for evidence; or (ii) forfeited due to a failure to make a claim under RCW 63.32.010 or 63.40.010; may be disposed of in any manner determined by the local legislative authority. Any proceeds of an auction or trade may be retained by the legislative authority. This subsection (2)(a) applies only to firearms that come into the possession of the law enforcement agency after June 30, 1993 ~~((and applies only if the law enforcement agency has complied with (b) of this subsection))~~.

By midnight, June 30, 1993, every law enforcement agency shall prepare an inventory, under oath, of every firearm that has been judicially forfeited, has been seized and may be subject to judicial forfeiture, or that has been, or may be, forfeited due to a failure to make a claim under RCW 63.32.010 or 63.40.010.

(b) Except as provided in (c) of this subsection, of the inventoried firearms a law enforcement agency shall destroy illegal firearms, may retain a maximum of ten percent of legal forfeited firearms for agency use, and shall either:

(i) Comply with the provisions for the auction of firearms in RCW 9.41.098 that were in effect immediately preceding May 7, 1993; or

(ii) Trade, auction, or arrange for the auction of, rifles and shotguns. In addition, the law enforcement agency shall either trade, auction, or arrange for the auction of, short firearms, or shall pay a fee of twenty-five dollars to the state treasurer for every short firearm neither auctioned nor traded, to a maximum of fifty thousand dollars. The fees shall be accompanied by an inventory, under oath, of every short firearm listed in the inventory required by (a) of this subsection, that has been neither traded nor auctioned. The state treasurer shall credit the fees to the firearms range account established in RCW 77.12.720. All trades or auctions of firearms under this subsection shall be to licensed dealers. Proceeds of any auction less costs, including actual costs of storage and sale, shall be forwarded to the firearms range account established in RCW 77.12.720.

(c) Antique firearms and firearms recognized as curios, relics, and firearms of particular historical significance by the United States treasury department bureau of alcohol, tobacco, and firearms are exempt from destruction and shall be disposed of by auction or trade to licensed dealers.

(d) Firearms in the possession of the Washington state patrol on or after May 7, 1993, that are judicially forfeited and no longer needed for evidence, or forfeited due to a failure to make a claim under RCW 63.35.020, must be disposed of as follows: (i) Firearms illegal for any person to possess must be destroyed; (ii) the Washington state patrol may retain a maximum of ten percent of legal firearms for agency use; and (iii) all other legal firearms must be auctioned or traded to licensed dealers. The Washington state patrol may retain any proceeds of an auction or trade.

(3) The court shall order the firearm returned to the owner upon a showing that there is no probable cause to believe a violation of subsection (1) of this section existed or the firearm was stolen from the owner or the owner neither had knowledge of nor consented to the act or omission involving the firearm which resulted in its forfeiture.

(4) A law enforcement officer of the state or of any county or municipality may confiscate a firearm found to be in the possession of a person under circumstances specified in subsection (1) of this section. After confiscation, the firearm shall not be surrendered except: (a) To the prosecuting attorney for use in subsequent legal proceedings; (b) for disposition according to an order of a court having jurisdiction as provided in subsection (1) of this section; or (c) to the owner if the proceedings are dismissed or as directed in subsection (3) of this section.

**Sec. 11.** RCW 9.41.110 and 1994 sp.s. c 7 s 416 are each amended to read as follows:

(1) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any ~~(pistol)~~ firearm without being licensed as provided in this section.

(2) ~~((No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any firearm other than a pistol without being licensed as provided in this section.))~~

~~(3) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any ammunition without being licensed as provided in this section.~~

~~(4))~~ The duly constituted licensing authorities of any city, town, or political subdivision of this state shall grant licenses to dealers whose businesses are within the licensing authority's jurisdiction in forms prescribed by the director of licensing effective for not more than one year from the date of issue permitting the licensee to sell firearms within this state subject to the following conditions, for breach of any of which the license shall be forfeited pursuant to procedures consistent with chapter 34.05 RCW and the licensee subject to punishment as provided in RCW 9.41.010 through 9.41.810. A licensing authority shall forward a copy of each license granted to the department of licensing. The department of licensing shall notify the department of revenue of the name and address of each dealer licensed under this section.

~~((5))~~ (3)(a) A licensing authority shall, within thirty days after the filing of an application of any person for a dealer's license, determine whether to grant the license. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card, or has not been a resident of the state for the previous consecutive ninety days, the licensing authority shall have up to sixty days to determine whether to issue a license. No person shall qualify for a license under this section without first receiving a federal firearms license and undergoing fingerprinting and a background check. In addition, no person ineligible to possess a firearm under RCW 9.41.040 or ineligible for a concealed pistol license under RCW 9.41.070 shall qualify for a dealer's license.

(b) A dealer shall require every employee who does not possess a valid concealed pistol license and who may sell a firearm in the course of his or her employment to undergo fingerprinting and a background check. Background checks of employees who possess valid concealed pistol licenses do not need to be fingerprint-based. A dealer shall not be issued a license until all required employees submit fingerprints for this check. Dealers who knowingly allow ineligible employees to sell firearms shall be subject to license revocation by the licensing authority. The department of licensing shall develop procedures for revocation and suspension of dealers' licenses under this section. An employee must be eligible to possess a firearm, and must not have been convicted of a crime that would make the person ineligible for a concealed pistol license, before being permitted to sell a firearm. Every employee shall comply with requirements concerning purchase applications and restrictions on delivery of pistols that are applicable to dealers.

~~((6))~~ (4)(a) Except as otherwise provided in (b) of this subsection, the business shall be carried on only in the building designated in the license. For the purpose of this section, advertising firearms for sale shall not be considered the carrying on of business.

(b) A dealer may conduct business temporarily at a location other than the building designated in the license, if the temporary location ~~(is within Washington state and)~~ is the location of a gun show sponsored by a national, state, or local organization, or an affiliate of any such organization, devoted to the collection, competitive use, or other sporting use of firearms in the community. Nothing in this subsection ~~((6))~~ (4)(b) authorizes a dealer to conduct business in or from a motorized or towed vehicle.

In conducting business temporarily at a location other than the building designated in the license, the dealer shall comply with all other requirements imposed on dealers by RCW 9.41.090, 9.41.100, and 9.41.110. The license of a dealer who fails to comply with the requirements of RCW 9.41.080 and 9.41.090 and subsection ~~((8))~~ (7) of this section while conducting business at a temporary location shall be revoked, and the dealer shall be permanently ineligible for a dealer's license.

~~((7))~~ (5) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises in the area where firearms are sold, or at the temporary location, where it can easily be read.

~~((8))~~ (6) The department of licensing shall develop licensing procedures for corporations with multiple sales outlets.

(7)(a) No pistol may be sold: (i) In violation of any provisions of RCW 9.41.010 through 9.41.810; nor (ii) may a pistol be sold under any circumstances unless the purchaser is personally known to the dealer or shall present clear evidence of his or her identity.

(b) A dealer who sells or delivers any firearm in violation of RCW 9.41.080 is guilty of a class C felony. In addition to any other penalty provided for by law, the dealer is subject to mandatory permanent revocation of his or her dealer's license and permanent ineligibility for a dealer's license.

(c) ~~((The license fee for pistols shall be one hundred twenty-five dollars.))~~ The license fee for firearms ~~((other than pistols))~~ shall be one hundred twenty-five dollars. ~~((The license fee for ammunition shall be one hundred twenty-five dollars.))~~ Any dealer who obtains any license under subsection (1)~~((2), or (3))~~ of this section may also obtain the remaining licenses without payment of any fee. The fees received under this section shall be distributed as follows:

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

(ii) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter;

(iii) Twenty-four dollars shall be paid to the Federal Bureau of Investigation for the purposes of conducting a fingerprint-based background check;

(iv) The remainder shall be deposited in the account under RCW 69.50.520. The licensing authority shall waive fingerprint submissions for any dealer who has had fingerprints submitted and has successfully passed such a background check within the past two years for the purpose of (A) issuance of a dealer's license, or (B) issuance of a concealed pistol license. In such event, the fees not submitted to the Federal Bureau of Investigation shall be deposited in the account under RCW 69.50.520.

~~((9(a)))~~ (8) A true record in triplicate shall be made of every pistol sold, in a book kept for the purpose, the form of which may be prescribed by the director of licensing and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, and place of birth of the purchaser and a statement signed by the purchaser that he or she is not ineligible under RCW 9.41.040 to possess a firearm.

~~((b))~~ One copy shall within six hours be sent by certified mail to the chief of police of the municipality or the sheriff of the county of which the purchaser is a resident; the duplicate the dealer shall within seven days send to the director of licensing; the triplicate the dealer shall retain for six years.

~~((10))~~ (9) Subsections (2) through ~~((9))~~ (8) of this section shall not apply to sales at wholesale.

~~((11))~~ (10) The dealer's licenses authorized to be issued by this section are general licenses covering all sales by the licensee within the effective period of the licenses. The department shall provide a single application form for dealer's licenses and a single license form which shall indicate the type or types of licenses granted.

~~((12))~~ (11) Except as provided in RCW 9.41.090, every city, town, and political subdivision of this state is prohibited from requiring the purchaser to secure a permit to purchase or from requiring the dealer to secure an individual permit for each sale.

**Sec. 12.** RCW 9.41.170 and 1994 c 190 s 1 are each amended to read as follows:

(1) It is a class C felony for any person who is not a citizen of the United States to carry or possess any firearm, without first having obtained an alien firearm license from the director of licensing. In order to be eligible for a license, an alien must provide proof that he or she is lawfully present in the United States, which the director of licensing shall verify through the appropriate authorities. Except as provided in subsection (2)(a) of this section, and subject to the additional requirements of subsection (2)(b) of this section, the director of licensing may issue an alien firearm license only upon receiving from the consul domiciled in this state representing the country of the alien, a certified copy of the alien's criminal history in the alien's country indicating the alien is not ineligible under RCW 9.41.040 to own, possess, or control a firearm, and the consul's attestation that the alien is a responsible person.

(2)(a) Subject to the additional requirements of (b) of this subsection, the director of licensing may issue an alien firearm license without a certified copy of the alien's criminal history or the consul's attestation required by subsection (1) of this section, if the alien has been a resident of this state for at least two years and: (i) The alien is from a country without a consul domiciled within this state, or (ii) the

consul has failed to provide, within ninety days after a request by the alien, the criminal history or attestation required by subsection (1) of this section.

(b) Before issuing an alien firearm license under subsection (1) of this section or this subsection (2), the director of licensing shall ask the local law enforcement agency of the jurisdiction in which the alien resides to complete a background and fingerprint check to determine the alien's eligibility under RCW 9.41.040 to own, possess, or control a firearm. The law enforcement agency shall complete a background check within thirty days after the request, unless the alien does not have a valid Washington driver's license or Washington state identification card. In the latter case, the law enforcement agency shall complete the background check within sixty days after the request.

A signed application for an alien firearm license shall constitute a waiver of confidentiality and written request that the department of social and health services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for an alien firearm license to an inquiring law enforcement agency.

(3) The ~~((fee for an))~~ alien firearm license shall be ~~((twenty-five dollars, and the license shall be))~~ valid for ~~((four))~~ five years from the date of issue so long as the alien is lawfully present in the United States. The nonrefundable fee, paid upon application, for the five-year license shall be fifty-five dollars plus additional charges imposed by the federal bureau of investigation that are passed on to the applicant. The fee shall be distributed as follows:

(a) Fifteen dollars shall be paid to the department of licensing;

(b) Twenty-five dollars shall be paid to the Washington state patrol; and

(c) Fifteen dollars shall be paid to the local law enforcement agency conducting the background check.

(4) This section shall not apply to Canadian citizens resident in a province which has an enactment or public policy providing substantially similar privilege to residents of the state of Washington and who are carrying or possessing weapons for the purpose of using them in the hunting of game while such persons are in the act of hunting, or while on a hunting trip, or while such persons are competing in a bona fide trap or skeet shoot or any other organized contest where rifles, pistols, or shotguns are used. Nothing in this section shall be construed to allow aliens to hunt or fish in this state without first having obtained a regular hunting or fishing license.

**Sec. 13.** RCW 9.41.190 and 1994 sp.s. c 7 s 420 are each amended to read as follows:

(1) It is unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or have in possession or under control, any machine gun, short-barreled shotgun, or short-barreled rifle; or any part designed and intended solely and exclusively for use in a machine gun, short-barreled shotgun, or short-barreled rifle, or in converting a weapon into a machine gun, short-barreled shotgun, or short-barreled rifle; or to assemble or repair any machine gun, short-barreled shotgun, or short-barreled rifle.

(2) This section shall not apply to:

(a) Any peace officer in the discharge of official duty or traveling to or from official duty, or to any officer or member of the armed forces of the United States or the state of Washington in the discharge of official duty or traveling to or from official duty; or

(b) A person, including an employee of such person if the employee has undergone fingerprinting and a background check under RCW 9.41.110(3)(b), who or which is exempt from or licensed under federal law, and engaged in the production, manufacture, repair, or testing of machine guns, short-barreled shotguns, or short-barreled rifles:

(i) To be used or purchased by the armed forces of the United States;

(ii) To be used or purchased by federal, state, county, or municipal law enforcement agencies or their employees; or

(iii) For exportation in compliance with all applicable federal laws and regulations.

(3) It shall be an affirmative defense to a prosecution brought under this section that the machine gun, short-barreled shotgun, or short-barreled rifle was acquired prior to July 1, 1994, and is possessed in compliance with federal law.

(4) Any person violating this section is guilty of a class C felony.

**Sec. 14.** RCW 9.41.280 and 1995 c 87 s 1 are each amended to read as follows:

(1) It is unlawful for a person to carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools:

(a) Any firearm;

(b) Any other dangerous weapon as defined in RCW 9.41.250;

(c) Any device commonly known as "nun-chu-ka sticks", consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;

(d) Any device, commonly known as "throwing stars", which are multi-pointed, metal objects designed to embed upon impact from any aspect; or

(e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas.

(2) Any such person violating subsection (1) of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1)(a) of this section, the person shall ~~((lose))~~ have his or her concealed pistol license, if any revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance with RCW 28A.600.010. An appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation.

(3) Subsection (1) of this section does not apply to:

(a) Any student or employee of a private military academy when on the property of the academy;

(b) Any person engaged in military, law enforcement, or school district security activities;

(c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;

(d) Any person while the person is participating in a firearms or air gun competition approved by the school or school district;

(e) Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a student;

(f) Any nonstudent at least eighteen years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;

(g) Any nonstudent at least eighteen years of age who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; or

(h) Any law enforcement officer of the federal, state, or local government agency.

(4) Subsections (1)(c) and (d) of this section do not apply to any person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.

(5) Except as provided in subsection (3)(b), (c), (f), and (h) of this section, firearms are not permitted in a public or private school building.

(6) "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

**Sec. 15.** RCW 9.41.800 and 1994 sp.s. c 7 s 430 are each amended to read as follows:

(1) Any court when entering an order authorized under RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or 26.50.070 shall, upon a showing by clear and convincing evidence,

that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a ~~((serious offense))~~ felony, or previously committed any offense that makes him or her ineligible to possess a firearm under the provisions of RCW 9.41.040:

- (a) Require the party to surrender any firearm or other dangerous weapon;
  - (b) Require the party to surrender any concealed pistol license issued under RCW 9.41.070;
  - (c) Prohibit the party from obtaining or possessing a firearm or other dangerous weapon;
  - (d) Prohibit the party from obtaining or possessing a concealed pistol license.
- (2) Any court when entering an order authorized under RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050,

26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or 26.50.070 may, upon a showing by a preponderance of the evidence but not by clear and convincing evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a ~~((serious offense))~~ felony, or previously committed any offense that makes him or her ineligible to possess a pistol under the provisions of RCW 9.41.040:

- (a) Require the party to surrender any firearm or other dangerous weapon;
  - (b) Require the party to surrender a concealed pistol license issued under RCW 9.41.070;
  - (c) Prohibit the party from obtaining or possessing a firearm or other dangerous weapon;
  - (d) Prohibit the party from obtaining or possessing a concealed pistol license.
- (3) The court may order temporary surrender of a firearm or other dangerous weapon without notice to the other party if it finds,

on the basis of the moving affidavit or other evidence, that irreparable injury could result if an order is not issued until the time for response has elapsed.

(4) In addition to the provisions of subsections (1), (2), and (3) of this section, the court may enter an order requiring a party to comply with the provisions in subsection (1) of this section if it finds that the possession of a firearm or other dangerous weapon by any party presents a serious and imminent threat to public health or safety, or to the health or safety of any individual.

(5) The requirements of subsections (1), (2), and (4) of this section may be for a period of time less than the duration of the order.

(6) The court may require the party to surrender any firearm or other dangerous weapon in his or her immediate possession or control or subject to his or her immediate possession or control to the sheriff of the county having jurisdiction of the proceeding, the chief of police of the municipality having jurisdiction, or to the restrained or enjoined party's counsel or to any person designated by the court."

The President declared the question before the Senate to be the motion by Senator Smith that the Committee on Law and Justice striking amendment to Substitute House Bill No. 2420 not be adopted.

The motion by Senator Smith carried and the committee striking amendment was not adopted.

#### MOTION

Senator Smith moved that the following amendment by Senators Smith, Hargrove, Fairley, Kohl, Wojahn, Long and Franklin be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.41.010 and 1994 sp.s. c 7 s 401 and 1994 c 121 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder.

(2) "Pistol" means any firearm with a barrel less than ~~((twelve))~~ sixteen inches in length, or is designed to be held and fired by the use of a single hand.

(3) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(4) "Short-barreled rifle" means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

(5) "Shotgun" means a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(6) "Short-barreled shotgun" means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

(7) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

(8) "Antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(9) "Loaded" means:

(a) There is a cartridge in the chamber of the firearm;

(b) ~~((Bullets))~~ Cartridges are in a clip that is locked in place in the firearm;

(c) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; ~~((or))~~

(d) There is a cartridge in the tube~~((s))~~ or magazine~~((, or other compartment of the firearm))~~ that is inserted in the action; or

(e) There is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle loader.

(10) "Dealer" means a person engaged in the business of selling firearms ~~((or ammunition))~~ at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms.

(11) "Crime of violence" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, ~~((rape in the second degree))~~ kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, residential burglary, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to ~~((July 1, 1976))~~ the effective date of this act, which is comparable to a felony classified as a crime of violence in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under (a) or (b) of this subsection.

(12) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any crime of violence;  
(b) Any felony violation of the uniform controlled substances act, chapter 69.50 RCW, that is classified as a class B felony or that has a maximum term of imprisonment of at least ten years;

(c) Child molestation in the second degree;  
~~((e) Controlled substance homicide;)~~  
(d) Incest when committed against a child under age fourteen;  
(e) Indecent liberties;  
(f) Leading organized crime;  
(g) Promoting prostitution in the first degree;  
(h) Rape in the third degree;  
(i) Reckless endangerment in the first degree;  
(j) Sexual exploitation;  
~~((j))~~ (k) Vehicular assault;  
~~((k))~~ (l) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;  
~~((h))~~ (m) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under RCW 9.94A.030;

~~((m))~~ (n) Any other felony with a deadly weapon verdict under RCW 9.94A.125; or  
~~((n))~~ (o) Any felony offense in effect at any time prior to ~~((July 1, 1994,))~~ the effective date of this act that is comparable to a serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious offense.

(13) "Law enforcement officer" includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially commissioned Washington peace officer as defined in RCW 10.93.020. "Law enforcement officer" also includes a limited authority Washington peace officer as defined in RCW 10.93.020 if such officer is duly authorized by his or her employer to carry a concealed pistol.

(14) "Felony" means any felony offense under the laws of this state or any federal or out-of-state offense comparable to a felony offense under the laws of this state.

(15) "Sell" refers to the actual approval of the delivery of a firearm in consideration of payment or promise of payment of a certain price in money.

(16) "Barrel length" means the distance from the bolt face of a closed action down the length of the axis of the bore to the crown of the muzzle, or in the case of a barrel with attachments to the end of any legal device permanently attached to the end of the muzzle.

(17) "Family or household member" means "family" or "household member" as used in RCW 10.99.020.

Sec. 2. RCW 9.41.040 and 1995 c 129 s 16 (Initiative Measure No. 159) are each reenacted and amended to read as follows:

(1)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree, if the person owns, has in his or her possession, or has in his or her control any firearm after having previously been convicted in this state or elsewhere of any serious offense as defined in this chapter ~~((residential burglary, reckless endangerment in the first degree, any felony violation of the Uniform Controlled Substances Act, chapter 69.50 RCW, classified as a class A or class B felony, or with a maximum sentence of at least ten years, or both, or equivalent statutes of another jurisdiction, except as otherwise provided in subsection (3) or (4) of this section))~~.

(b) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the second degree, if the person does not qualify under (a) of this subsection for the crime of unlawful possession of a firearm in the first degree and the person owns, has in his or her possession, or has in his or her control any firearm:

(i) After having previously been convicted in this state or elsewhere of any ~~((remaining))~~ felony ~~((violation of the Uniform Controlled Substances Act, chapter 69.50 RCW, or equivalent statutes of another jurisdiction))~~ not specifically listed as prohibiting firearm possession under (a) of this subsection, ~~((any remaining felony in which a firearm was used or displayed and the felony is not specifically listed as prohibiting firearm possession under (a) of this subsection;))~~ or any ~~((domestic violence offense enumerated in RCW 10.99.020(2), or any harassment offense enumerated in RCW 9A.46.060, except as otherwise provided in subsection (3) or (4) of this section))~~ of the following crimes when committed by one family or household member against another, committed on or after July 1, 1993: Assault in the fourth degree, coercion, stalking, reckless endangerment in the second degree, criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence (RCW 26.50.060, 26.50.070, 26.50.130, or 10.99.040);

(ii) ~~((After having previously been convicted on three occasions within five years of driving a motor vehicle or operating a vessel while under the influence of intoxicating liquor or any drug, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;~~

~~((iii))~~ After having previously been involuntarily committed for mental health treatment under RCW 71.05.320, 71.34.090, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047; ~~((and/or~~

~~((iv))~~ (iii) If the person is under eighteen years of age, except as provided in RCW 9.41.042; and/or

(iv) If the person is free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense as defined in RCW 9.41.010.

(2)(a) Unlawful possession of a firearm in the first degree is a class B felony, punishable under chapter 9A.20 RCW.

(b) Unlawful possession of a firearm in the second degree is a class C felony, punishable under chapter 9A.20 RCW.

(3) Notwithstanding RCW 9.41.047 or any other provisions of law, as used in this ~~((section))~~ chapter, a person has been "convicted", whether in an adult court or adjudicated in a juvenile court, at such time as a plea of guilty has been accepted, or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including but not limited to sentencing or disposition, post-trial or post-factfinding motions, and appeals. Conviction includes a dismissal entered after a period of probation, suspension or deferral of sentence, and also includes equivalent dispositions by courts in jurisdictions other than Washington state. A person shall not be precluded from possession of a firearm if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or the conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. Where no record of the court's disposition of the charges can be found, there shall be a rebuttable presumption that the person was not convicted of the charge.

(4) Notwithstanding subsection (1) of this section, a person convicted of an offense prohibiting the possession of a firearm under this section other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401(a) and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from possession of a firearm as a result of the conviction. Notwithstanding any other provisions of this section, if a person is prohibited from possession of a firearm under subsection (1) of this section and has not previously been convicted of a sex offense prohibiting firearm ownership under subsection (1) of this section and/or

any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, the individual may petition a court of record to have his or her right to possess a firearm restored:

(a) Under RCW 9.41.047; and/or

(b)(i) If the conviction was for a felony offense, after five or more consecutive years in the community without being convicted or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.360; or

(ii) If the conviction was for a nonfelony offense, after three or more consecutive years in the community without being convicted or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.360 and the individual has completed all conditions of the sentence.

(5) In addition to any other penalty provided for by law, if a person under the age of eighteen years is found by a court to have possessed a firearm in a vehicle in violation of subsection (1) of this section or to have committed an offense while armed with a firearm during which offense a motor vehicle served an integral function, the court shall notify the department of licensing within twenty-four hours and the person's privilege to drive shall be revoked under RCW 46.20.265.

(6) Nothing in chapter 129, Laws of 1995 shall ever be construed or interpreted as preventing an offender from being charged and subsequently convicted for the separate felony crimes of theft of a firearm or possession of a stolen firearm, or both, in addition to being charged and subsequently convicted under this section for unlawful possession of a firearm in the first or second degree. Notwithstanding any other law, if the offender is convicted under this section for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, then the offender shall serve consecutive sentences for each of the felony crimes of conviction listed in this subsection.

(7) Each firearm unlawfully possessed under this section shall be a separate offense.

**Sec. 3.** RCW 9.41.047 and 1994 sp.s. c 7 s 404 are each reenacted and amended to read as follows:

(1)((a)) At the time a person is convicted of an offense making the person ineligible to possess a firearm, or at the time a person is committed by court order under RCW 71.05.320, 71.34.090, or chapter 10.77 RCW for mental health treatment, the convicting or committing court shall notify the person, orally and in writing, that the person must immediately surrender any concealed pistol license and that the person may not possess a firearm unless his or her right to do so is restored by a court of record.

The convicting or committing court also shall forward a copy of the person's driver's license or identicard, or comparable information, to the department of licensing, along with the date of conviction or commitment.

(2) Upon receipt of the information provided for by subsection (1) of this section, the department of licensing shall determine if the convicted or committed person has a concealed pistol license. If the person does have a concealed pistol license, the department of licensing shall immediately notify the license-issuing authority which, upon receipt of such notification, shall immediately revoke the license.

(3) ~~((A person who is prohibited from possessing a firearm by reason of having previously been convicted on three occasions of driving a motor vehicle or operating a vessel while under the influence of intoxicating liquor or any drug may, after five continuous years without further conviction for any alcohol-related offense, petition a court of record to have his or her right to possess a firearm restored.~~

(4))(a) A person who is prohibited from possessing a firearm, by reason of having been ~~((either: (iii) involuntarily committed for mental health treatment under RCW 71.05.320, 71.34.090, chapter 10.77 RCW, or equivalent statutes of another jurisdiction((=) may, upon discharge, petition a court of record to have his or her right to possess a firearm restored.~~

~~((b) At a minimum, a petition under this subsection (4) shall include the following:~~

~~(i) The fact, date, and place of commitment;~~

~~(ii) The place of treatment;~~

~~(iii) The fact and date of release from commitment;~~

~~(iv) A certified copy of the most recent order, if one exists, of commitment, with the findings of fact and conclusions of law; and~~

~~(v) A statement by the person that he or she is no longer required to participate in an inpatient or outpatient treatment program, is no longer required to take medication to treat any condition related to the commitment, and does not present a substantial danger to himself or herself, to others, or to the public safety.-) At the time of commitment, the court shall specifically state to the person that he or she is barred from possession of firearms.~~

(b) The secretary of social and health services shall develop appropriate rules to create an approval process under this subsection. The rules must provide for the restoration of the right to possess a firearm upon a showing in a court of competent jurisdiction that the person is no longer required to participate in an inpatient or outpatient treatment program, is no longer required to take medication to treat any condition related to the commitment, and does not present a substantial danger to himself or herself, others, or the public. Unlawful possession of a firearm under this subsection shall be punished as a class C felony under chapter 9A.20 RCW.

(c) A person petitioning the court under this subsection ~~((4))~~ (3) shall bear the burden of proving by a preponderance of the evidence that the circumstances resulting in the commitment no longer exist and are not reasonably likely to recur.

**Sec. 4.** RCW 9.41.050 and 1994 sp.s. c 7 s 405 are each amended to read as follows:

(1)(a) Except in the person's place of abode or fixed place of business, a person shall not carry a pistol concealed on his or her person without a license to carry a concealed pistol.

(b) Every licensee shall have his or her concealed pistol license in his or her immediate possession at all times that he or she is required by this section to have a concealed pistol license and shall display the same upon demand to any police officer or to any other person when and if required by law to do so. Any violation of this subsection (1)(b) shall be a class I civil infraction under chapter 7.84 RCW and shall be punished accordingly pursuant to chapter 7.84 RCW and the infraction rules for courts of limited jurisdiction.

(2) A person shall not carry or place a loaded pistol in any vehicle unless the person has a license to carry a concealed pistol and: (a) The pistol is on the licensee's person, (b) the licensee is within the vehicle at all times that the pistol is there, or (c) the licensee is away from the vehicle and the pistol is locked within the vehicle and concealed from view from outside the vehicle.

(3) A person at least eighteen years of age who is in possession of an unloaded pistol shall not leave the unloaded pistol in a vehicle unless the unloaded pistol is locked within the vehicle and concealed from view from outside the vehicle.

(4) Except as otherwise provided in this chapter, no person may carry a firearm unless it is unloaded and enclosed in an opaque case or secure wrapper or the person is:

(a) Licensed under RCW 9.41.070 to carry a concealed pistol;

(b) In attendance at a hunter's safety course or a firearms safety course;

(c) Engaging in practice in the use of a firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located or any other area where the discharge of a firearm is not prohibited;

(d) Engaging in an organized competition involving the use of a firearm, or participating in or practicing for a performance by an organized group that uses firearms as a part of the performance;

(e) ~~((Hunting or trapping under a valid license issued to the person under Title 77 RCW)) Engaging in a lawful outdoor recreational activity such as hunting, fishing, camping, hiking, or horseback riding, only if, considering all of the attendant circumstances, including but not limited to whether the person has a valid hunting or fishing license, it is reasonable to conclude that the person is participating in lawful outdoor activities or is traveling to or from a legitimate outdoor recreation area;~~

(f) In an area where the discharge of a firearm is permitted, and is not trespassing;

(g) Traveling with any unloaded firearm in the person's possession to or from any activity described in (b), (c), (d), (e), or (f) of this subsection, except as provided in (h) of this subsection;

(h) Traveling in a motor vehicle with a firearm, other than a pistol, that is unloaded and locked in the trunk or other compartment of the vehicle, ~~((secured))~~ placed in a gun rack, or otherwise secured in place in a vehicle, provided that this subsection (4)(h) does not apply to motor homes if the firearms are not within the driver's compartment of the motor home while the vehicle is in operation. Notwithstanding (a) of this subsection, and subject to federal and state park regulations regarding firearm possession therein, a motor home shall be considered a residence when parked at a recreational park, campground, or other temporary residential setting for the purposes of enforcement of this chapter;

(i) On real property under the control of the person or a relative of the person;

(j) At his or her residence;

(k) Is a member of the armed forces of the United States, national guard, or organized reserves, when on duty;

(l) Is a law enforcement officer; ~~((or))~~

(m) Carrying a firearm from or to a vehicle for the purpose of taking or removing the firearm to or from a place of business for repair; or

(n) An armed private security guard or armed private detective licensed by the department of licensing, while on duty or enroute to and from employment.

(5) Violation of any of the prohibitions of subsections (2) through (4) of this section is a misdemeanor.

(6) Nothing in this section permits the possession of firearms illegal to possess under state or federal law.

~~((6))~~ (7) Any city, town, or county may enact an ordinance to exempt itself from the prohibition of subsection (4) of this section.

**Sec. 5.** RCW 9.41.060 and 1995 c 392 s 1 are each amended to read as follows:

The provisions of RCW 9.41.050 shall not apply to:

(1) Marshals, sheriffs, prison or jail wardens or their deputies, or other law enforcement officers;

(2) Members of the armed forces of the United States or of the national guard or organized reserves, when on duty;

(3) Officers or employees of the United States duly authorized to carry a concealed pistol;

(4) Any person engaged in the business of manufacturing, repairing, or dealing in firearms, or the agent or representative of the person, if possessing, using, or carrying a pistol in the usual or ordinary course of the business;

(5) Regularly enrolled members of any organization duly authorized to purchase or receive pistols from the United States or from this state;

(6) Regularly enrolled members of clubs organized for the purpose of target shooting, when those members are at or are going to or from their places of target practice;

(7) Regularly enrolled members of clubs organized for the purpose of modern and antique firearm collecting, when those members are at or are going to or from their collector's gun shows and exhibits;

(8) ~~((Individual hunters when on a hunting, camping, or fishing trip))~~ Any person engaging in a lawful outdoor recreational activity such as hunting, fishing, camping, hiking, or horseback riding, only if, considering all of the attendant circumstances, including but not limited to whether the person has a valid hunting or fishing license, it is reasonable to conclude that the person is participating in lawful outdoor activities or is traveling to or from a legitimate outdoor recreation area;

(9) Any person while carrying a pistol unloaded and in a closed opaque case or secure wrapper; or

(10) Law enforcement officers retired for service or physical disabilities, except for those law enforcement officers retired because of mental or stress-related disabilities. This subsection applies only to a retired officer who has: (a) Obtained documentation from a law enforcement agency within Washington state from which he or she retired that is signed by the agency's chief law enforcement officer and that states that the retired officer was retired for service or physical disability; and (b) not been convicted of a crime making him or her ineligible for a concealed pistol license.

**Sec. 6.** RCW 9.41.070 and 1995 c 351 s 1 are each amended to read as follows:

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

The applicant's constitutional right to bear arms shall not be denied, unless:

(a) He or she is ineligible to possess a firearm under the provisions of RCW 9.41.040 or 9.41.045;

(b) The applicant's concealed pistol license is in a revoked status;

(c) He or she is under twenty-one years of age;

(d) He or she is subject to a court order or injunction regarding firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or 26.50.070;

(e) He or she is free on bond or personal recognizance pending trial, appeal, or sentencing for a ~~((serious))~~ felony offense;

(f) He or she has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor; or

(g) He or she has been ordered to forfeit a firearm under RCW 9.41.098(1)(e) within one year before filing an application to carry a pistol concealed on his or her person ~~((; or~~

~~((h)(i) He or she has been convicted of any crime against a child or other person listed in RCW 43.43.830(5)).~~

~~((ii) Except as provided in (h)(iii) of this subsection, any person who becomes ineligible for a concealed pistol license as a result of a conviction for a crime listed in (h)(i) of this subsection and then successfully completes all terms of his or her sentence, as evidenced by a certificate of discharge issued under RCW 9.94A.220 in the case of a sentence under chapter 9.94A RCW, and has not again been convicted of any crime and is not under indictment for any crime, may, one year or longer after such successful sentence completion, petition a court of record for a declaration that the person is no longer ineligible for a concealed pistol license under (h)(i) of this subsection)).~~

~~((iii))~~ No person convicted of a ~~((serious offense as defined in RCW 9.41.010))~~ felony may have his or her right to possess firearms restored or his or her privilege to carry a concealed pistol restored, unless the person has been granted relief from disabilities by the secretary of the treasury under 18 U.S.C. Sec. 925(c), or RCW 9.41.040 (3) or (4) applies.

(2) The issuing authority shall check with the national crime information center, the Washington state patrol electronic data base, the department of social and health services electronic data base, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess a firearm and therefore ineligible for a concealed pistol license. This subsection applies whether the applicant is applying for a new concealed pistol license or to renew a concealed pistol license.

(3) Any person whose firearms rights have been restricted and who has been granted relief from disabilities by the secretary of the treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec. 921(a)(20)(A) shall have his or her right to acquire, receive, transfer, ship, transport, carry, and possess firearms in accordance with Washington state law restored except as otherwise prohibited by this chapter.

(4) The license application shall bear the full name, residential address, telephone number at the option of the applicant, date and place of birth, race, gender, description, not more than two complete sets of fingerprints, and signature of the licensee, and the licensee's

driver's license number or state identification card number if used for identification in applying for the license. A signed application for a concealed pistol license shall constitute a waiver of confidentiality and written request that the department of social and health services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for a concealed pistol license to an inquiring court or law enforcement agency.

The application for an original license shall include two complete sets of fingerprints to be forwarded to the Washington state patrol.

The license and application shall contain a warning substantially as follows:

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

The license shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law. The application shall contain questions about the applicant's eligibility under RCW 9.41.040 to possess a pistol, the applicant's place of birth, and whether the applicant is a United States citizen. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. A person who is not a citizen of the United States shall meet the additional requirements of RCW 9.41.170 and produce proof of compliance with RCW 9.41.170 upon application. The license shall be in triplicate and in a form to be prescribed by the department of licensing.

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

The department of licensing shall make available to law enforcement and corrections agencies, in an on-line format, all information received under this subsection.

(5) The nonrefundable fee, paid upon application, for the original five-year license shall be thirty-six dollars plus additional charges imposed by the Federal Bureau of Investigation that are passed on to the applicant. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of the license.

The fee shall be distributed as follows:

- (a) Fifteen dollars shall be paid to the state general fund;
- (b) Four dollars shall be paid to the agency taking the fingerprints of the person licensed;
- (c) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and
- (d) Three dollars to the firearms range account in the general fund.

(6) The nonrefundable fee for the renewal of such license shall be thirty-two dollars. No other branch or unit of government may impose any additional charges on the applicant for the renewal of the license.

The renewal fee shall be distributed as follows:

- (a) Fifteen dollars shall be paid to the state general fund;
- (b) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and
- (c) Three dollars to the firearms range account in the general fund.

(7) The nonrefundable fee for replacement of lost or damaged licenses is ten dollars to be paid to the issuing authority.  
(8) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the issuing authority.

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

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

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

(10) Notwithstanding the requirements of subsections (1) through (9) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section. However, a temporary emergency license issued under this subsection shall not exempt the holder of the license from any records check requirement. Temporary emergency licenses shall be easily distinguishable from regular licenses.

(11) A political subdivision of the state shall not modify the requirements of this section or chapter, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section.

(12) A person who knowingly makes a false statement regarding citizenship or identity on an application for a concealed pistol license is guilty of false swearing under RCW 9A.72.040. In addition to any other penalty provided for by law, the concealed pistol license of a person who knowingly makes a false statement shall be revoked, and the person shall be permanently ineligible for a concealed pistol license.

(13) A person may apply for a concealed pistol license:

- (a) To the municipality or to the county in which the applicant resides if the applicant resides in a municipality;
- (b) To the county in which the applicant resides if the applicant resides in an unincorporated area; or
- (c) Anywhere in the state if the applicant is a nonresident.

**Sec. 7.** RCW 9.41.075 and 1994 sp.s. c 7 s 408 are each amended to read as follows:

(1) ~~((The))~~ A concealed pistol license shall be revoked by the license-issuing authority immediately upon:

(a) Discovery by the issuing authority that the person ~~((was))~~ is ineligible under RCW 9.41.070 for a concealed pistol license when applying for the license or license renewal;

(b) Conviction of the licensee of an offense, or commitment of the licensee for mental health treatment, that makes a person ineligible under RCW 9.41.040 to possess a firearm;

(c) Conviction of the licensee for a third violation of this chapter within five calendar years; or

(d) An order that the licensee forfeit a firearm under RCW 9.41.098(1)~~((d))~~ (e).

~~2) ((a)) Unless the person may lawfully possess a pistol without a concealed pistol license, an ineligible person to whom a concealed pistol license was issued shall, within fourteen days of license revocation, lawfully transfer ownership of any pistol acquired while the person was in possession of the license.~~

~~(b) Upon discovering a person issued a concealed pistol license was ineligible for the license, the issuing authority shall contact the department of licensing to determine whether the person purchased a pistol while in possession of the license. If the person did purchase a pistol while in possession of the concealed pistol license, if the person may not lawfully possess a pistol without a concealed pistol license, the issuing authority shall require the person to present satisfactory evidence of having lawfully transferred ownership of the pistol. The issuing authority shall require the person to produce the evidence within fifteen days of the revocation of the license.~~

~~3))~~ When a licensee is ordered to forfeit a firearm under RCW 9.41.098(1)~~((d))~~ (e), the issuing authority shall:

- (a) On the first forfeiture, revoke the license for one year;
- (b) On the second forfeiture, revoke the license for two years; or
- (c) On the third or subsequent forfeiture, revoke the license for five years.

Any person whose license is revoked as a result of a forfeiture of a firearm under RCW 9.41.098~~((1)(d))~~ may not reapply for a new license until the end of the revocation period.

~~((4))~~ (3) The issuing authority shall notify, in writing, the department of licensing of the revocation or denial of a license. The department of licensing shall record the revocation or denial. Denial information shall be maintained by the department of licensing for the purposes of background checks and statistical research.

~~(4) Unless otherwise provided, revocation periods for concealed pistol licenses shall be consistent with restoration periods set forth in RCW 9.41.047, or three years, whichever is the longer.~~

~~(5) Any person whose license is revoked may not reapply for a new license until the end of the revocation period.~~

~~(6) Notice of revocation of a license shall additionally require the license holder to surrender the license to the issuing authority. Refusal to comply with this requirement within thirty days is a misdemeanor and shall be punished accordingly.~~

**Sec. 8.** RCW 9.41.090 and 1994 sp.s. c 7 s 410 and 1994 c 264 s 1 are each reenacted and amended to read as follows:

(1) In addition to the other requirements of this chapter, no dealer may deliver a pistol to the purchaser thereof until:

(a) The purchaser produces a valid concealed pistol license and the dealer has recorded the purchaser's name, license number, and issuing agency, such record to be made in triplicate and processed as provided in subsection (5) of this section. For purposes of this subsection (1)(a), a "valid concealed pistol license" does not include a temporary emergency license, and does not include any license issued before July 1, 1996, unless the issuing agency conducted a records search for disqualifying crimes under RCW 9.41.070 at the time of issuance;

(b) The dealer is notified in writing by the chief of police or the sheriff of the jurisdiction in which the purchaser resides that the purchaser is eligible to possess a pistol under RCW 9.41.040 and that the application to purchase is approved by the chief of police or sheriff; or

(c) Five business days, meaning days on which state offices are open, have elapsed from the time of receipt of the application for the purchase thereof as provided herein by the chief of police or sheriff designated in subsection (5) of this section, and, when delivered, the pistol shall be securely wrapped and shall be unloaded. However, if the purchaser does not have a valid permanent Washington driver's license or state identification card or has not been a resident of the state for the previous consecutive ninety days, the waiting period under this subsection (1)(c) shall be up to sixty days.

(2)(a) Except as provided in (b) of this subsection, in determining whether the purchaser meets the requirements of RCW 9.41.040, the chief of police or sheriff, or the designee of either, shall check with the national crime information center, the Washington state patrol electronic data base, the department of social and health services electronic data base, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 to possess a firearm.

(b) Once the system is established, a dealer shall use the state system and national instant criminal background check system, provided for by the Brady Handgun ~~((Control))~~ Violence Prevention Act ~~((H.R. 1025, 103rd Cong., 1st Sess. (1993)))~~ (18 U.S.C. Sec. 921 et seq.), to make criminal background checks of applicants to purchase firearms. However, a chief of police or sheriff, or a designee of either, shall continue to check the department of social and health services' electronic data base and with other agencies or resources as appropriate, to determine whether applicants are ineligible under RCW 9.41.040 to possess a firearm.

(3) In any case under subsection (1)(c) of this section where the applicant has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor, the dealer shall hold the delivery of the pistol until the warrant for arrest is served and satisfied by appropriate court appearance. The local jurisdiction for purposes of the sale shall confirm the existence of outstanding warrants within seventy-two hours after notification of the application to purchase a pistol is received. The local jurisdiction shall also immediately confirm the satisfaction of the warrant on request of the dealer so that the hold may be released if the warrant was for an offense other than an offense making a person ineligible under RCW 9.41.040 to possess a pistol.

(4) In any case where the chief or sheriff of the local jurisdiction has reasonable grounds based on the following circumstances: (a) Open criminal charges, (b) pending criminal proceedings, (c) pending commitment proceedings, (d) an outstanding warrant for an offense making a person ineligible under RCW 9.41.040 to possess a pistol, or (e) an arrest for an offense making a person ineligible under RCW 9.41.040 to possess a pistol, if the records of disposition have not yet been reported or entered sufficiently to determine eligibility to purchase a pistol, the local jurisdiction may hold the sale and delivery of the pistol beyond five days up to thirty days in order to confirm existing records in this state or elsewhere. After thirty days, the hold will be lifted unless an extension of the thirty days is approved by a local district court or municipal court for good cause shown. ~~((An applicant))~~ A dealer shall be notified of each hold placed on the sale by local law enforcement and of any application to the court for additional hold period to confirm records or confirm the identity of the applicant.

(5) At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the dealer an application containing his or her full name, ~~((street))~~ residential address, date and place of birth, race, and gender; the date and hour of the application; the applicant's driver's license number or state identification card number; a description of the pistol including the make, model, caliber and manufacturer's number if available at the time of applying for the purchase of a pistol. If the manufacturer's number is not available, the application may be processed, but delivery of the pistol to the purchaser may not occur unless the manufacturer's number is recorded on the application by the dealer and transmitted to the chief of police of the municipality or the sheriff of the county in which the purchaser resides; and a statement that the purchaser is eligible to possess a pistol under RCW 9.41.040.

The application shall contain a warning substantially as follows:

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

The purchaser shall be given a copy of the department of fish and wildlife pamphlet on the legal limits of the use of firearms, firearms safety, and the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law.

The dealer shall, by the end of the business day, sign and attach his or her address and deliver ~~((the original))~~ a copy of the application and such other documentation as required under subsection (1) of this section to the chief of police of the municipality or the sheriff of the county of which the purchaser is a resident. The triplicate shall be retained by the dealer for six years. The dealer shall deliver the pistol to the purchaser following the period of time specified in this section unless the dealer is notified of an investigative hold under subsection (4) of this section in writing by the chief of police of the municipality or the sheriff of the county, whichever is applicable, denying the purchaser's application to purchase and the grounds thereof. The application shall not be denied unless the purchaser is not eligible to possess a pistol under RCW 9.41.040 or 9.41.045, or federal law.

The chief of police of the municipality or the sheriff of the county shall retain or destroy applications to purchase a pistol in accordance with the requirements of 18 U.S.C. Sec. 922.

(6) A person who knowingly makes a false statement regarding identity or eligibility requirements on the application to purchase a pistol is guilty of false swearing under RCW 9A.72.040.

(7) This section does not apply to sales to licensed dealers for resale or to the sale of antique firearms.

**Sec. 9.** RCW 9.41.0975 and 1994 sp.s. c 7 s 413 are each amended to read as follows:

(1) The state, local governmental entities, any public or private agency, and the employees of any state or local governmental entity or public or private agency, acting in good faith, are immune from liability:

- (a) For failure to prevent the sale or transfer of a firearm to a person whose receipt or possession of the firearm is unlawful;
- (b) For preventing the sale or transfer of a firearm to a person who may lawfully receive or possess a firearm;
- (c) For issuing a concealed pistol license to a person ineligible for such a license;
- (d) For failing to issue a concealed pistol license to a person eligible for such a license;
- (e) For revoking or failing to revoke an issued concealed pistol license; ~~((e))~~
- (f) For errors in preparing or transmitting information as part of determining a person's eligibility to receive or possess a firearm,

or eligibility for a concealed pistol license;

~~(g) For issuing a dealer's license to a person ineligible for such a license; or~~

~~(h) For failing to issue a dealer's license to a person eligible for such a license.~~

(2) An application may be made to a court of competent jurisdiction for a writ of mandamus:

- (a) Directing an issuing agency to issue a concealed pistol license wrongfully refused;
- (b) Directing a law enforcement agency to approve an application to purchase wrongfully denied; ~~((e))~~
- (c) Directing that erroneous information resulting either in the wrongful refusal to issue a concealed pistol license or in the

wrongful denial of a purchase application be corrected; ~~or~~

~~(d) Directing a law enforcement agency to approve a dealer's license wrongfully denied.~~

The application for the writ may be made in the county in which the application for a concealed pistol license or to purchase a pistol was made, or in Thurston county, at the discretion of the petitioner. A court shall provide an expedited hearing for an application brought under this subsection (2) for a writ of mandamus. A person granted a writ of mandamus under this subsection (2) shall be awarded reasonable attorneys' fees and costs.

**Sec. 10.** RCW 9.41.098 and 1994 sp.s. c 7 s 414 are each amended to read as follows:

(1) The superior courts and the courts of limited jurisdiction of the state may order forfeiture of a firearm which is proven to be:

(a) Found concealed on a person not authorized by RCW 9.41.060 or 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute defense to forfeiture if the person possessed a valid Washington concealed pistol license within the preceding two years and has not become ineligible for a concealed pistol license in the interim. Before the firearm may be returned, the person must pay the past due renewal fee and the current renewal fee;

(b) Commercially sold to any person without an application as required by RCW 9.41.090;

(c) ~~(Found)~~ In the possession of a person prohibited from possessing the firearm under RCW 9.41.040 or 9.41.045;

(d) ~~(Found)~~ In the possession or under the control of a person at the time the person committed or was arrested for committing a ~~((serious offense)) felony or committing a nonfelony crime in which a firearm was used or displayed ((or a felony violation of the Uniform Controlled Substances Act, chapter 69.50 RCW))~~;

(e) ~~(Found concealed on)~~ In the possession of a person who is in any place in which a concealed pistol license is required, and who is under the influence of any drug or under the influence of intoxicating liquor, as defined in chapter 46.61 RCW;

(f) ~~(Found)~~ In the possession of a person free on bail or personal recognizance pending trial, appeal, or sentencing for a ~~((serious offense)) felony or for a nonfelony crime in which a firearm was used or displayed, except that violations of Title 77 RCW shall not result in forfeiture under this section;~~

(g) ~~(Found)~~ In the possession of a person found to have been mentally incompetent while in possession of a firearm when apprehended or who is thereafter committed pursuant to chapter 10.77 or 71.05 RCW;

(h) ~~(Known to have been)~~ Used or displayed by a person in the violation of a proper written order of a court of general jurisdiction; or

(i) ~~(Known to have been)~~ Used in the commission of a ~~((serious offense)) felony or of a nonfelony crime in which a firearm was used or displayed ((or a felony violation of the Uniform Controlled Substances Act, chapter 69.50 RCW))~~.

(2) Upon order of forfeiture, the court in its discretion may order destruction of any forfeited firearm. A court may temporarily retain forfeited firearms needed for evidence.

(a) Except as provided in (b), (c), and (d) of this subsection, firearms that are: (i) Judicially forfeited and no longer needed for evidence; or (ii) forfeited due to a failure to make a claim under RCW 63.32.010 or 63.40.010; may be disposed of in any manner determined by the local legislative authority. Any proceeds of an auction or trade may be retained by the legislative authority. This subsection (2)(a) applies only to firearms that come into the possession of the law enforcement agency after June 30, 1993~~((and applies only if the law enforcement agency has complied with (b) of this subsection))~~.

By midnight, June 30, 1993, every law enforcement agency shall prepare an inventory, under oath, of every firearm that has been judicially forfeited, has been seized and may be subject to judicial forfeiture, or that has been, or may be, forfeited due to a failure to make a claim under RCW 63.32.010 or 63.40.010.

(b) Except as provided in (c) of this subsection, of the inventoried firearms a law enforcement agency shall destroy illegal firearms, may retain a maximum of ten percent of legal forfeited firearms for agency use, and shall either:

(i) Comply with the provisions for the auction of firearms in RCW 9.41.098 that were in effect immediately preceding May 7, 1993; or

(ii) Trade, auction, or arrange for the auction of, rifles and shotguns. In addition, the law enforcement agency shall either trade, auction, or arrange for the auction of, short firearms, or shall pay a fee of twenty-five dollars to the state treasurer for every short firearm neither auctioned nor traded, to a maximum of fifty thousand dollars. The fees shall be accompanied by an inventory, under oath, of every short firearm listed in the inventory required by (a) of this subsection, that has been neither traded nor auctioned. The state treasurer shall credit the fees to the firearms range account established in RCW 77.12.720. All trades or auctions of firearms under this subsection shall be to licensed dealers. Proceeds of any auction less costs, including actual costs of storage and sale, shall be forwarded to the firearms range account established in RCW 77.12.720.

(c) Antique firearms and firearms recognized as curios, relics, and firearms of particular historical significance by the United States treasury department bureau of alcohol, tobacco, and firearms are exempt from destruction and shall be disposed of by auction or trade to licensed dealers.

(d) Firearms in the possession of the Washington state patrol on or after May 7, 1993, that are judicially forfeited and no longer needed for evidence, or forfeited due to a failure to make a claim under RCW 63.35.020, must be disposed of as follows: (i) Firearms illegal for any person to possess must be destroyed; (ii) the Washington state patrol may retain a maximum of ten percent of legal firearms for agency use; and (iii) all other legal firearms must be auctioned or traded to licensed dealers. The Washington state patrol may retain any proceeds of an auction or trade.

(3) The court shall order the firearm returned to the owner upon a showing that there is no probable cause to believe a violation of subsection (1) of this section existed or the firearm was stolen from the owner or the owner neither had knowledge of nor consented to the act or omission involving the firearm which resulted in its forfeiture.

(4) A law enforcement officer of the state or of any county or municipality may confiscate a firearm found to be in the possession of a person under circumstances specified in subsection (1) of this section. After confiscation, the firearm shall not be surrendered except:

(a) To the prosecuting attorney for use in subsequent legal proceedings; (b) for disposition according to an order of a court having jurisdiction

as provided in subsection (1) of this section; or (c) to the owner if the proceedings are dismissed or as directed in subsection (3) of this section.

**Sec. 11.** RCW 9.41.170 and 1994 c 190 s 1 are each amended to read as follows:

(1) It is a class C felony for any person who is not a citizen of the United States to carry or possess any firearm, without first having obtained an alien firearm license from the director of licensing. In order to be eligible for a license, an alien must provide proof that he or she is lawfully present in the United States, which the director of licensing shall verify through the appropriate authorities. Except as provided in subsection (2)(a) of this section, and subject to the additional requirements of subsection (2)(b) of this section, the director of licensing may issue an alien firearm license only upon receiving from the consul domiciled in this state representing the country of the alien, a certified copy of the alien's criminal history in the alien's country indicating the alien is not ineligible under RCW 9.41.040 to own, possess, or control a firearm, and the consul's attestation that the alien is a responsible person.

(2)(a) Subject to the additional requirements of (b) of this subsection, the director of licensing may issue an alien firearm license without a certified copy of the alien's criminal history or the consul's attestation required by subsection (1) of this section, if the alien has been a resident of this state for at least two years and: (i) The alien is from a country without a consul domiciled within this state, or (ii) the consul has failed to provide, within ninety days after a request by the alien, the criminal history or attestation required by subsection (1) of this section.

(b) Before issuing an alien firearm license under subsection (1) of this section or this subsection (2), the director of licensing shall ask the local law enforcement agency of the jurisdiction in which the alien resides to complete a background and fingerprint check to determine the alien's eligibility under RCW 9.41.040 to own, possess, or control a firearm. The law enforcement agency shall complete a background check within thirty days after the request, unless the alien does not have a valid Washington driver's license or Washington state identification card. In the latter case, the law enforcement agency shall complete the background check within sixty days after the request.

A signed application for an alien firearm license shall constitute a waiver of confidentiality and written request that the department of social and health services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for an alien firearm license to an inquiring law enforcement agency.

(3) The ~~((fee for an))~~ alien firearm license shall be ~~((twenty-five dollars, and the license shall be))~~ valid for ~~((four))~~ five years from the date of issue so long as the alien is lawfully present in the United States. The nonrefundable fee, paid upon application, for the five-year license shall be fifty-five dollars plus additional charges imposed by the federal bureau of investigation that are passed on to the applicant. The fee shall be distributed as follows:

(a) Fifteen dollars shall be paid to the department of licensing;

(b) Twenty-five dollars shall be paid to the Washington state patrol; and

(c) Fifteen dollars shall be paid to the local law enforcement agency conducting the background check.

(4) This section shall not apply to Canadian citizens resident in a province which has an enactment or public policy providing substantially similar privilege to residents of the state of Washington and who are carrying or possessing weapons for the purpose of using them in the hunting of game while such persons are in the act of hunting, or while on a hunting trip, or while such persons are competing in a bona fide trap or skeet shoot or any other organized contest where rifles, pistols, or shotguns are used. Nothing in this section shall be construed to allow aliens to hunt or fish in this state without first having obtained a regular hunting or fishing license.

**Sec. 12.** RCW 9.41.190 and 1994 sp.s. c 7 s 420 are each amended to read as follows:

(1) It is unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or have in possession or under control, any machine gun, short-barreled shotgun, or short-barreled rifle; or any part designed and intended solely and exclusively for use in a machine gun, short-barreled shotgun, or short-barreled rifle, or in converting a weapon into a machine gun, short-barreled shotgun, or short-barreled rifle; or to assemble or repair any machine gun, short-barreled shotgun, or short-barreled rifle.

(2) This section shall not apply to:

(a) Any peace officer in the discharge of official duty or traveling to or from official duty, or to any officer or member of the armed forces of the United States or the state of Washington in the discharge of official duty or traveling to or from official duty; or

(b) A person, including an employee of such person if the employee has undergone fingerprinting and a background check under RCW 9.41.110(3)(b), who or which is exempt from or licensed under federal law, and engaged in the production, manufacture, repair, or testing of machine guns, short-barreled shotguns, or short-barreled rifles:

(i) To be used or purchased by the armed forces of the United States;

(ii) To be used or purchased by federal, state, county, or municipal law enforcement agencies or their employees; or

(iii) For exportation in compliance with all applicable federal laws and regulations.

(3) It shall be an affirmative defense to a prosecution brought under this section that the machine gun, short-barreled shotgun, or short-barreled rifle was acquired prior to July 1, 1994, and is possessed in compliance with federal law.

(4) Any person violating this section is guilty of a class C felony.

**Sec. 13.** RCW 9.41.280 and 1995 c 87 s 1 are each amended to read as follows:

(1) It is unlawful for a person to carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools:

(a) Any firearm;

(b) Any other dangerous weapon as defined in RCW 9.41.250;

(c) Any device commonly known as "nun-chu-ka sticks", consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;

(d) Any device, commonly known as "throwing stars", which are multi-pointed, metal objects designed to embed upon impact from any aspect; or

(e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas.

(2) Any such person violating subsection (1) of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1)(a) of this section, the person shall ~~((lose))~~ have his or her concealed pistol license, if any revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance with RCW 28A.600.010. An appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation.

(3) Subsection (1) of this section does not apply to:

(a) Any student or employee of a private military academy when on the property of the academy;

(b) Any person engaged in military, law enforcement, or school district security activities;

(c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;

(d) Any person while the person is participating in a firearms or air gun competition approved by the school or school district;

(e) Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a student;

(f) Any nonstudent at least eighteen years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;

(g) Any nonstudent at least eighteen years of age who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; or

(h) Any law enforcement officer of the federal, state, or local government agency.

(4) Subsections (1)(c) and (d) of this section do not apply to any person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.

(5) Except as provided in subsection (3)(b), (c), (f), and (h) of this section, firearms are not permitted in a public or private school building.

(6) "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

**Sec. 14.** RCW 9.41.800 and 1994 sp.s. c 7 s 430 are each amended to read as follows:

(1) Any court when entering an order authorized under RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or 26.50.070 shall, upon a showing by clear and convincing evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a ~~((serious offense))~~ felony, or previously committed any offense that makes him or her ineligible to possess a firearm under the provisions of RCW 9.41.040:

(a) Require the party to surrender any firearm or other dangerous weapon;

(b) Require the party to surrender any concealed pistol license issued under RCW 9.41.070;

(c) Prohibit the party from obtaining or possessing a firearm or other dangerous weapon;

(d) Prohibit the party from obtaining or possessing a concealed pistol license.

(2) Any court when entering an order authorized under RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or 26.50.070 may, upon a showing by a preponderance of the evidence but not by clear and convincing evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a ~~((serious offense))~~ felony, or previously committed any offense that makes him or her ineligible to possess a pistol under the provisions of RCW 9.41.040:

(a) Require the party to surrender any firearm or other dangerous weapon;

(b) Require the party to surrender a concealed pistol license issued under RCW 9.41.070;

(c) Prohibit the party from obtaining or possessing a firearm or other dangerous weapon;

(d) Prohibit the party from obtaining or possessing a concealed pistol license.

(3) The court may order temporary surrender of a firearm or other dangerous weapon without notice to the other party if it finds, on the basis of the moving affidavit or other evidence, that irreparable injury could result if an order is not issued until the time for response has elapsed.

(4) In addition to the provisions of subsections (1), (2), and (3) of this section, the court may enter an order requiring a party to comply with the provisions in subsection (1) of this section if it finds that the possession of a firearm or other dangerous weapon by any party presents a serious and imminent threat to public health or safety, or to the health or safety of any individual.

(5) The requirements of subsections (1), (2), and (4) of this section may be for a period of time less than the duration of the order.

(6) The court may require the party to surrender any firearm or other dangerous weapon in his or her immediate possession or control or subject to his or her immediate possession or control to the sheriff of the county having jurisdiction of the proceeding, the chief of police of the municipality having jurisdiction, or to the restrained or enjoined party's counsel or to any person designated by the court."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Smith, Hargrove, Fairley, Kohl, Wojahn, Long and Franklin to Substitute House Bill No. 2420.

The motion by Senator Smith and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "firearms;" strike the remainder of the title and insert "amending RCW 9.41.050, 9.41.060, 9.41.070, 9.41.075, 9.41.0975, 9.41.098, 9.41.170, 9.41.190, 9.41.280, and 9.41.800; reenacting and amending RCW 9.41.010, 9.41.040, 9.41.047, and 9.41.090; and prescribing penalties."

On motion of Senator Smith, the rules were suspended, Substitute House Bill No. 2420, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2420, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2420, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2420, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2478, by House Committee on Higher Education (originally sponsored by Representatives Huff, Carlson, Jacobsen, Goldsmith and Mulliken)

Changing tuition for full-time nonresident undergraduate students at the University of Washington and Washington State University.

The bill was read the second time.

## MOTIONS

On motion of Senator Bauer, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.15.067 and 1995 1st sp.s. c 9 s 4 are each amended to read as follows:

(1) Tuition fees shall be established under the provisions of this chapter.

(2) Academic year tuition for full-time students at the state's institutions of higher education for the 1995-96 academic year, other than the summer term, shall be as provided in this subsection.

(a) At the University of Washington and Washington State University:

(i) For resident undergraduate students and other resident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, two thousand seven hundred sixty-four dollars;

(ii) For nonresident undergraduate students and other nonresident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, eight thousand two hundred sixty-eight dollars;

(iii) For resident graduate and law students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, four thousand four hundred ninety dollars;

(iv) For nonresident graduate and law students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, eleven thousand six hundred thirty-four dollars;

(v) For resident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, seven thousand four hundred ninety-seven dollars; and

(vi) For nonresident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, nineteen thousand four hundred thirty-one dollars.

(b) At the regional universities and The Evergreen State College:

(i) For resident undergraduate and all other resident students not in graduate study programs, two thousand forty-five dollars;

(ii) For nonresident undergraduate and all other nonresident students not in graduate study programs, seven thousand nine hundred ninety-two dollars;

(iii) For resident graduate students, three thousand four hundred forty-three dollars; and

(iv) For nonresident graduate students, eleven thousand seventy-one dollars.

(c) At the community colleges:

(i) For resident students, one thousand two hundred twelve dollars; and

(ii) For nonresident students, five thousand one hundred sixty-two dollars and fifty cents.

(3) Academic year tuition for full-time students at the state's institutions of higher education beginning with the 1996-97 academic year, other than the summer term, shall be as provided in this subsection.

(a) At the University of Washington and Washington State University:

(i) For resident undergraduate students and other resident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, two thousand eight hundred seventy-five dollars;

(ii) For nonresident undergraduate students and other nonresident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, ~~((eight thousand five hundred ninety-nine))~~ nine thousand four hundred ninety-one dollars;

(iii) For resident graduate and law students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, four thousand six hundred sixty-nine dollars;

(iv) For nonresident graduate and law students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, twelve thousand one hundred dollars;

(v) For resident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, seven thousand seven hundred ninety-seven dollars; and

(vi) For nonresident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, twenty thousand two hundred nine dollars. However, for students under (a)(ii) of this subsection who were enrolled before January 1, 1996, and continue to be enrolled without a break in attendance, the tuition shall be eight thousand five hundred ninety-nine dollars.

(b) At the regional universities and The Evergreen State College:

(i) For resident undergraduate and all other resident students not in graduate study programs, two thousand one hundred twenty-seven dollars;

(ii) For nonresident undergraduate and all other nonresident students not in graduate study programs, eight thousand three hundred twelve dollars;

(iii) For resident graduate students, three thousand five hundred eighty-one dollars; and

(iv) For nonresident graduate students, eleven thousand five hundred fourteen dollars.

(c) At the community colleges:

(i) For resident students, one thousand two hundred sixty-one dollars; and

(ii) For nonresident students, five thousand three hundred sixty-nine dollars and fifty cents.

(4) The tuition fees established under this chapter shall not apply to high school students enrolling in community colleges under RCW 28A.600.300 through 28A.600.395.

~~NEW SECTION. Sec. 2.~~ If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

~~NEW SECTION. Sec. 3.~~ This act expires July 1, 1997."

On motion of Senator Bauer, the following title amendment was adopted:

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 28B.15.067; and providing an expiration date."

## MOTION

On motion of Senator Bauer, the rules were suspended, Substitute House Bill No. 2478, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2478, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2478, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Absent: Senator Finkbeiner - 1.

SUBSTITUTE HOUSE BILL NO. 2478, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2623, by Representatives Dyer, Hymes, Cody, Murray, Brumsickle, Casada, Conway, Skinner, Crouse, Morris, Sherstad and Scheurman

Requiring the use of single name identifiers for persons obtaining controlled substances.

The bill was read the second time.

## MOTIONS

On motion of Senator Quigley, the following Committee on Health and Long-Term Care amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 69.50.403 and 1993 c 187 s 21 are each amended to read as follows:

(a) It is unlawful for any person knowingly or intentionally:

(1) To distribute as a registrant a controlled substance classified in Schedules I or II, except pursuant to an order form as required by RCW 69.50.307;

(2) To use in the course of the manufacture, distribution, or dispensing of a controlled substance, or to use for the purpose of acquiring or obtaining a controlled substance, a registration number which is fictitious, revoked, suspended, or issued to another person;

(3) To obtain or attempt to obtain a controlled substance, or procure or attempt to procure the administration of a controlled substance, (i) by fraud, deceit, misrepresentation, or subterfuge; or (ii) by forgery or alteration of a prescription or any written order; or (iii) by the concealment of material fact; or (iv) by the use of a false name or the giving of a false address.

(4) To falsely assume the title of, or represent herself or himself to be, a manufacturer, wholesaler, pharmacist, physician, dentist, veterinarian, or other authorized person for the purpose of obtaining a controlled substance.

(5) To make or utter any false or forged prescription or false or forged written order.

(6) To affix any false or forged label to a package or receptacle containing controlled substances.

(7) To furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this chapter, or any record required to be kept by this chapter; or

(8) To possess a false or fraudulent prescription with intent to obtain a controlled substance.

(9) To attempt to illegally obtain controlled substances by providing more than one name to a practitioner when obtaining a prescription for a controlled substance. If a person's name is legally changed during the time period that he or she is receiving health care from a practitioner, the person shall inform all providers of care so that the medical and pharmacy records for the person may be filed under a single name identifier.

(b) Information communicated to a practitioner in an effort unlawfully to procure a controlled substance or unlawfully to procure the administration of such substance, shall not be deemed a privileged communication.

(c) A person who violates this section is guilty of a crime and upon conviction may be imprisoned for not more than two years, or fined not more than two thousand dollars, or both."

On motion of Senator Quigley, the following title amendment was adopted:

On page 1, line 2 of the title, after "substances;" strike the remainder of the title and insert "and amending RCW 69.50.403."

## MOTION

On motion of Senator Quigley, the rules were suspended, House Bill No. 2623, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

## MOTION

On motion of Senator Sheldon, Senator Owen was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2623, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2623, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Owen - 1.  
HOUSE BILL NO. 2623, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2636, by Representatives Scott and Cairnes

Revising regulation of funeral directors and embalmers.

The bill was read the second time.

#### MOTION

On motion of Senator Sheldon, the rules were suspended, House Bill No. 2636 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Sheldon, Senator Rinehart was excused.  
The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2636.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2636 and the bill passed the Senate by the following vote:  
Yeas, 46; Nays, 0; Absent, 1; Excused, 2.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.  
Absent: Senator Swecker - 1.  
Excused: Senators Owen and Rinehart - 2.  
HOUSE BILL NO. 2636, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2118, by House Committee on Government Operations (originally sponsored by Representatives D. Schmidt, Scott, Blanton, Quall and Thompson)

Harmonizing various election procedures.

The bill was read the second time.

#### MOTIONS

Senator Sheldon moved that the following Committee on Government Operations amendment be adopted:  
Strike everything after the enacting clause and insert the following:  
"Sec. 1. RCW 29.13.010 and 1994 c 142 s 1 are each amended to read as follows:  
(1) All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, district, and precinct officers, and for the submission to the voters of the state, county, city, town, or district of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. A state-wide general election shall be held on the first Tuesday after the first Monday of November of each year: PROVIDED, That the state-wide general election held in odd-numbered years shall be limited to (a) city, town, and district general elections as provided for in RCW 29.13.020, or as otherwise provided by law; (b) the election of federal officers for the remainder of any unexpired terms in the membership of either branch of the congress of the United States; (c) the election of state and county officers for the remainder of any unexpired terms of offices created by or whose duties are described in Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the state Constitution and RCW 2.06.080; (d) the election of county officers in any county governed by a charter containing provisions calling for general county elections at this time; and (e) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative measures and referendum measures proposed by the electorate, referendum bills, and any other matter provided by the legislature for submission to the electorate.  
(2) A county legislative authority may(~~(-if it deems an emergency to exist,))~~) call a special county election by presenting a resolution to the county auditor at least forty-five days prior to the proposed election date. Except as provided in subsection (4) of this section, a special election called by the county legislative authority shall be held on one of the following dates as decided by such governing body:  
(a) The first Tuesday after the first Monday in February;  
(b) The second Tuesday in March;  
(c) The fourth Tuesday in April;  
(d) The third Tuesday in May;  
(e) The day of the primary as specified by RCW 29.13.070; or  
(f) The first Tuesday after the first Monday in November.

(3) In addition to the dates set forth in subsection (2) (a) through (f) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God. Such county special election shall be noticed and conducted in the manner provided by law.

(4) In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29.19 RCW, the date on which a special election may be called by the county legislative authority under subsection (2) of this section during the month of that primary is the date of the presidential primary.

(5) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections except for those elections held pursuant to a home-rule charter adopted under Article XI, section 4 of the state Constitution. This section shall not be construed as fixing the time for holding primary elections, or elections for the recall of any elective public officer.

**Sec. 2.** RCW 29.13.020 and 1994 c 142 s 2 are each amended to read as follows:

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

This section shall not apply to:

- (a) Elections for the recall of any elective public officer;
- (b) Public utility districts or district elections at which the ownership of property within those districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto;
- (c) Consolidation proposals as provided for in RCW 28A.315.280 and nonhigh capital fund aid proposals as provided for in chapter 28A.540 RCW.

(2) The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town, or district, presented to the auditor at least forty-five days prior to the proposed election date, ~~((may, if the county auditor deems an emergency to exist,))~~ shall call a special election in such city, town, or district, and for the purpose of such special election he or she may combine, unite, or divide precincts. Except as provided in subsection (3) of this section, such a special election shall be held on one of the following dates as decided by the governing body:

- (a) The first Tuesday after the first Monday in February;
- (b) The second Tuesday in March;
- (c) The fourth Tuesday in April;
- (d) The third Tuesday in May;
- (e) The day of the primary election as specified by RCW 29.13.070; or
- (f) The first Tuesday after the first Monday in November.

(3) In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29.19 RCW, the date on which a special election may be called under subsection (2) of this section during the month of that primary is the date of the presidential primary.

(4) In addition to subsection (2) (a) through (f) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God, except that no special election may be held between the first day for candidates to file for public office and the last day to certify the returns of the general election other than as provided in subsection (2) (e) and (f) of this section. Such special election shall be conducted and notice thereof given in the manner provided by law.

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

**Sec. 3.** RCW 29.15.120 and 1994 c 223 s 6 are each amended to read as follows:

A candidate may withdraw his or her declaration of candidacy at any time before the close of business on the Thursday following the last day for candidates to file under RCW 29.15.020 by filing, with the officer with whom the declaration of candidacy was filed, a signed request that his or her name not be printed on the ballot. There shall be no withdrawal period for declarations of candidacy filed during special filing periods held under this title. The filing officer may permit the withdrawal of a filing for the office of precinct committee officer at the request of the candidate at any time if no absentee ballots have been issued for that office and the general election ballots for that precinct have not been printed. The filing officer may permit the withdrawal of a filing for any elected office of a city, town, or special district at the request of the candidate at any time before a primary if the primary ballots for that city, town, or special district have not been ordered. For city, town, and special district contests where no primary is required, the filing officer may permit the withdrawal of a filing at any time before an election if the election ballots for that city, town, or special district have not been ordered. If, as a result of a withdrawal of a filing, no candidate's name will appear on the ballot for a particular position, the election for such position shall be deemed lapsed, the office shall be deemed stricken from the ballot, and no write-in votes shall be counted. In such instance, the incumbent occupying such position shall remain in office and continue to serve until a successor is elected at the next election when the position is voted upon. No filing fee may be refunded to any candidate who withdraws under this section. Notice of the deadline for withdrawal of candidacy and that the filing fee is not refundable shall be given to each candidate at the time he or she files.

**Sec. 4.** RCW 29.30.101 and 1990 c 59 s 14 are each amended to read as follows:

The names of the persons certified as nominees by the secretary of state or the county canvassing board shall be printed on the ballot at the ensuing election.

No name of any candidate whose nomination at a primary is required by law shall be placed upon the ballot at a general or special election unless it appears upon the certificate of either (1) the secretary of state, or (2) the county canvassing board, or (3) a minor party convention or the state or county central committee of a major political party to fill a vacancy on its ticket under RCW 29.18.160.

Excluding the office of precinct committee officer, or any temporary elected position such as charter review board or freeholder, a candidate's name shall not appear more than once upon a ballot for any position regularly nominated or elected at the same election.

**Sec. 5.** RCW 29.36.013 and 1993 c 418 s 1 are each amended to read as follows:

Any voter may apply, in writing, for status as an ongoing absentee voter. Each qualified applicant shall automatically receive an absentee ballot for each ensuing election for which he or she is entitled to vote and need not submit a separate request for each election. Ballots received from ongoing absentee voters shall be validated, processed, and tabulated in the same manner as other absentee ballots.

Status as an ongoing absentee voter shall be terminated upon any of the following events:

- (1) The written request of the voter;
- (2) The death or disqualification of the voter;
- (3) The cancellation of the voter's registration record; ~~((or))~~
- (4) The return of an ongoing absentee ballot as undeliverable; or
- (5) Upon placing a voter on inactive status under RCW 29.10.071.

**Sec. 6.** RCW 85.38.110 and 1991 c 349 s 13 are each amended to read as follows:

A list of presumed eligible voters shall be prepared and maintained by each special district. The list shall include the assessor's tax number for each lot or parcel in the district, the name or the names of the owners of such lots and parcels and their mailing address, the extent of the ownership interest of such persons, and if such persons are natural persons, whether they are known to be registered voters in the state of Washington. Whenever such a list is prepared, the district shall attempt to notify each owner of the requirements necessary to establish voting authority to vote. Whenever lots or parcels in the district are sold, the district shall attempt to notify the purchasers of the requirements necessary to establish voting authority. Each special district shall provide a copy of this list, and any revised list, to the auditor

of the county within which all or the largest portion of the special district is located. The special district must compile the list of eligible voters and provide it to the county auditor by the first day of November preceding the special district general election. In the event the special district does not provide the county auditor with the list of qualified voters by this date, the county auditor shall compile the list and charge the special district for the costs required for its preparation. ~~((The county auditor shall not be held responsible for any errors in the list.))~~"

Senator Fraser moved that the following amendment by Senators Fraser, Rinehart, Winsley and Haugen to the Committee on Government Operation striking amendment be adopted:

On page 6, after line 10 of the amendment, insert the following:

**"NEW SECTION. Sec. 7.** When at least one state-wide measure or office is scheduled to appear on the general election ballot, the secretary of state shall print and distribute a voters' pamphlet.

The secretary of state shall distribute the voters' pamphlet to each household and to state and county officers and public libraries, and shall reserve a supply for additional distribution. The secretary of state shall also produce taped or Braille transcripts of the voters' pamphlet, publicize their availability, and mail without charge a copy to any person who requests one.

The secretary of state shall make the material required to be distributed by this chapter available to the public in electronic form through media such as the Internet and the Washington Information Network. The secretary of state may provide the material in electronic form to computer bulletin boards, print and broadcast news media, community computer networks, and similar services at the cost of reproduction or transmission of the data.

**NEW SECTION. Sec. 8.** The voters' pamphlet must contain:

(1) The serial designation or number, the ballot title, the legislative title if any, and the full text and arguments advocating voters' approval or rejection of each measure or bill;

(2) Written statements advocating the candidacies of nominees for the office of president and vice-president of the United States, United States senator, United States representative, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, superintendent of public instruction, commissioner of public lands, insurance commissioner, state senator, state representative, justice of the supreme court, judge of the court of appeals, or judge of the superior court. Candidates may also submit a campaign mailing address and telephone number and a photograph not more than five years old and of a size and quality that the secretary of state determines to be suitable for reproduction in the voters' pamphlet;

(3) In odd-numbered years information about candidates who appear on the ballot to fill a vacant state-wide elective office;

(4) In even-numbered years a section explaining how voters may participate in the election campaign process; the address and telephone number of the public disclosure commission established under RCW 42.17.350; a summary of the disclosure requirements that apply when contributions are made to candidates and political committees; and an explanation of the federal income tax credits and deductions available to persons who make contributions;

(5) In even-numbered years the name, address, and telephone number of each political party with nominees listed in the pamphlet, if filed with the secretary of state by the state committee of a major political party or the presiding officer of the convention of a minor political party;

(6) In each odd-numbered year immediately before a year in which a president of the United States is to be nominated and elected, information explaining the precinct caucus and convention process used by each major political party to elect delegates to its national presidential candidate nominating convention. The pamphlet must also provide a description of the statutory procedures by which minor political parties are formed and the statutory methods used by the parties to nominate candidates for president;

(7) In even-numbered years a description of the office of precinct committee officer and its duties;

(8) An application form for an absentee ballot;

(9) A brief statement explaining the deletion and addition of language for proposed measures under section 11 of this act;

(10) Any additional information pertaining to elections as may be required by law or in the judgment of the secretary of state is deemed informative to the voters.

**NEW SECTION. Sec. 9.** Committees shall write and submit arguments advocating the approval or rejection of each state-wide ballot issue and rebuttals of those arguments. The secretary of state, the presiding officer of the senate, and the presiding officer of the house of representatives shall appoint the initial two members of each committee. In making these committee appointments the secretary of state and presiding officers of the senate and house of representatives shall consider legislators, sponsors of initiatives and referendums, and other interested groups known to advocate or oppose the ballot measure.

The initial two members may select up to four additional members, and the committee shall elect a chairperson. The remaining committee member or members may fill vacancies through appointment.

After the committee submits its initial argument statements to the secretary of state, the secretary of state shall transmit the statements to the opposite committee. The opposite committee may then prepare rebuttal arguments. Rebuttals may not interject new points.

The voters' pamphlet may contain only argument statements prepared according to this section. Arguments may contain graphs and charts supported by factual statistical data and pictures or other illustrations. Cartoons or caricatures are not permitted.

The secretary of state shall set deadlines for submitting arguments and rebuttals by rule.

**NEW SECTION. Sec. 10.** The secretary of state shall determine the format of the voters' pamphlet. The secretary of state shall print the pamphlet in clear, readable type on a size, quality, and weight of paper that in the judgment of the secretary of state best serves the voters. The pamphlet must contain a table of contents. Federal and state offices must appear in the pamphlet in the same sequence as they appear on the general election ballot. Measures and arguments must be printed in the order specified by RCW 29.79.300.

The voters' pamphlet must list information about each state-wide issue on the ballot in the following order:

(1) The top one-third of the first two facing pages relating to a specific measure must contain:

(a) The legal identification of the measure by serial designation or number;

(b) The official ballot title of the measure;

(c) A statement prepared by the attorney general explaining the law as it presently exists;

(d) A statement prepared by the attorney general explaining the effect of the proposed measure if it becomes law;

(e) The total number of votes cast for and against the measure in the state senate and house of representatives, if the measure has been passed by the legislature;

(f) A heavy double-ruled line across both pages to set the above items apart from the remaining text.

(2) The lower portion of the left page of the two facing pages is for the argument advocating the voters' approval of the measure together with any rebuttal statement of the opposing argument.

(3) The lower portion of the right-hand page of the two facing pages is for the argument advocating the voters' rejection of the measure together with any rebuttal statement of the opposing argument.

(4) Each argument or rebuttal statement must be followed by the names and addresses of the committee members who submitted them, and may be followed by a telephone number that citizens may call to obtain information on the ballot measure.

(5) The full text of each measure must be published as required in section 11 of this act.

**NEW SECTION. Sec. 11.** State-wide ballot measures that change existing law must be printed in the voters' pamphlet so that language proposed for deletion is enclosed by double parentheses and has a line through it. Proposed new language must be underlined. A statement explaining the deletion and addition of language must appear as follows: "All words in double parentheses with a line through them

are state law at the present time and will be taken out of law if the measure is approved by voters. All words underlined do not appear in current state law but will be added to the law if the measure is approved by voters."

**NEW SECTION. Sec. 12.** To ensure the efficient composition, publication, and distribution of the voters' pamphlet, all committee and candidate material must be submitted to the secretary of state before deadlines established by rule by the secretary of state.

**NEW SECTION. Sec. 13.** The secretary of state shall reject statements that in the secretary's opinion contain obscene, profane, libelous, or defamatory material, or material prohibited from mail circulation by federal law.

If a statement or photograph submitted is rejected by the secretary of state, the committee or nominee may appeal to the secretary of state within five days. The office of administrative hearings shall adjudicate the appeal under RCW 34.05.413 through 34.05.476.

**NEW SECTION. Sec. 14.** (1) The maximum number of words for statements submitted by candidates is determined according to the offices sought as follows: State representative, one hundred words; state senator, judge of the superior court, judge of the court of appeals, justice of the supreme court, and all state offices voted upon throughout the state, except that of governor, two hundred words; president and vice-president, United States senator, United States representative, and governor, three hundred words.

(2) Arguments written by committees under section 9 of this act may not exceed two hundred fifty words in length.

(3) Rebuttal arguments written by committees may not exceed seventy-five words in length.

(4) The secretary of state shall allocate space in the pamphlet to candidates or nominees according to the respective offices sought. Candidates or nominees will equally share prorated space based on the number of words allowed in the statement for that office.

(5) A candidate may submit to the secretary of state one rebuttal statement in response to any issue or assertion in the voters' pamphlet statement of another candidate for the same office. A rebuttal statement under this section may not exceed one hundred words and may not deal with any issues not contained in the opposing statement. Rebuttal statements may not be included in the printed voters' pamphlet, but the secretary of state shall promptly make rebuttal statements available to the public in the same electronic forms as provided in section 7 of this act.

**NEW SECTION. Sec. 15.** (1) Explanatory statements prepared by the attorney general under section 10(1) (c) and (d) of this act must be written in clear and concise language, avoiding legal and technical terms when possible, and filed with the secretary of state.

(2) When the explanatory statement for a measure initiated by petition is filed with the secretary of state, the secretary of state shall immediately provide the text of the explanatory statement to the person proposing the measure and any others who have made written request for notification of the exact language of the explanatory statement. When the explanatory statement for a measure referred to the ballot by the legislature is filed with the secretary of state, the secretary of state shall immediately provide the text of the explanatory statement to the presiding officer of the state senate and the presiding officer of the house of representatives and any others who have made written request for notification of the exact language of the explanatory statement.

(3) A person dissatisfied with the explanatory statement may within ten days of the filing date appeal to the superior court of Thurston county. A copy of the petition and a notice of the appeal must be served on the secretary of state and the attorney general. The court shall examine the measure, the explanatory statement, and objections, and may hear arguments. The court shall render its decision and certify to and file with the secretary of state an explanatory statement it determines will meet the requirements of this chapter.

The decision of the superior court is final, and its explanatory statement is the established explanatory statement. The appeal must be heard without costs to either party.

**NEW SECTION. Sec. 16.** The secretary of state, as chief election officer, shall adopt rules consistent with this chapter to facilitate and clarify procedures related to the voters' pamphlet.

**NEW SECTION. Sec. 17.** The following acts or parts of acts are each repealed:

(1) RCW 29.80.010 and 1987 c 295 s 17, 1984 c 54 s 1, 1977 ex.s. c 361 s 106, 1975-'76 2nd ex.s. c 4 s 2, 1973 c 4 s 8, & 1965 c 9 s 29.80.010;

(2) RCW 29.80.020 and 1984 c 54 s 2, 1971 ex.s. c 145 s 1, 1971 c 81 s 78, & 1965 c 9 s 29.80.020;

(3) RCW 29.80.030 and 1979 ex.s. c 57 s 4 & 1965 c 9 s 29.80.030;

(4) RCW 29.80.040 and 1984 c 54 s 3, 1971 ex.s. c 145 s 2, & 1965 c 9 s 29.80.040;

(5) RCW 29.80.050 and 1971 ex.s. c 145 s 3 & 1965 c 9 s 29.80.050;

(6) RCW 29.80.060 and 1965 c 9 s 29.80.060;

(7) RCW 29.80.070 and 1965 c 9 s 29.80.070;

(8) RCW 29.80.080 and 1981 c 243 s 1;

(9) RCW 29.80.090 and 1984 c 54 s 7;

(10) RCW 29.81.010 and 1984 c 54 s 4, 1973 1st ex.s. c 143 s 1, & 1965 c 9 s 29.81.010;

(11) RCW 29.81.011 and 1984 c 54 s 5;

(12) RCW 29.81.012 and 1984 c 54 s 6 & 1969 ex.s. c 72 s 1;

(13) RCW 29.81.014 and 1977 c 56 s 1;

(14) RCW 29.81.020 and 1973 1st ex.s. c 143 s 2 & 1965 c 9 s 29.81.020;

(15) RCW 29.81.030 and 1973 1st ex.s. c 143 s 3 & 1965 c 9 s 29.81.030;

(16) RCW 29.81.040 and 1973 1st ex.s. c 143 s 4, 1971 ex.s. c 145 s 4, & 1965 c 9 s 29.81.040;

(17) RCW 29.81.042 and 1973 1st ex.s. c 143 s 6;

(18) RCW 29.81.043 and 1973 1st ex.s. c 143 s 7;

(19) RCW 29.81.050 and 1973 1st ex.s. c 143 s 5 & 1965 c 9 s 29.81.050;

(20) RCW 29.81.052 and 1973 1st ex.s. c 143 s 8;

(21) RCW 29.81.053 and 1973 1st ex.s. c 143 s 9;

(22) RCW 29.81.060 and 1965 c 9 s 29.81.060;

(23) RCW 29.81.070 and 1965 c 9 s 29.81.070;

(24) RCW 29.81.080 and 1965 c 9 s 29.81.080;

(25) RCW 29.81.090 and 1979 ex.s. c 57 s 5 & 1965 c 9 s 29.81.090;

(26) RCW 29.81.100 and 1973 c 4 s 9, 1971 ex.s. c 145 s 5, & 1965 c 9 s 29.81.100;

(27) RCW 29.81.110 and 1965 c 9 s 29.81.110;

(28) RCW 29.81.120 and 1971 ex.s. c 145 s 6 & 1965 c 9 s 29.81.120;

(29) RCW 29.81.130 and 1965 c 9 s 29.81.130;

(30) RCW 29.81.140 and 1971 ex.s. c 145 s 7 & 1965 c 9 s 29.81.140;

(31) RCW 29.81.150 and 1965 c 9 s 29.81.150;

(32) RCW 29.81.160 and 1965 c 9 s 29.81.160; and

(33) RCW 29.81.180 and 1981 c 243 s 2.

**NEW SECTION. Sec. 18.** Sections 7 through 16 of this act are added to chapter 29.81 RCW."

#### POINT OF ORDER

Senator McCaslin: "A point of order, Mr. President. I believe the amendment to the committee amendment exceeds the scope and object of the bill."

Further debate ensued.  
There being no objection, the President deferred further consideration of Substitute House Bill No. 2118.

#### SECOND READING

HOUSE BILL NO. 2559, by Representatives Lambert, Carrell, Patterson, Morris, Wolfe, Smith, Mitchell and Thompson

Revising the allocation of child support day care and other child rearing expenses between parents.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, House Bill No. 2559 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2559.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2559 and the bill passed the Senate by the following vote:  
Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator Smith - 1.

Excused: Senator Rinehart - 1.

HOUSE BILL NO. 2559, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 2672, by Representatives Van Luven, Romero, Sheahan, Tokuda, Schoesler, D. Sommers, Murray and L. Thomas

Prohibiting greyhound racing.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Engrossed House Bill No. 2672 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### PARLIAMENTARY INQUIRY

Senator McCaslin: "A parliamentary inquiry, does this take sixty percent because it addresses gambling?"

#### RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Wojahn: "I don't believe so. It doesn't address gambling. It just talks about--it is not an expansion of gambling."

Senator McCaslin: "It is a shrinkage."

President Pro Tempore Wojahn: "Perhaps."

Senator McCaslin: "Maybe we need thirty percent on shrinkage."

#### MOTION

On motion of Senator Spanel, and there being no objection, further consideration of Engrossed House Bill No. 2672 was deferred.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2222, by House Committee on Appropriations (originally sponsored by Representatives Backlund, Huff, Foreman, B. Thomas, Smith, Horn, Hymes, Honeyford, Fuhrman, Lambert, Thompson and McMahan)

Strengthening legislative oversight of government programs.

The bill was read the second time.

#### MOTION

Senator Bauer moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 44.28.010 and 1983 c 52 s 1 are each amended to read as follows:

~~((There is hereby created a))~~ The joint legislative ((budget)) audit and review committee is created, which shall consist of eight senators and eight representatives from the legislature. The senate members of the committee shall be appointed by the president of the senate, and the house members of the committee shall be appointed by the speaker of the house. Not more than four members from each house shall be from the same political party. Members shall be appointed before the close of each regular session of the legislature during an odd-numbered year (~~(- PROVIDED, That if prior to))~~. If before the close of a regular session during an odd-numbered year, the governor issues a proclamation convening the legislature into special session, or the legislature by resolution convenes the legislature into special session, following such regular session, then such appointments shall be made as a matter of closing business of such special session. Members shall be subject to confirmation, as to the senate members by the senate, and as to the house members by the house. In the event of a failure to appoint joint committee members, either on the part of the president of the senate or on the part of the speaker of the house, or in the event of a refusal by either the senate or the house to confirm appointments on the committee, then the members of the joint committee from either house in which there is a failure to appoint or confirm shall be elected (~~(forthwith))~~ by the members of such house.

**Sec. 2.** RCW 44.28.020 and 1980 c 87 s 31 are each amended to read as follows:

The term of office of the members of the joint committee who continue to be members of the senate and house shall be from the close of the session in which they were appointed or elected as provided in RCW 44.28.010 until the close of the next regular session during an odd-numbered year or special session following such regular session, or, in the event that such appointments or elections are not made, until the close of the next regular session during an odd-numbered year during which successors are appointed or elected. The term of office of ~~((such))~~ joint committee members ~~((as shall))~~ who do not continue to be members of the senate and house ~~((shall))~~ ceases upon the convening of the next regular session of the legislature during an odd-numbered year after their confirmation, election or appointment. Vacancies on the joint committee shall be filled by appointment by the remaining members. All such vacancies shall be filled from the same political party and from the same house as the member whose seat was vacated.

**Sec. 3.** RCW 44.28.030 and 1955 c 206 s 6 are each amended to read as follows:

On and after the commencement of a succeeding general session of the legislature, those members of the joint committee who continue to be members of the senate and house, respectively, shall continue as members of the joint committee as indicated in RCW 44.28.020 and the joint committee shall continue with all its powers, duties, authorities, records, papers, personnel and staff, and all funds made available for its use.

**Sec. 4.** RCW 44.28.040 and 1975-'76 2nd ex.s. c 34 s 134 are each amended to read as follows:

The members of the joint committee shall serve without additional compensation, but shall be reimbursed for their travel expenses~~((s))~~ in accordance with RCW 44.04.120 ~~((as now existing or hereafter amended, incurred while))~~ for attending ~~((sessions))~~ meetings of the joint committee or ~~((meetings of any))~~ a subcommittee of the joint committee, or while engaged on other ~~((committee))~~ business authorized by the joint committee, and while going to and coming from committee sessions or committee meetings.

**Sec. 5.** RCW 44.28.080 and 1975 1st ex.s. c 293 s 14 are each amended to read as follows:

The joint committee ~~((shall have))~~ has the following powers:

(1) To make examinations and reports concerning whether or not appropriations are being expended for the purposes and within the statutory restrictions provided by the legislature; concerning the economic outlook and estimates of revenue to meet expenditures; and concerning the organization and operation of procedures necessary or desirable to promote economy, efficiency, and effectiveness in state government, its officers, boards, committees, commissions, institutions, and other state agencies, and to make recommendations and reports to the legislature.

(2) To make such other studies and examinations of economy, efficiency, and effectiveness of state government and its state agencies as it may find advisable, and to hear complaints, hold hearings, gather information, and make findings of fact with respect thereto.

(3) ~~((The committee shall have the power))~~ To receive messages and reports in person or in writing from the governor or any other state officials and to study generally any and all business relating to economy, efficiency, and effectiveness in state government and state agencies.

**Sec. 6.** RCW 44.28.180 and 1993 c 406 s 5 are each amended to read as follows:

(1) In conducting program evaluations as defined in RCW 43.88.020, the ~~((legislative budget))~~ joint committee may establish a biennial work plan that identifies state agency programs for which formal evaluation appears necessary. Among the factors to be considered in preparing the work plan are:

(a) Whether a program newly created or significantly altered by the legislature warrants continued oversight because (i) the fiscal impact of the program is significant, or (ii) the program represents a relatively high degree of risk in terms of reaching the stated goals and objectives for that program;

(b) Whether implementation of an existing program has failed to meet its goals and objectives by any significant degree.

(2) The project description for each program evaluation shall include start and completion dates, the proposed research approach, and cost estimates.

(3) The overall plan may include proposals to employ contract evaluators. As conditions warrant, the program evaluation work plan may be amended from time to time. All biennial work plans shall be transmitted to the appropriate fiscal and policy committees of the senate and the house of representatives.

**Sec. 7.** RCW 44.28.087 and 1973 1st ex.s. c 197 s 2 are each amended to read as follows:

All agency reports concerning program performance, including administrative review, quality control, and other internal audit or performance reports, as requested by the ~~((legislative budget))~~ joint committee, shall be furnished by the agency requested to provide such report.

**Sec. 8.** RCW 44.28.100 and 1987 c 505 s 45 are each amended to read as follows:

The joint committee ~~((shall have the power to))~~ may make reports from time to time to the members of the legislature and to the public with respect to any of its findings or recommendations. The joint committee shall keep complete minutes of its meetings.

**Sec. 9.** RCW 44.28.120 and 1951 c 43 s 9 are each amended to read as follows:

In case of the failure on the part of any person to comply with any subpoena issued in behalf of the joint committee, or on the refusal of any witness to testify to any matters regarding which he or she may be lawfully interrogated, it shall be the duty of the superior court of any county, or of the judge thereof, on application of the joint committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

**Sec. 10.** RCW 44.28.150 and 1975 1st ex.s. c 293 s 18 are each amended to read as follows:

The joint committee shall cooperate, act, and function with legislative committees and with the councils or committees of other states similar to this joint committee and with other interstate research organizations.

**Sec. 11.** RCW 43.88.020 and 1995 c 155 s 1 are each amended to read as follows:

- (1) "Budget" means a proposed plan of expenditures for a given period or purpose and the proposed means for financing these expenditures.
- (2) "Budget document" means a formal statement, either written or provided on any electronic media or both, offered by the governor to the legislature, as provided in RCW 43.88.030.
- (3) "Director of financial management" means the official appointed by the governor to serve at the governor's pleasure and to whom the governor may delegate necessary authority to carry out the governor's duties as provided in this chapter. The director of financial management shall be head of the office of financial management which shall be in the office of the governor.
- (4) "Agency" means and includes every state office, officer, each institution, whether educational, correctional, or other, and every department, division, board, and commission, except as otherwise provided in this chapter.
- (5) "Public funds", for purposes of this chapter, means all moneys, including cash, checks, bills, notes, drafts, stocks, and bonds, whether held in trust, for operating purposes, or for capital purposes, and collected or disbursed under law, whether or not such funds are otherwise subject to legislative appropriation, including funds maintained outside the state treasury.
- (6) "Regulations" means the policies, standards, and requirements, stated in writing, designed to carry out the purposes of this chapter, as issued by the governor or the governor's designated agent, and which shall have the force and effect of law.
- (7) "Ensuuing biennium" means the fiscal biennium beginning on July 1st of the same year in which a regular session of the legislature is held during an odd-numbered year pursuant to Article II, section 12 of the Constitution and which biennium next succeeds the current biennium.
- (8) "Dedicated fund" means a fund in the state treasury, or a separate account or fund in the general fund in the state treasury, that by law is dedicated, appropriated, or set aside for a limited object or purpose; but "dedicated fund" does not include a revolving fund or a trust fund.
- (9) "Revolving fund" means a fund in the state treasury, established by law, from which is paid the cost of goods or services furnished to or by a state agency, and which is replenished through charges made for such goods or services or through transfers from other accounts or funds.
- (10) "Trust fund" means a fund in the state treasury in which designated persons or classes of persons have a vested beneficial interest or equitable ownership, or which was created or established by a gift, grant, contribution, devise, or bequest that limits the use of the fund to designated objects or purposes.
- (11) "Administrative expenses" means expenditures for: (a) Salaries, wages, and related costs of personnel and (b) operations and maintenance including but not limited to costs of supplies, materials, services, and equipment.
- (12) "Fiscal year" means the year beginning July 1st and ending the following June 30th.
- (13) "Lapse" means the termination of authority to expend an appropriation.
- (14) "Legislative fiscal committees" means the joint legislative ((budget)) audit and review committee, the legislative evaluation and accountability program committee, the ways and means committees of the senate and house of representatives, and, where appropriate, the legislative transportation committee.
- (15) "Fiscal period" means the period for which an appropriation is made as specified within the act making the appropriation.
- (16) "Primary budget driver" means the primary determinant of a budget level, other than a price variable, which causes or is associated with the major expenditure of an agency or budget unit within an agency, such as a caseload, enrollment, workload, or population statistic.
- (17) "Stabilization account" means the budget stabilization account created under RCW 43.88.525 as an account in the general fund of the state treasury.
- (18) "State tax revenue limit" means the limitation created by chapter 43.135 RCW.
- (19) "General state revenues" means the revenues defined by Article VIII, section 1(c) of the state Constitution.
- (20) "Annual growth rate in real personal income" means the estimated percentage growth in personal income for the state during the current fiscal year, expressed in constant value dollars, as published by the office of financial management or its successor agency.
- (21) "Estimated revenues" means estimates of revenue in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast including estimates of revenues to support financial plans under RCW 44.40.070, that are prepared by the office of financial management in consultation with the interagency task force.
- (22) "Estimated receipts" means the estimated receipt of cash in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast.
- (23) "State budgeting, accounting, and reporting system" means a system that gathers, maintains, and communicates fiscal information. The system links fiscal information beginning with development of agency budget requests through adoption of legislative appropriations to tracking actual receipts and expenditures against approved plans.
- (24) "Allotment of appropriation" means the agency's statement of proposed expenditures, the director of financial management's review of that statement, and the placement of the approved statement into the state budgeting, accounting, and reporting system.
- (25) "Statement of proposed expenditures" means a plan prepared by each agency that breaks each appropriation out into monthly detail representing the best estimate of how the appropriation will be expended.
- (26) "Undesignated fund balance (or deficit)" means unreserved and undesignated current assets or other resources available for expenditure over and above any current liabilities which are expected to be incurred by the close of the fiscal period.
- (27) "Internal audit" means an independent appraisal activity within an agency for the review of operations as a service to management, including a systematic examination of accounting and fiscal controls to assure that human and material resources are guarded against waste, loss, or misuse; and that reliable data are gathered, maintained, and fairly disclosed in a written report of the audit findings.
- (28) "Performance verification" means an analysis that (a) verifies the accuracy of data used by state agencies in quantifying intended results and measuring performance toward those results, and (b) verifies whether or not the reported results were achieved.
- (29) "Program evaluation" means the use of a variety of policy and fiscal research methods to (a) determine the extent to which a program is achieving its legislative intent in terms of producing the effects expected, and (b) make an objective judgment of the implementation, outcomes, and net cost or benefit impact of programs in the context of their goals and objectives. It includes the application of systematic methods to measure the results, intended or unintended, of program activities.

**Sec. 12.** RCW 43.88.160 and 1994 c 184 s 11 are each amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of financial management. The governor, through the director of financial management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources, and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the

development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for central accounts in the office of financial management at the level of detail deemed necessary by the director to perform central financial management. The director of financial management shall adopt and periodically update an accounting procedures manual. Any agency maintaining its own accounting and reporting system shall comply with the updated accounting procedures manual and the rules of the director adopted under this chapter. An agency may receive a waiver from complying with this requirement if the waiver is approved by the director. Waivers expire at the end of the fiscal biennium for which they are granted. The director shall forward notice of waivers granted to the appropriate legislative fiscal committees. The director of financial management may require such financial, statistical, and other reports as the director deems necessary from all agencies covering any period.

(2) The director of financial management is responsible for quarterly reporting of primary operating budget drivers such as applicable workloads, caseload estimates, and appropriate unit cost data. These reports shall be transmitted to the legislative fiscal committees or by electronic means to the legislative evaluation and accountability program committee. Quarterly reports shall include actual monthly data and the variance between actual and estimated data to date. The reports shall also include estimates of these items for the remainder of the budget period.

(3) The director of financial management shall report at least annually to the appropriate legislative committees regarding the status of all appropriated capital projects, including transportation projects, showing significant cost overruns or underruns. If funds are shifted from one project to another, the office of financial management shall also reflect this in the annual variance report. Once a project is complete, the report shall provide a final summary showing estimated start and completion dates of each project phase compared to actual dates, estimated costs of each project phase compared to actual costs, and whether or not there are any outstanding liabilities or unsettled claims at the time of completion.

(4) In addition, the director of financial management, as agent of the governor, shall:

(a) Develop and maintain a system of internal controls and internal audits comprising methods and procedures to be adopted by each agency that will safeguard its assets, check the accuracy and reliability of its accounting data, promote operational efficiency, and encourage adherence to prescribed managerial policies for accounting and financial controls. The system developed by the director shall include criteria for determining the scope and comprehensiveness of internal controls required by classes of agencies, depending on the level of resources at risk.

Each agency head or authorized designee shall be assigned the responsibility and authority for establishing and maintaining internal audits following the standards of internal auditing of the institute of internal auditors;

(b) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and the director shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(c) Establish policies for allowing the contracting of child care services;

(d) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(e) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact:

PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. The director shall advise and confer with agencies including appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned:

Agencies headed by elective officials;

(f) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by the director except that the director shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials;

(g) Provide for transfers and repayments between the budget stabilization account and the general fund as directed by appropriation and RCW 43.88.525 through 43.88.540;

(h) Adopt rules to effectuate provisions contained in (a) through (g) of this subsection.

(5) The treasurer shall:

(a) Receive, keep, and disburse all public funds of the state not expressly required by law to be received, kept, and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Receive, disburse, or transfer public funds under the treasurer's supervision or custody;

(c) Keep a correct and current account of all moneys received and disbursed by the treasurer, classified by fund or account;

(d) Coordinate agencies' acceptance and use of credit cards and other payment methods, if the agencies have received authorization under RCW 43.41.180;

(e) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to disburse public funds in the treasury except upon forms or by alternative means duly prescribed by the director of financial management. These forms or alternative means shall provide for authentication and certification by the agency head or the agency head's designee that the services have been rendered or the materials have been furnished; or, in the case of loans or grants, that the loans or grants are authorized by law; or, in the case of payments for periodic maintenance services to be performed on state owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office of financial management; and the treasurer shall not be liable under the treasurer's surety bond for erroneous or improper payments so made. When services are lawfully paid for in advance of full performance by any private individual or business entity other than as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services. No payments shall be made in advance for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or the agency head's designee in accordance with regulations issued pursuant to this chapter. Nothing in this section shall be construed to permit a public body to advance funds to a private service provider pursuant to a grant or loan before services have been rendered or material furnished.

(6) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end the auditor may, in the auditor's discretion, examine the books and accounts of any agency, official, or employee charged with the receipt, custody, or safekeeping of public funds. Where feasible in conducting examinations, the auditor shall utilize data and findings from the internal control system prescribed by the office of financial management. The current post audit of each agency may include a section on recommendations to the legislature as provided in (c) of this subsection.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make the auditor's official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include determinations as to whether agencies, in making expenditures, complied with the laws of this state. The state auditor is authorized to perform or participate in performance verifications only as expressly authorized by the legislature in the omnibus biennial appropriations acts. The state auditor, upon completing an audit for legal and financial compliance under chapter 43.09 RCW or a performance verification, may report to the joint legislative ((budget)) audit and review committee or other appropriate committees of the legislature, in a manner prescribed by the joint legislative ((budget)) audit and review committee, on facts relating to the management or performance of governmental programs where such facts are discovered incidental to the legal and financial audit or performance verification. The auditor may make such a report to a legislative committee only if the auditor has determined that the agency has been given an opportunity and has failed to resolve the management or performance issues raised by the auditor. If the auditor makes a report to a legislative committee, the agency may submit to the committee a response to the report. This subsection (6) shall not be construed to authorize the auditor to allocate other than de minimis resources to performance audits except as expressly authorized in the appropriations acts.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of financial management. It shall be the duty of the director of financial management to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.

(e) Promptly report any irregularities to the attorney general.

(f) Investigate improper governmental activity under chapter 42.40 RCW.

(7) The joint legislative ((budget)) audit and review committee may:

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as provided for in RCW 44.28.085 as well as performance audits and program evaluations. To this end the joint committee may in its discretion examine the books, accounts, and other records of any agency, official, or employee.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the performance and management of state agencies.

(c) Make a report to the legislature which shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs, and generally for an improved level of fiscal management.

**Sec. 13.** RCW 28A.630.830 and 1994 c 13 s 5 are each amended to read as follows:

(1) The selection advisory committee is created. The committee shall be composed of up to three members from the house of representatives, up to three members from the senate, up to two members from the office of the superintendent of public instruction, and one member from each of the following: The office of financial management, Washington state special education coalition, transitional bilingual instruction educators, and Washington education association.

(2) The joint legislative ((budget)) audit and review committee and the superintendent of public instruction shall provide staff for the selection advisory committee.

(3) The selection advisory committee shall:

(a) Develop appropriate criteria for selecting demonstration projects;

(b) Issue requests for proposals in accordance with RCW 28A.630.820 through 28A.630.845 for demonstration projects;

(c) Review proposals and recommend demonstration projects for approval by the superintendent of public instruction; and

(d) Advise the superintendent of public instruction on the evaluation design.

**Sec. 14.** RCW 28B.20.382 and 1987 c 505 s 13 are each amended to read as follows:

Until authorized and empowered to do so by statute of the legislature, the board of regents of the university, with respect to that certain tract of land in the city of Seattle originally known as the "old university grounds" and more recently known as the "Metropolitan Tract" and any land contiguous thereto, shall not sell ((said)) the land or any part thereof or any improvement thereon, or lease ((said)) the land or any part thereof or any improvement thereon or renew or extend any lease thereof for a term ending more than sixty years beyond midnight, December 31, 1980. Any sale of ((said)) the land or any part thereof or any improvement thereon, or any lease or renewal or extension of any lease of ((said)) the land or any part thereof or any improvement thereon for a term ending more than sixty years after midnight, December 31, 1980, made or attempted to be made by the board of regents shall be null and void unless and until the same has been approved or ratified and confirmed by legislative act.

The board of regents shall have power from time to time to lease ((said)) the land, or any part thereof or any improvement thereon for a term ending not more than sixty years beyond midnight, December 31, 1980: PROVIDED, That the board of regents shall make a full, detailed report of all leases and transactions pertaining to ((said)) the land or any part thereof or any improvement thereon to the joint legislative ((budget)) audit and review committee, including one copy to the staff of the committee, during an odd-numbered year: PROVIDED FURTHER, That any and all records, books, accounts ((and/or)), and agreements of any lessee or sublessee under this section, pertaining to compliance with the terms and conditions of such lease or sublease, shall be open to inspection by the board of regents ((and/or)), the ways and means committee((s)) of the senate ((or)), the appropriations committee of the house of representatives ((or)), and the joint legislative ((budget)) audit and review committee or any successor committees. It is not intended by this proviso that unrelated records, books, accounts ((and/or)), and agreements of lessees, sublessees, or related companies be open to such inspection.

**Sec. 15.** RCW 39.19.060 and 1993 c 512 s 9 are each amended to read as follows:

Each state agency and educational institution shall comply with the annual goals established for that agency or institution under this chapter for public works and procuring goods or services. This chapter applies to all public works and procurement by state agencies and educational institutions, including all contracts and other procurement under chapters 28B.10, 39.04, 39.29, 43.19, and 47.28 RCW. Each state agency shall adopt a plan, developed in consultation with the director and the advisory committee, to insure that minority and women-owned businesses are afforded the maximum practicable opportunity to directly and meaningfully participate in the execution of public contracts for public works and goods and services. The plan shall include specific measures the agency will undertake to increase the participation of certified minority and women-owned businesses. The office shall annually notify the governor, the state auditor, and the joint legislative ((budget)) audit and review committee of all agencies and educational institutions not in compliance with this chapter.

**Sec. 16.** RCW 39.29.016 and 1987 c 414 s 4 are each amended to read as follows:

Emergency contracts shall be filed with the office of financial management and the joint legislative ((budget)) audit and review committee and made available for public inspection within three working days following the commencement of work or execution of the contract, whichever occurs first. Documented justification for emergency contracts shall be provided to the office of financial management and the joint legislative ((budget)) audit and review committee when the contract is filed.

**Sec. 17.** RCW 39.29.018 and 1993 c 433 s 5 are each amended to read as follows:

(1) Sole source contracts shall be filed with the office of financial management and the joint legislative ((budget)) audit and review committee and made available for public inspection at least ten working days prior to the proposed starting date of the contract. Documented justification for sole source contracts shall be provided to the office of financial management and the joint legislative ((budget)) audit and review committee when the contract is filed. For sole source contracts of ten thousand dollars or more that are state funded, documented

justification shall include evidence that the agency attempted to identify potential consultants by advertising through state-wide or regional newspapers.

(2) The office of financial management shall approve sole source contracts of ten thousand dollars or more that are state funded, before any such contract becomes binding and before any services may be performed under the contract. These requirements shall also apply to sole source contracts of less than ten thousand dollars if the total amount of such contracts between an agency and the same consultant is ten thousand dollars or more within a fiscal year. Agencies shall ensure that the costs, fees, or rates negotiated in filed sole source contracts of ten thousand dollars or more are reasonable.

**Sec. 18.** RCW 39.29.025 and 1993 c 433 s 3 are each amended to read as follows:

(1) Substantial changes in either the scope of work specified in the contract or in the scope of work specified in the formal solicitation document must generally be awarded as new contracts. Substantial changes executed by contract amendments must be submitted to the office of financial management and the joint legislative (~~(budget)~~) audit and review committee, and are subject to approval by the office of financial management.

(2) An amendment or amendments to personal service contracts, if the value of the amendment or amendments, whether singly or cumulatively, exceeds fifty percent of the value of the original contract must be provided to the office of financial management and the joint legislative (~~(budget)~~) audit and review committee.

(3) The office of financial management shall approve amendments provided to it under this section before the amendments become binding and before services may be performed under the amendments.

(4) The amendments must be filed with the office of financial management and made available for public inspection at least ten working days prior to the proposed starting date of services under the amendments.

(5) The office of financial management shall approve amendments provided to it under this section only if they meet the criteria for approval of the amendments established by the director of the office of financial management.

**Sec. 19.** RCW 39.29.055 and 1993 c 433 s 7 are each amended to read as follows:

(1) State-funded personal service contracts subject to competitive solicitation shall be filed with the office of financial management and the joint legislative (~~(budget)~~) audit and review committee and made available for public inspection at least ten working days before the proposed starting date of the contract.

(2) The office of financial management shall review and approve state-funded personal service contracts subject to competitive solicitation that provide services relating to management consulting, organizational development, marketing, communications, employee training, or employee recruiting.

**Sec. 20.** RCW 41.06.070 and 1995 c 163 s 1 are each amended to read as follows:

(1) The provisions of this chapter do not apply to:

(a) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, joint legislative (~~(budget)~~) audit and review committee, statute law committee, and any interim committee of the legislature;

(b) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(c) Officers, academic personnel, and employees of technical colleges;

(d) The officers of the Washington state patrol;

(e) Elective officers of the state;

(f) The chief executive officer of each agency;

(g) In the departments of employment security and social and health services, the director and the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his or her confidential secretary, and his or her statutory assistant directors;

(h) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(i) All members of such boards, commissions, or committees;

(ii) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: The secretary of the board, commission, or committee; the chief executive officer of the board, commission, or committee; and the confidential secretary of the chief executive officer of the board, commission, or committee;

(iii) If the members of the board, commission, or committee serve on a full-time basis: The chief executive officer or administrative officer as designated by the board, commission, or committee; and a confidential secretary to the chair of the board, commission, or committee;

(iv) If all members of the board, commission, or committee serve ex officio: The chief executive officer; and the confidential secretary of such chief executive officer;

(i) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(j) Assistant attorneys general;

(k) Commissioned and enlisted personnel in the military service of the state;

(l) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the Washington personnel resources board;

(m) The public printer or to any employees of or positions in the state printing plant;

(n) Officers and employees of the Washington state fruit commission;

(o) Officers and employees of the Washington state apple advertising commission;

(p) Officers and employees of the Washington state dairy products commission;

(q) Officers and employees of the Washington tree fruit research commission;

(r) Officers and employees of the Washington state beef commission;

(s) Officers and employees of any commission formed under chapter 15.66 RCW;

(t) Officers and employees of the state wheat commission formed under chapter 15.63 RCW;

(u) Officers and employees of agricultural commissions formed under chapter 15.65 RCW;

(v) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;

(w) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(x) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;

(y) All employees of the marine employees' commission;

(z) Up to a total of five senior staff positions of the western library network under chapter 27.26 RCW responsible for formulating policy or for directing program management of a major administrative unit. This subsection (1)(z) shall expire on June 30, 1997.

(2) The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(a) Members of the governing board of each institution of higher education and related boards, all presidents, vice-presidents, and their confidential secretaries, administrative, and personal assistants; deans, directors, and chairs; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington;

(b) Student, part-time, or temporary employees, and part-time professional consultants, as defined by the Washington personnel resources board, employed by institutions of higher education and related boards;

(c) The governing board of each institution, and related boards, may also exempt from this chapter classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training as determined by the board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the board under this provision;

(d) Printing craft employees in the department of printing at the University of Washington.

(3) In addition to the exemptions specifically provided by this chapter, the Washington personnel resources board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the Washington personnel resources board stating the reasons for requesting such exemptions. The Washington personnel resources board shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the board determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the Washington personnel resources board shall grant the request and such determination shall be final as to any decision made before July 1, 1993. The total number of additional exemptions permitted under this subsection shall not exceed one percent of the number of employees in the classified service not including employees of institutions of higher education and related boards for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The Washington personnel resources board shall report to each regular session of the legislature during an odd-numbered year all exemptions granted under subsections (1)(w) and (x) and (2) of this section, together with the reasons for such exemptions.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (1)(j) through (v) and (2) of this section, shall be determined by the Washington personnel resources board.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

**Sec. 21.** RCW 42.48.060 and 1985 c 334 s 6 are each amended to read as follows:

Nothing in this chapter is applicable to, or in any way affects, the powers and duties of the state auditor or the joint legislative ((budget)) audit and review committee.

**Sec. 22.** RCW 43.09.310 and 1995 c 301 s 22 are each amended to read as follows:

The state auditor shall annually audit the state-wide combined financial statements prepared by the office of financial management and make post-audits of state agencies. Post-audits of state agencies shall be made at such periodic intervals as is determined by the state auditor. Audits of combined financial statements shall include determinations as to the validity and accuracy of accounting methods, procedures and standards utilized in their preparation, as well as the accuracy of the financial statements themselves. A report shall be made of each such audit and post-audit upon completion thereof, and one copy shall be transmitted to the governor, one to the director of financial management, one to the state agency audited, one to the joint legislative ((budget)) audit and review committee, one each to the standing committees on ways and means of the house and senate, one to the chief clerk of the house, one to the secretary of the senate, and at least one shall be kept on file in the office of the state auditor. A copy of any report containing findings of noncompliance with state law shall be transmitted to the attorney general.

**Sec. 23.** RCW 43.21J.800 and 1993 c 516 s 11 are each amended to read as follows:

On or before June 30, 1998, the joint legislative ((budget)) audit and review committee shall prepare a report to the legislature evaluating the implementation of the environmental restoration jobs act of 1993, chapter 516, Laws of 1993.

**Sec. 24.** RCW 43.79.270 and 1973 c 144 s 2 are each amended to read as follows:

Whenever any money, from the federal government, or from other sources, which was not anticipated in the budget approved by the legislature has actually been received and is designated to be spent for a specific purpose, the head of any department, agency, board, or commission through which such expenditure shall be made is to submit to the governor a statement which may be in the form of a request for an allotment amendment setting forth the facts constituting the need for such expenditure and the estimated amount to be expended: PROVIDED, That no expenditure shall be made in excess of the actual amount received, and no money shall be expended for any purpose except the specific purpose for which it was received. A copy of any proposal submitted to the governor to expend money from an appropriated fund or account in excess of appropriations provided by law which is based on the receipt of unanticipated revenues shall be submitted to the joint legislative ((budget)) audit and review committee and also to the standing committees on ways and means of the house and senate if the legislature is in session at the same time as it is transmitted to the governor.

**Sec. 25.** RCW 43.79.280 and 1973 c 144 s 3 are each amended to read as follows:

If the governor approves such estimate in whole or part, he shall endorse on each copy of the statement his approval, together with a statement of the amount approved in the form of an allotment amendment, and transmit one copy to the head of the department, agency, board, or commission authorizing the expenditure. An identical copy of the governor's statement of approval and a statement of the amount approved for expenditure shall be transmitted simultaneously to the joint legislative ((budget)) audit and review committee and also to the standing committee on ways and means of the house and senate of all executive approvals of proposals to expend money in excess of appropriations provided by law.

**Sec. 26.** RCW 43.88.205 and 1979 c 151 s 141 are each amended to read as follows:

(1) Whenever an agency makes application, enters into a contract or agreement, or submits state plans for participation in, and for grants of federal funds under any federal law, the agency making such application shall at the time of such action, give notice in such form and manner as the director of financial management may prescribe, or the ((chairman)) chair of the joint legislative ((budget)) audit and

review committee, standing committees on ways and means of the house and senate, the chief clerk of the house, or the secretary of the senate may request.

(2) Whenever any such application, contract, agreement, or state plan is amended, such agency shall notify each such officer of such action in the same manner as prescribed or requested pursuant to subsection (1) of this section.

(3) Such agency shall promptly furnish such progress reports in relation to each such application, contract, agreement, or state plan as may be requested following the date of the filing of the application, contract, agreement, or state plan; and shall also file with each such officer a final report as to the final disposition of each such application, contract, agreement, or state plan if such is requested.

**Sec. 27.** RCW 43.88.230 and 1981 c 270 s 12 are each amended to read as follows:

For the purposes of this chapter, the statute law committee, the joint legislative ((budget)) audit and review committee, the legislative transportation committee, the legislative evaluation and accountability program committee, the office of state actuary, and all legislative standing committees of both houses shall be deemed a part of the legislative branch of state government.

**Sec. 28.** RCW 43.88.310 and 1993 c 157 s 1 are each amended to read as follows:

(1) The legislative auditor, with the concurrence of the joint legislative ((budget)) audit and review committee, may file with the attorney general any audit exceptions or other findings of any performance audit, management study, or special report prepared for the joint legislative ((budget)) audit and review committee, any standing or special committees of the house or senate, or the entire legislature which indicate a violation of RCW 43.88.290, or any other act of malfeasance, misfeasance, or nonfeasance on the part of any state officer or employee.

(2) The attorney general shall promptly review each filing received from the legislative auditor and may act thereon as provided in RCW 43.88.300, or any other applicable statute authorizing enforcement proceedings by the attorney general. The attorney general shall advise the joint legislative ((budget)) audit and review committee of the status of exceptions or findings referred under this section.

**Sec. 29.** RCW 43.88.510 and 1987 c 505 s 37 are each amended to read as follows:

Not later than ninety days after the beginning of each biennium, the director of financial management shall submit the compiled list of boards, commissions, councils, and committees, together with the information on each such group, that is required by RCW 43.88.505 to:

(1) The speaker of the house and the president of the senate for distribution to the appropriate standing committees, including one copy to the staff of each of the committees;

(2) The chair of the joint legislative ((budget)) audit and review committee, including a copy to the staff of the committee;

(3) The chairs of the committees on ways and means of the senate and house of representatives; and

(4) Members of the state government committee of the house of representatives and of the governmental operations committee of the senate, including one copy to the staff of each of the committees.

**Sec. 30.** RCW 43.131.050 and 1990 c 297 s 2 are each amended to read as follows:

The joint legislative ((budget)) audit and review committee shall cause to be conducted a program and fiscal review of any state agency or program scheduled for termination by the processes provided in this chapter. Such program and fiscal review shall be completed and a preliminary report prepared on or before June 30th of the year prior to the date established for termination. Upon completion of its preliminary report, the joint legislative ((budget)) audit and review committee shall transmit copies of the report to the office of financial management. The office of financial management may then conduct its own program and fiscal review of the agency scheduled for termination and shall prepare a report on or before September 30th of the year prior to the date established for termination. Upon completion of its report the office of financial management shall transmit copies of its report to the joint legislative ((budget)) audit and review committee. The joint legislative ((budget)) audit and review committee shall prepare a final report that includes the reports of both the office of financial management and the joint legislative ((budget)) audit and review committee. The joint legislative ((budget)) audit and review committee and the office of financial management shall, upon request, make available to each other all working papers, studies, and other documents which relate to reports required under this section. The joint legislative ((budget)) audit and review committee shall transmit the final report to the legislature, to the state agency concerned, to the governor, and to the state library.

**Sec. 31.** RCW 43.131.060 and 1988 c 17 s 1 are each amended to read as follows:

In conducting the review of a regulatory entity, the joint legislative ((budget)) audit and review committee shall consider, but not be limited to, the following factors where applicable:

(1) The extent to which the regulatory entity has operated in the public interest and fulfilled its statutory obligations;

(2) The duties of the regulatory entity and the costs incurred in carrying out those duties;

(3) The extent to which the regulatory entity is operating in an efficient, effective, and economical manner;

(4) The extent to which the regulatory entity inhibits competition or otherwise adversely affects the state's economic climate;

(5) The extent to which the regulatory entity duplicates the activities of other regulatory entities or of the private sector, where appropriate; and

(6) The extent to which the absence or modification of regulation would adversely affect, maintain, or improve the public health, safety, or welfare.

**Sec. 32.** RCW 43.131.070 and 1977 ex.s. c 289 s 7 are each amended to read as follows:

In conducting the review of a state agency other than a regulatory entity, the joint legislative ((budget)) audit and review committee shall consider, but not be limited to, the following factors where applicable:

(1) The extent to which the state agency has complied with legislative intent;

(2) The extent to which the state agency is operating in an efficient and economical manner which results in optimum performance;

(3) The extent to which the state agency is operating in the public interest by effectively providing a needed service that should be continued rather than modified, consolidated, or eliminated;

(4) The extent to which the state agency duplicates the activities of other state agencies or of the private sector, where appropriate; and

(5) The extent to which the termination or modification of the state agency would adversely affect the public health, safety, or welfare.

**Sec. 33.** RCW 43.131.080 and 1989 c 175 s 109 are each amended to read as follows:

(1) Following receipt of the final report from the joint legislative ((budget)) audit and review committee, the appropriate committees of reference in the senate and the house of representatives shall each hold a public hearing, unless a joint hearing is held, to consider the final report and any related data. The committees shall also receive testimony from representatives of the state agency or agencies involved, which shall have the burden of demonstrating a public need for its continued existence; and from the governor or the governor's designee, and other interested parties, including the general public.

(2) When requested by either of the presiding members of the appropriate senate and house committees of reference, a regulatory entity under review shall mail an announcement of any hearing to the persons it regulates who have requested notice of agency rule-making proceedings as provided in RCW 34.05.320, or who have requested notice of hearings held pursuant to the provisions of this section. On request of either presiding member, such mailing shall include an explanatory statement not exceeding one page in length prepared and supplied by the member's committee.

(3) The presiding members of the senate committee on ways and means and the house committee on appropriations may designate one or more liaison members to each committee of reference in their respective chambers for purposes of participating in any hearing and in subsequent committee of reference discussions and to seek a coordinated approach between the committee of reference and the committee they represent in a liaison capacity.

(4) Following any hearing under subsection (1) of this section by the committees of reference, such committees may hold additional meetings or hearings to come to a final determination as to whether a state agency has demonstrated a public need for its continued existence or whether modifications in existing procedures are needed. In the event that a committee of reference concludes that a state agency shall be reestablished or modified or its functions transferred elsewhere, it shall make such determination as a bill. No more than one state agency shall be reestablished or modified in any one bill.

**Sec. 34.** RCW 43.131.110 and 1977 ex.s. c 289 s 11 are each amended to read as follows:

Any reference in this chapter to a committee of the legislature including the joint legislative ((budget)) audit and review committee shall also refer to the successor of that committee.

**Sec. 35.** RCW 43.250.080 and 1986 c 294 s 8 are each amended to read as follows:

At the end of each fiscal year, the state treasurer shall submit to the governor, the state auditor, and the joint legislative ((budget)) audit and review committee a summary of the activity of the investment pool. The summary shall indicate the quantity of funds deposited; the earnings of the pool; the investments purchased, sold, or exchanged; the administrative expenses of the investment pool; and such other information as the state treasurer deems relevant.

**Sec. 36.** RCW 44.40.025 and 1981 c 270 s 15 are each amended to read as follows:

In addition to the powers and duties authorized in RCW 44.40.020, the committee and the standing committees on transportation of the house and senate shall, in coordination with the joint legislative ((budget)) audit and review committee, the legislative evaluation and accountability program committee, and the ways and means committees of the senate and house of representatives, ascertain, study, and/or analyze all available facts and matters relating or pertaining to sources of revenue, appropriations, expenditures, and financial condition of the motor vehicle fund and accounts thereof, the highway safety fund, and all other funds or accounts related to transportation programs of the state.

The joint legislative ((budget)) audit and review committee, the legislative evaluation and accountability program committee, and the ways and means committees of the senate and house of representatives shall coordinate their activities with the legislative transportation committee in carrying out the committees' powers and duties under chapter 43.88 RCW in matters relating to the transportation programs of the state.

**Sec. 37.** RCW 67.70.310 and 1982 2nd ex.s. c 7 s 31 are each amended to read as follows:

The director of financial management may conduct a management review of the commission's lottery operations to assure that:

(1) The manner and time of payment of prizes to the holder of winning tickets or shares is consistent with this chapter and the rules adopted under this chapter;

(2) The apportionment of total revenues accruing from the sale of lottery tickets or shares and from all other sources is consistent with this chapter;

(3) The manner and type of lottery being conducted, and the expenses incidental thereto, are the most efficient and cost-effective; and

(4) The commission is not unnecessarily incurring operating and administrative costs.

In conducting a management review, the director of financial management may inspect the books, documents, and records of the commission. Upon completion of a management review, all irregularities shall be reported to the attorney general, the joint legislative ((budget)) audit and review committee, and the state auditor. The director of financial management shall make such recommendations as may be necessary for the most efficient and cost-effective operation of the lottery.

**Sec. 38.** RCW 79.01.006 and 1991 c 204 s 1 are each amended to read as follows:

(1) Every five years the department of social and health services and other state agencies that operate institutions shall conduct an inventory of all real property subject to the charitable, educational, penal, and reformatory institution account and other real property acquired for institutional purposes or for the benefit of the blind, deaf, mentally ill, developmentally disabled, or otherwise disabled. The inventory shall identify which of those real properties are not needed for state-provided residential care, custody, or treatment. By December 1, 1992, and every five years thereafter the department shall report the results of the inventory to the house of representatives committee on capital facilities and financing, the senate committee on ways and means, and the joint legislative ((budget)) audit and review committee.

(2) Real property identified as not needed for state-provided residential care, custody, or treatment shall be transferred to the corpus of the charitable, educational, penal, and reformatory institution account. This subsection shall not apply to real property subject to binding conditions that conflict with the other provisions of this subsection.

(3) The department of natural resources shall manage all property subject to the charitable, educational, penal, and reformatory institution account and, in consultation with the department of social and health services and other affected agencies, shall adopt a plan for the management of real property subject to the account and other real property acquired for institutional purposes or for the benefit of the blind, deaf, mentally ill, developmentally disabled, or otherwise disabled.

(a) The plan shall be consistent with state trust land policies and shall be compatible with the needs of institutions adjacent to real property subject to the plan.

(b) The plan may be modified as necessary to ensure the quality of future management and to address the acquisition of additional real property."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment to Engrossed Second Substitute House Bill No. 2222.

The motion by Senator Bauer carried and the committee striking amendment was adopted.

#### MOTIONS

On motion of Senator Bauer, the following title amendment was adopted:

On line 2 of the title, after "programs;" strike the remainder of the title and insert "and amending RCW 44.28.010, 44.28.020, 44.28.030, 44.28.040, 44.28.080, 44.28.180, 44.28.087, 44.28.100, 44.28.120, 44.28.150, 43.88.020, 43.88.160, 28A.630.830, 28B.20.382, 39.19.060, 39.29.016, 39.29.018, 39.29.025, 39.29.055, 41.06.070, 42.48.060, 43.09.310, 43.21J.800, 43.79.270, 43.79.280, 43.88.205, 43.88.230, 43.88.310, 43.88.510, 43.131.050, 43.131.060, 43.131.070, 43.131.080, 43.131.110, 43.250.080, 44.40.025, 67.70.310, and 79.01.006."

On motion of Senator Bauer, the rules were suspended, Engrossed Second Substitute House Bill No. 2222, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 2222, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2222, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yeas: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Rinehart - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2222, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2150, by House Committee on Transportation (originally sponsored by Representatives K. Schmidt, Skinner, R. Fisher, Sterk, Romero, Conway, Smith, Lambert, D. Schmidt, Mitchell, Robertson, Backlund, Ballasiotes, Kremen, Pennington, Hymes, Crouse, Delvin, Buck, Chappell, Ogden, Brown, Scott, Blanton, Lisk, Mulliken, Sheldon, Grant, Chandler, Radcliff, Honeyford, Koster, Huff, L. Thomas, Quall, Johnson, Hickel, Thompson, Cooke, Patterson, Costa and McMahan)

Authorizing investigation of documents submitted with a driver's license application.

The bill was read the second time.

## MOTIONS

On motion of Senator Owen, the following Committee on Transportation amendment was adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** This act, authorizing investigation of documents submitted with a driver's license application, is the second stage of a three-part effort to increase the reliability and security of the Washington driver's license document.

The first stage, accomplished with the enactment of chapter 452, Laws of 1993, established procedures for identification documentation screening and acceptance in the department of licensing field offices. That act established a list of acceptable documents to be used as primary identification documents, and provided for departmental review of secondary identification documents commonly used to establish identity.

This act enhances the procedures established in chapter 452, Laws of 1993, by directing the department of licensing to retain secondary identification documentation where necessary to verify the validity of the documents. It further requires a license applicant to sign a statement that identifying documentation is valid. Making a false statement regarding the validity of any identifying information constitutes false swearing, a gross misdemeanor.

The third stage in the effort to improve the reliability and security of the driver's license is the eventual adoption of a new document with minimal potential for forgery. Such a document would potentially include available antifraud safeguards, such as biometric identifiers, and other technological advances as described in section 8 of this act. Development of a proposal for the new driver's license document will follow the release of a recommendation on technology currently being formulated by the department of licensing's driver's document advisory committee. The committee's recommendation is currently scheduled for release on November 15, 1996.

**NEW SECTION. Sec. 2.** A new section is added to chapter 46.20 RCW to read as follows:

Every application for an identicard or a Washington state driver's license must contain a statement of implied consent, notifying the applicant that information contained in the application and any documents submitted in support of the application may be made available to law enforcement agencies, or federal, state, and local governmental agencies for official purposes.

**Sec. 3.** RCW 46.20.035 and 1993 c 452 s 1 are each amended to read as follows:

(1) The department may not issue an identicard or a Washington state driver's license, except as provided in RCW 46.20.116, unless the applicant has satisfied the department regarding his or her identity. Except as provided in subsection (2) of this section, an applicant has not satisfied the identity requirements of this section unless he or she displays or provides the department with at least one of the following pieces of valid identifying documentation:

(a) A valid or recently expired driver's license or instruction permit that contains the signature, date of birth, and a photograph of the applicant;

(b) A Washington state identicard or an identification card issued by another state that contains the signature and a photograph of the applicant;

(c) An identification card issued by the United States, a state, or an agency of either the United States or a state, of a kind commonly used to identify the members of employees of the government agency, that contains the signature and a photograph of the applicant;

(d) A United States military identification card that contains the signature and a photograph of the applicant;

(e) A United States passport that contains the signature and a photograph of the applicant;

(f) An immigration and naturalization service form that contains the signature and photograph of the applicant; or

(g) If the applicant is a minor, an affidavit of the applicant's parent or guardian where the parent or guardian displays or provides at least one piece of identifying documentation as specified in this subsection along with additional documentation establishing the relationship between the parent or guardian and the applicant.

(2) A person unable to provide identifying satisfactory documentation as specified in subsection (1) of this section may request that the department review other available documentation in order to ascertain identity. The department may retain documentation submitted for review under this subsection, in order to investigate its validity, except as provided in subsection (3) of this section. The department may waive the requirement for specific identifying documentation under subsection (1) of this section if it finds that other documentation clearly establishes the identity of the applicant. The department may issue a temporary driver's permit as provided in RCW 46.20.055(4), pending the investigation of documentation submitted by an applicant for review.

(3) The department may not retain originals of green cards or other documents issued by the immigration and naturalization service, or documents of foreign origin. The department may make photocopies of these documents in order to determine validity. The department may issue to the applicant a temporary driver's permit or temporary identicard as provided in RCW 46.20.055(4) and 46.20.117, pending an investigation of documentation submitted under this subsection.

(4) The department may not accept photocopied documents unless they are certified by the issuing authority. The department may not accept original documents transmitted by facsimile unless the documents are transmitted directly to the department from the issuing authority.

**Sec. 4.** RCW 46.20.055 and 1990 c 250 s 34 are each amended to read as follows:

(1) Any person who is at least fifteen and a half years of age may apply to the department for an instruction permit for the operation of any motor vehicle except a motorcycle. Any person sixteen years of age or older, holding a valid driver's license, may apply for an instruction permit for the operation of a motorcycle. The department may in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant a driver's or motorcyclist's instruction permit.

(a) A driver's instruction permit entitles the permittee while having the permit in immediate possession to drive a motor vehicle upon the public highways for a period of one year when accompanied by a licensed driver who has had at least five years of driving experience and is occupying a seat beside the driver. Except as provided in subsection (c) of this subsection, only one additional permit, valid for one year, may be issued.

(b) A motorcyclist's instruction permit entitles the permittee while having the permit in immediate possession to drive a motorcycle upon the public highways for a period of ninety days as provided in RCW 46.20.510(~~(3)~~) (2). Except as provided in subsection (c) of this subsection, only one additional permit, valid for ninety days, may be issued.

(c) The department after investigation may issue a third driver's or motorcyclist's instruction permit when it finds that the permittee is diligently seeking to improve driving proficiency.

(2) The department may waive the examination, except as to eyesight and other potential physical restrictions, for any applicant who is enrolled in either a traffic safety education course as defined by RCW 28A.220.020(2) or a course of instruction offered by a licensed driver training school as defined by RCW 46.82.280(1) at the time the application is being considered by the department. The department may require proof of registration in such a course as it deems necessary.

(3) The department upon receiving proper application may in its discretion issue a driver's instruction permit to an applicant who is at least fifteen years of age and is enrolled in a traffic safety education program which includes practice driving and which is approved and accredited by the superintendent of public instruction. Such instruction permit shall entitle the permittee having the permit in immediate possession to drive a motor vehicle only when an approved instructor or other licensed driver with at least five years of driving experience, is occupying a seat beside the permittee.

(4) The department may in its discretion issue a temporary driver's permit to an applicant for a driver's license permitting the applicant to drive a motor vehicle for a period not to exceed sixty days while the department is completing its investigation and determination of all facts relative to such applicant's right to receive a driver's license, including any necessary investigation into the validity of identification documentation submitted by the applicant. In the case of investigation of identification documents under RCW 46.20.035(3), the department may issue a temporary license pending the investigation of documentation submitted by an applicant for review. Such permit must be in the permittee's immediate possession while driving a motor vehicle, and it shall be invalid when the permittee's license has been issued or for good cause has been refused.

**Sec. 5.** RCW 46.20.091 and 1990 c 250 s 35 are each amended to read as follows:

(1) Every application for an instruction permit or for an original driver's license shall be made upon a form prescribed and furnished by the department which shall be sworn to and signed by the applicant before a person authorized to administer oaths. An applicant making a false statement under this subsection is guilty of false swearing, a gross misdemeanor, under RCW 9A.72.040. Every application for an instruction permit containing a photograph shall be accompanied by a fee of five dollars. The department shall forthwith transmit the fees collected for instruction permits and temporary drivers' permits to the state treasurer.

(2) Every such application shall state the full name, date of birth, sex, and Washington residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as a driver or chauffeur, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation, or refusal, and shall state such additional information as the department shall require, including a statement that identifying documentation presented by the applicant is valid.

(3) Whenever application is received from a person previously licensed in another jurisdiction, the department shall request a copy of such driver's record from such other jurisdiction. When received, the driving record shall become a part of the driver's record in this state.

(4) Whenever the department receives request for a driving record from another licensing jurisdiction, the record shall be forwarded without charge if the other licensing jurisdiction extends the same privilege to the state of Washington. Otherwise there shall be a reasonable charge for transmittal of the record, the amount to be fixed by the director of the department.

**Sec. 6.** RCW 46.20.118 and 1990 c 250 s 37 are each amended to read as follows:

The department shall maintain a negative file. It shall contain negatives of all pictures taken by the department of licensing as authorized by RCW 46.20.070 through 46.20.119. Negatives in the file shall not be available for public inspection and copying under chapter 42.17 RCW. The department (~~may~~) shall make the file available to official governmental enforcement agencies to assist in the investigation by the agencies of suspected criminal activity. The department may also provide a print to the driver's next of kin in the event the driver is deceased.

**Sec. 7.** RCW 46.63.020 and 1995 1st sp.s. c 16 s 1, 1995 c 332 s 16, and 1995 c 256 s 25 are each reenacted and amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration and markings indicating that a vehicle has been destroyed or declared a total loss;

(6) RCW 46.16.010 relating to initial registration of motor vehicles;

(7) RCW 46.16.011 relating to permitting unauthorized persons to drive;

(8) RCW 46.16.160 relating to vehicle trip permits;

(9) RCW 46.16.381 (6) or (9) relating to unauthorized use or acquisition of a special placard or license plate for disabled persons' parking;

(10) RCW 46.20.021 relating to driving without a valid driver's license;

(11) RCW 46.20.091 relating to false statements regarding a driver's license or instruction permit;

(12) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;

(~~(12)~~) (13) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

(~~(13)~~) (14) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

(~~(14)~~) (15) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

(~~(15)~~) (16) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;

(~~(16)~~) (17) RCW 46.25.170 relating to commercial driver's licenses;

((17)) (18) Chapter 46.29 RCW relating to financial responsibility;  
 ((18)) (19) RCW 46.30.040 relating to providing false evidence of financial responsibility;  
 ((19)) (20) RCW 46.37.435 relating to wrongful installation of sunscreening material;  
 ((20)) (21) RCW 46.44.180 relating to operation of mobile home pilot vehicles;  
 ((21)) (22) RCW 46.48.175 relating to the transportation of dangerous articles;  
 ((22)) (23) RCW 46.52.010 relating to duty on striking an unattended car or other property;  
 ((23)) (24) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;  
 ((24)) (25) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;  
 ((25)) (26) RCW 46.52.100 relating to driving under the influence of liquor or drugs;  
 ((26)) (27) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;  
 ((27)) (28) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;  
 ((28)) (29) RCW 46.55.035 relating to prohibited practices by tow truck operators;  
 ((29)) (30) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;  
 ((30)) (31) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;  
 ((31)) (32) RCW 46.61.022 relating to failure to stop and give identification to an officer;  
 ((32)) (33) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;  
 ((33)) (34) RCW 46.61.500 relating to reckless driving;  
 ((34)) (35) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;  
 ((35)) (36) RCW ((46.61.5055-(section 5, chapter 332 (Substitute Senate Bill No. 5141), Laws of 1995))) 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;  
 ((36)) (37) RCW 46.61.520 relating to vehicular homicide by motor vehicle;  
 ((37)) (38) RCW 46.61.522 relating to vehicular assault;  
 ((38)) (39) RCW 46.61.525 relating to negligent driving;  
 ((39)) (40) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;  
 ((40)) (41) RCW 46.61.530 relating to racing of vehicles on highways;  
 ((41)) (42) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;  
 ((42)) (43) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;  
 ((43)) (44) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;  
 ((44)) (45) Chapter 46.65 RCW relating to habitual traffic offenders;  
 ((45)) (46) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;  
 ((46)) (47) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;  
 ((47)) (48) Chapter 46.80 RCW relating to motor vehicle wreckers;  
 ((48)) (49) Chapter 46.82 RCW relating to driver's training schools;  
 ((49)) (50) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;  
 ((50)) (51) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

**NEW SECTION. Sec. 8.** (1) The legislative transportation committee is directed to appoint a consultant to assist the committee in undertaking a study of the methods and technology currently available to create a driver's license and identicard that cannot be fraudulently obtained from the department of licensing, thereby providing the public, businesses, and agencies with a more secure driver's license. The scope of the study shall be determined by the legislative transportation committee, but at a minimum, shall include an examination of:

(a) Improving identity verification with the use of biometric systems; determining the type of biometric system to be utilized; and examining system costs. A "biometric system" refers to the use of identification technology to verify the identity of individuals through comparison of unique physical characteristics;

(b) Digitized facial photography, and associated system costs;

(c) Coded information, such as a bar code, and associated system costs; and

(d) Available technology to prevent alterations of the license and identification cards, and associated costs.

(2) The consultant and the legislative transportation committee shall work closely with the department of licensing in developing recommendations.

(3) The legislative transportation committee shall deliver a final report and recommendations to the legislature by December 15, 1996."

On motion of Senator Owen, the following title amendment was adopted:

On line 2 of the title, after "identicards;" strike the remainder of the title and insert "amending RCW 46.20.035, 46.20.055, 46.20.091, and 46.20.118; reenacting and amending RCW 46.63.020; adding a new section to chapter 46.20 RCW; creating new sections; and prescribing penalties."

#### MOTION

On motion of Senator Owen, the rules were suspended, Engrossed Substitute House Bill No. 2150, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2150, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2150, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Finkbeiner, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 43.

Voting nay: Senators Drew, Fairley, Franklin, Heavey, Roach and Zarelli - 6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2150, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2126, by Representatives Dyer, Cody, Sheldon, Smith, Van Luven, Thompson and Murray

Allowing a dentist to obtain an inactive license.

The bill was read the second time.

MOTIONS

On motion of Senator Quigley, the following Committee on Health and Long-Term Care amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 18.32 RCW to read as follows:

The commission may adopt rules under this section authorizing an inactive license status.

(1) An individual licensed under chapter 18.32 RCW may place his or her license on inactive status. The holder of an inactive license must not practice dentistry in this state without first activating the license.

(2) The inactive renewal fee must be established by the secretary under RCW 43.70.250. Failure to renew an inactive license shall result in cancellation of the inactive license in the same manner as an active license.

(3) An inactive license may be placed in an active status upon compliance with rules established by the commission.

(4) Provisions relating to disciplinary action against a person with a license are applicable to a person with an inactive license, except that when disciplinary proceedings against a person with an inactive license have been initiated, the license will remain inactive until the proceedings have been completed."

On motion of Senator Quigley, the following title amendment was adopted:

On page 1, line 1 of the title, after "dentists;" strike the remainder of the title and insert "and adding a new section to chapter 18.32 RCW."

MOTION

On motion of Senator Quigley, the rules were suspended, House Bill No. 2126, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Anderson, Senator Oke was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2126, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2126, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Oke - 1.

HOUSE BILL NO. 2126, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 12:13 p.m., on motion of Senator Spanel, the Senate recessed until 12:45 p.m.

The Senate was called to order at 12:58 p.m. by President Pritchard.

SECOND READING

HOUSE BILL NO. 2457, by Representatives Hatfield, Van Luven, Regala and Kessler

Changing how valuation is determined for property taxation of senior citizens and persons retired because of physical disability.

The bill was read the second time.

MOTION

Senator Haugen moved that the following Committee on Government Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 84.36.381 and 1995 1st sp.s. c 8 s 1 are each amended to read as follows:

A person shall be exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed, and thereafter, in accordance with the following:

(1) The property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of the time of filing: PROVIDED, That any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant shall receive an exemption on more than one residence in any year: PROVIDED FURTHER, That confinement of the person to a hospital or nursing home shall not disqualify the claim of exemption if:

- (a) The residence is temporarily unoccupied;
- (b) The residence is occupied by a spouse and/or a person financially dependent on the claimant for support; or
- (c) The residence is rented for the purpose of paying nursing home or hospital costs;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse or cotenant, and any lease for life shall be deemed a life estate;

(3) The person claiming the exemption must be sixty-one years of age or older on December 31st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability: PROVIDED, That any surviving spouse of a person who was receiving an exemption at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this section;

(4) The amount that the person shall be exempt from an obligation to pay shall be calculated on the basis of combined disposable income, as defined in RCW 84.36.383. If the person claiming the exemption was retired for two months or more of the assessment year, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve. If the income of the person claiming exemption is reduced for two or more months of the assessment year by reason of the death of the person's spouse, or when other substantial changes occur in disposable income that are likely to continue for an indefinite period of time, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person after such occurrences by twelve. If it is necessary to estimate income to comply with this subsection, the assessor may require confirming documentation of such income prior to May 31 of the year following application;

(5)(a) A person who otherwise qualifies under this section and has a combined disposable income of twenty-eight thousand dollars or less shall be exempt from all excess property taxes; and

(b)(i) A person who otherwise qualifies under this section and has a combined disposable income of eighteen thousand dollars or less but greater than fifteen thousand dollars shall be exempt from all regular property taxes on the greater of thirty thousand dollars or thirty percent of the valuation of his or her residence, but not to exceed fifty thousand dollars of the valuation of his or her residence; or

(ii) A person who otherwise qualifies under this section and has a combined disposable income of fifteen thousand dollars or less shall be exempt from all regular property taxes on the greater of thirty-four thousand dollars or fifty percent of the valuation of his or her residence; and

(6) For a person who otherwise qualifies under this section and has a combined disposable income of twenty-eight thousand dollars or less, the valuation of the residence shall be the ~~((true and fair))~~ assessed value of the residence on the later of January 1, 1995, or January 1st of the assessment year the person first qualifies under this section. If the person subsequently fails to qualify under this section only for one year because of high income, this same valuation shall be used upon requalification. If the person fails to qualify for more than one year in succession because of high income or fails to qualify for any other reason, the valuation upon requalification shall be the ~~((true and fair))~~ assessed value on January 1st of the assessment year in which the person requalifies. If the person transfers the exemption under this section to a different residence, the valuation of the different residence shall be the ~~((true and fair))~~ assessed value of the different residence on January 1st of the assessment year in which the person transfers the exemption.

In no event may the valuation under this subsection be greater than the true and fair value of the residence on January 1st of the assessment year.

This subsection does not apply to subsequent improvements to the property in the year in which the improvements are made. Subsequent improvements to the property shall be added to the value otherwise determined under this subsection at their true and fair value in the year in which they are made.

**Sec. 2.** RCW 84.40.030 and 1994 c 124 s 20 are each amended to read as follows:

All property shall be valued at one hundred percent of its true and fair value in money and assessed on the same basis unless specifically provided otherwise by law.

Taxable leasehold estates shall be valued at such price as they would bring at a fair, voluntary sale for cash without any deductions for any indebtedness owed including rentals to be paid.

The true and fair value of real property for taxation purposes (including property upon which there is a coal or other mine, or stone or other quarry) shall be based on the most probable and most reasonable use of the real property based upon the following criteria:

(1) Any sales of the property being appraised or similar properties with respect to sales made within the past five years. The appraisal shall be consistent with the comprehensive land use plan, development regulations under chapter 36.70A RCW, zoning, and any other governmental policies or practices in effect at the time of appraisal that affect the use of property, as well as physical and environmental influences. The appraisal shall also take into account: (a) In the use of sales by real estate contract as similar sales, the extent, if any, to which the stated selling price has been increased by reason of the down payment, interest rate, or other financing terms; and (b) the extent to which the sale of a similar property actually represents the general effective market demand for property of such type, in the geographical area in which such property is located. Sales involving deed releases or similar seller-developer financing arrangements shall not be used as sales of similar property.

(2) In addition to sales as defined in subsection (1), consideration may be given to cost, cost less depreciation, reconstruction cost less depreciation, or capitalization of income that would be derived from prudent use of the property. In the case of property of a complex nature, or being used under terms of a franchise from a public agency, or operating as a public utility, or property not having a record of sale within five years and not having a significant number of sales of similar property in the general area, the provisions of this subsection (2) shall be the dominant factors in valuation. When provisions of this subsection (2) are relied upon for establishing values the property owner shall be advised upon request of the factors used in arriving at such value.

(3) In valuing any tract or parcel of real property, the value of the land, exclusive of structures thereon shall be determined; also the value of structures thereon, but the valuation shall not exceed the value of the total property as it exists. In valuing agricultural land, growing crops shall be excluded.

**NEW SECTION. Sec. 3.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 4.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

**NEW SECTION. Sec. 5.** (1) Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

(2) Section 2 of this act shall take effect July 1, 1997."

#### POINT OF ORDER

Senator Spanel: "Mr. President, I rise to a point of order. I raise the question of scope and object of the committee amendment--the Government Operations committee amendment to House Bill No. 2457. House Bill No. 2457 modifies the residential valuation limit under the senior citizen property tax exemption program to conform to current practice. This amendment changes the evaluation methodology for all property and all persons. In addition, the amendment does not fall under the scope of the title which is limited to senior citizens and persons retired because of physical disability."

There being no objection, the President deferred further consideration of House Bill No. 2457.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 2118 and the pending amendment by Senators Fraser, Rinehart, Winsley and Haugen on page 6, after line 10, to the Committee on Government Operations striking amendment, which was deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator McCaslin, the President finds that Substitute House Bill No. 2118 is a measure which deletes the requirement that an emergency exist before local governments may call for special elections and provides a mechanism for cities, towns and special districts for addressing vacancies in certain elections.

"The amendment by Senators Fraser, Rinehart, Winsley and Haugen on page 6, after line 10, to the Committee on Government Operations striking amendment would establish procedures for the printing, content and distribution of statewide voters' pamphlets under certain circumstances.

"The President, therefore, finds that the proposed amendment to the committee amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senators Fraser, Rinehart, Winsley and Haugen to the Committee on Government Operations striking amendment to Substitute House Bill No. 2118 was ruled out of order.

The President declared the question before the Senate to be the adoption of the Committee on Government Operations striking amendment to Substitute House Bill No. 2118.

#### MOTION

On motion of Senator Spanel, and there being no objection, further consideration of Substitute House Bill No. 2118 was deferred.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2664, by House Committee on Government Operations (originally sponsored by Representatives Hargrove, Sheahan, Reams, Cairnes, Hymes and Thompson)

Authorizing municipalities to utilize competitive negotiations in the acquisition of electronic data processing or telecommunication systems.

The bill was read the second time.

#### MOTION

On motion of Senator Sutherland, the rules were suspended, Substitute House Bill No. 2664 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTIONS

On motion of Senator Thibaudeau, Senator Owen was excused.

On motion of Senator Anderson, Senator Zarelli was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2664.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2664 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 47.

Excused: Senators Owen and Zarelli - 2.

SUBSTITUTE HOUSE BILL NO. 2664, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed House Bill No. 2837 and the pending amendment by Senators Wojahn, Winsley, Quigley, Fairley, Franklin, Moyer and Thibaudeau on page 3, after line 3, deferred February 29, 1996.

## RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator West, the President finds that Engrossed House Bill No. 2837 is a measure which excludes labor organization policies or contracts from the definition of supplemental medicare insurance and conforms the reference to federal statutes to match recent federal changes.

"The amendment by Senators Wojahn, Winsley, Quigley, Fairley, Franklin, Moyer and Thibaudeau would grant a tax exemption for certain health plans.

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

The amendment by Senators Wojahn, Winsley, Quigley, Fairley, Franklin, Moyer and Thibaudeau on page 3, after line 3, to Engrossed House Bill No. 2837 was ruled out of order.

## MOTIONS

On motion of Senator Quigley, the following amendments were considered simultaneously and were adopted:

Beginning on page 1, line 17, after "(a)" strike all material through "((b))" on page 2, line 3, and insert "A policy or contract of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations, or combination thereof, for employees or former employees, or combination thereof, or for members or former members, or combination thereof, of the labor organizations; or

(b)"

On page 2, line 8, strike "((c)) (b)" and insert "(c)"

On motion of Senator Quigley, the rules were suspended, Engrossed House Bill No. 2837, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2837, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2837, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 45.

Voting nay: Senator Cantu - 1.

Absent: Senator Pelz - 1.

Excused: Senators Owen and Zarelli - 2.

ENGROSSED HOUSE BILL NO. 2837, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2757, by House Committee on Natural Resources (originally sponsored by Representative Pennington)

Requiring community service work for littering in state parks.

The bill was read the second time.

## MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 2757 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2757.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2757 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 48.

Excused: Senator Zarelli - 1.

SUBSTITUTE HOUSE BILL NO. 2757, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2340, by Representatives Sheahan, Costa, Hickel and Delvin

Allowing the association of superior court judges to establish when the annual meeting will be held.

The bill was read the second time.

MOTION

On motion of Senator Smith, the rules were suspended, House Bill No. 2340 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Anderson, Senator Swecker was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2340.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2340 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Thi baudeau, West, Winsley, Wojahn and Wood - 46.

Absent: Senator Rinehart - 1.

Excused: Senators Swecker and Zarelli - 2.

HOUSE BILL NO. 2340, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1556, deferred on third reading earlier today.

MOTION

On motion of Senator Smith, the rules were suspended, Engrossed Substitute House Bill No. 1556 was returned to second reading and read the second time.

MOTION

Senator Kohl moved that the following amendment by Senators Kohl, Hargrove, Long, Smith and Thibaudeau be adopted:

On page 3, after line 13, insert the following:

**"NEW SECTION. Sec. 2.** A new section is added to chapter 11.88 RCW to read as follows:

A guardianship for a minor may not be entered under this chapter if a dependency action is currently pending under chapter 13.34 RCW for the minor, unless the guardian and guardianship have been approved in the permanency plan by the juvenile court.

**Sec. 3.** RCW 13.34.030 and 1995 c 311 s 23 are each amended to read as follows:

For purposes of this chapter:

(1) "Child" and "juvenile" means any individual under the age of eighteen years.

(2) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until the child returns home, an adoption decree, a permanent custody order, or guardianship order is entered, or the dependency is dismissed, whichever occurs soonest. If the most recent date of removal occurred prior to the filing of a dependency petition under this chapter or after filing but prior to entry of a disposition order, such time periods shall be included when calculating the length of a child's current placement episode.

(3) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to RCW 13.34.232 for the limited purpose of assisting the court in the supervision of the dependency.

(4) "Dependent child" means any child:

(a) Who has been abandoned; that is, where the child's parent, guardian, or other custodian has expressed either by statement or conduct, an intent to forego, for an extended period, parental rights or parental responsibilities despite an ability to do so. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon;

(b) Who is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Who has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Who has a developmental disability, as defined in RCW 71A.10.020 and whose parent, guardian, or legal custodian together with the department determines that services appropriate to the child's needs can not be provided in the home. However, (a), (b), and (c) of this subsection may still be applied if other reasons for removal of the child from the home exist.

(5) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding other than a proceeding under this chapter; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" shall not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(6) "Guardian ad litem" means a person, appointed by the court to represent the best interest of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by

the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(7) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(8) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(9) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services capable of preventing the need for out-of-home placement while protecting the child.

**Sec. 4.** RCW 13.34.130 and 1995 c 313 s 2, 1995 c 311 s 19, and 1995 c 53 s 1 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030; after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is related to the child as defined in RCW 74.15.020(4)(a) and with whom the child has a relationship and is comfortable, and who is willing and available to care for the child. Placement of the child with a relative under this subsection shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(i) There is no parent or guardian available to care for such child;

(ii) The parent, guardian, or legal custodian is not willing to take custody of the child;

(iii) A manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger; or

(iv) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the court finds it is recommended by the supervising agency, that it is in the best interests of the child and that it is not reasonable to provide further services to reunify the family because the existence of aggravated circumstances make it unlikely that services will effectuate the return of the child to the child's parents in the near future. In determining whether aggravated circumstances exist, the court shall consider one or more of the following:

(a) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(b) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(c) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

(d) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(e) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

(f) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim.

(3) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; or long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; and independent living, if appropriate and if the child is age sixteen or older. Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living. Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial affairs and to manage his or her personal, social, educational, and nonfinancial affairs. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(b) Unless the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.

(ii) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(c) If the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents.

(4) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

(5) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

**Sec. 5.** RCW 13.34.145 and 1995 c 311 s 20 and 1995 c 53 s 2 are each reenacted and amended to read as follows:

(1) A permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(a) Whenever a child is placed in out-of-home care pursuant to RCW 13.34.130, the agency that has custody of the child shall provide the court with a written permanency plan of care directed towards securing a safe, stable, and permanent home for the child as soon as possible. The plan shall identify one of the following outcomes as the primary goal and may also identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; or long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; and independent living, if appropriate and if the child is age sixteen or older and the provisions of subsection (2) of this section are met.

(b) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(d) For purposes related to permanency planning:

(i) "Guardianship" means a dependency guardianship pursuant to this chapter or a legal guardianship pursuant to chapter 11.88 RCW or equivalent laws of another state or a federally recognized Indian tribe.

(ii) "Permanent legal custody" or "permanent custody" means legal custody of a relative child pursuant to chapter 26.10 RCW or equivalent laws of another state or of a federally recognized Indian tribe.

(2) Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living. Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial affairs and to manage his or her personal, social, educational, and nonfinancial affairs. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(3)(a) For children ten and under, a permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree (~~(or)~~), guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(b) For children over ten, a permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least fifteen months and an adoption decree (~~(or)~~), guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than eighteen months following commencement of the current placement episode.

(4) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve or eighteen months, as provided in subsection (3) of this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of

the parent, guardian, or legal custodian, an adoption decree ((Ø)), guardianship order, or permanent custody order is entered, or the dependency is dismissed.

(5) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(6) At the permanency planning hearing, the court shall enter findings as required by RCW 13.34.130(5) and shall review the permanency plan prepared by the agency. If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall also enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280. If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate. In cases where the primary permanency planning goal has not yet been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. In all cases, the court shall:

(a)(i) Order the permanency plan prepared by the agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(7) If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.130(5), and the court shall determine the need for continued intervention.

(8) If a dependency action is pending under this chapter and the dependent child is the subject of a legal guardianship proceeding or a permanent legal custody proceeding, juvenile court jurisdiction will prevent the entry of an order establishing a legal guardianship or permanent legal custody unless, (a) the juvenile court has ordered implementation of a permanency plan that includes legal guardianship or permanent legal custody, and (b) the party pursuing the legal guardianship or permanent legal custody is a relative identified in the permanency plan as the prospective legal guardian or custodian. During the pendency of the guardianship or legal custody proceedings, juvenile court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court review hearing shall be held for the purpose of determining whether dependency should be dismissed.

(9) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

~~((9))~~ (10) Except as otherwise provided in RCW 13.34.235, the status of all dependent children shall continue to be reviewed by the court at least once every six months, in accordance with RCW 13.34.130(5), until the dependency is dismissed. Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

~~((10))~~ (11) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

~~((11))~~ (12) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights.

~~((12))~~ (13) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

NEW SECTION. Sec. 6. A new section is added to chapter 26.10 RCW to read as follows:

A custody decree for a minor may not be entered under this chapter if a dependency action is currently pending under chapter 13.34 RCW for the minor, unless the custodian and legal custody have been approved in the permanency plan by the juvenile court."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl, Hargrove, Long, Smith and Thibaudeau on page 3, after line 13, to Engrossed Substitute House Bill No. 1556 under suspension of the rules.

The motion by Senator Kohl carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Sutherland, the following title amendment was adopted:

On page 1, line 1 of the title, after "visitation;" strike the remainder of the title and insert "amending RCW 26.09.240 and 13.34.030; reenacting and amending RCW 13.34.130 and 13.34.145; adding a new section to chapter 11.88 RCW; and adding a new section to chapter 26.10 RCW."

On motion of Senator Smith, Engrossed Substitute House Bill No. 1556, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1556, as amended by the Senate under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1556, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Swecker - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1556, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2311, by House Committee on Education (originally sponsored by Representatives Brumsickle and Regala)

Providing for the elimination of six-year terms of office for school board directors.

The bill was read the second time.

### MOTIONS

On motion of Senator McAuliffe, the following Committee on Education amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 29.13.060 and 1991 c 363 s 32 are each amended to read as follows:

(1) In each county with a population of two hundred ten thousand or more, first class school districts containing a city of the first class shall hold their elections biennially as provided in RCW 29.13.020.

(2) Except as provided in RCW 28A.315.460, the directors to be elected (~~shall~~) may be elected for terms of six years and until their successors are elected and qualified and assume office in accordance with RCW 29.04.170.

(3) If the board of directors of a school district included within the definition in subsection (1) of this section reduces the length of the term of office for school directors in the district from six to four years, the reduction in the length of term must not affect the term of office of any incumbent director without his or her consent, and provision must be made to appropriately stagger future elections of school directors."

On motion of Senator McAuliffe, the following title amendment was adopted:

On page 1, line 2 of the title, after "office;" strike the remainder of the title and insert "and amending RCW 29.13.060."

### MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 2311, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2311, as amended by the Senate.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2311, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Swecker - 1.

SUBSTITUTE HOUSE BILL NO. 2311, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

### MOTION FOR RECONSIDERATION

Having served prior notice, Senator Prentice moved that the Senate now reconsider the vote by which House Bill No. 2917 failed to receive a sixty percent majority February 28, 1996.

The President declared the question before the Senate to be the motion by Senator Prentice to reconsider the vote by which House Bill No. 2917 failed to pass the Senate.

The motion for reconsideration carried and the Senate will reconsider the vote by which House Bill No. 2917 failed to pass the Senate.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2917, on reconsideration.

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2917, on reconsideration, and the bill failed to receive a sixty percent majority by the following vote: Yeas, 29; Nays, 19; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hale, Long, Loveland, McAuliffe, Newhouse, Owen, Pelz, Prentice, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 29.

Voting nay: Senators Cantu, Deccio, Finkbeiner, Hargrove, Haugen, Heavey, Hochstatter, Johnson, McCaslin, McDonald, Morton, Moyer, Oke, Prince, Quigley, Rinehart, Strannigan, Thibaudeau and Zarelli - 19.

Absent: Senator Kohl - 1.

HOUSE BILL NO. 2917, on reconsideration, having failed to receive a sixty percent majority vote, was declared lost.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2463, by House Committee on Natural Resources (originally sponsored by Representatives Buck, Hatfield, Honeyford, Hymes, Boldt, Kessler and Benton)

Requiring implementation of salmon restoration action plans.

The bill was read the second time.

#### MOTION

On motion of Senator Drew, the rules were suspended, Substitute House Bill No. 2463 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2463.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2463 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senators Kohl and Pelz - 2.

SUBSTITUTE HOUSE BILL NO. 2463, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2595, by Representatives Robertson and Scott

Harmonizing procedures for vehicle impoundment.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, House Bill No. 2595 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2595.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2595 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

HOUSE BILL NO. 2595, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2338, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Schoesler, Grant, Sheahan, McMorris, Mastin, Fuhrman, Chandler, Honeyford and Thompson)

Prohibiting the department of ecology from regulating ammonia emissions for nonproduction activity related to making or using ammonia as agricultural or silvicultural fertilizer.

The bill was read the second time.

#### MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 2338 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Sheldon, Senator Thibaudeau was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2338.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2338 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator Loveland - 1.

Excused: Senator Thibaudeau - 1.

SUBSTITUTE HOUSE BILL NO. 2338, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2140, by House Committee on Government Operations (originally sponsored by Representatives L. Thomas, Chopp and Murray)

Revising election laws and procedures for cities and towns.

The bill was read the second time.

## MOTIONS

On motion of Senator Sheldon, the following Committee on Government Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 35.13.090 and 1973 1st ex. s. c 164 s 8 are each amended to read as follows:

~~((On the Monday next succeeding the annexation election, the county canvassing board shall proceed to canvass the returns thereof and shall submit the statement of canvass to the board of county commissioners.))~~

(1) The proposition for or against annexation or for or against annexation and adoption of the comprehensive plan, or for or against creation of a community municipal corporation, or any combination thereof, as the case may be, shall be deemed approved if a majority of the votes cast on that proposition are cast in favor of annexation or in favor of annexation and adoption of the comprehensive plan, or for creation of the community municipal corporation, or any combination thereof, as the case may be.

(2) If a proposition for or against assumption of all or any portion of indebtedness was submitted to the ~~((electorate))~~ registered voters, it shall be deemed approved if a majority of at least three-fifths of the ~~((electors))~~ registered voters of the territory proposed to be annexed voting on such proposition vote in favor thereof, and the number of ~~((persons))~~ registered voters voting on such proposition constitutes not less than forty percent of the total number of votes cast in such territory at the last preceding general election.

(3) If either or both propositions were approved by the ~~((electors))~~ registered voters, the ~~((board shall enter a finding to that effect on its minutes, a certified copy of which))~~ county auditor shall ~~((be forthwith transmitted to and filed with))~~ on completion of the canvassing of the returns transmit to the county legislative authority and to the clerk of the city or town to which annexation is proposed a certificate of the election results, together with a certified abstract of the vote showing the whole number who voted at the election, the number of votes cast for annexation and the number cast against annexation or for annexation and adoption of the comprehensive plan and the number cast against annexation and adoption of the comprehensive plan or for creation of a community municipal corporation and the number cast against creation of a community municipal corporation, or any combination thereof, as the case may be ~~((and))~~.

(4) If a proposition for assumption of all or any portion of indebtedness was submitted to the ~~((electorate))~~ registered voters, the abstract shall include the number of votes cast for assumption of indebtedness and the number of votes cast against assumption of indebtedness, together with a statement of the total number of votes cast in such territory at the last preceding general election.

(5) If the proposition for creation of a community municipal corporation was submitted and approved, the abstract shall include the number of votes cast for the candidates for community council positions and certificates of election shall be issued pursuant to RCW 29.27.100 to the successful candidates who shall assume office ~~((within ten days after the election))~~ as soon as qualified.

**Sec. 2.** RCW 35.13.100 and 1973 1st ex. s. c 164 s 9 are each amended to read as follows:

~~((Upon filing of the certified copy of the finding of the board of county commissioners, the clerk shall transmit it to the legislative body of the city or town at the next regular meeting or as soon thereafter as practicable.))~~ If a proposition relating to annexation or annexation and adoption of the comprehensive plan or creation of a community municipal corporation, or both, as the case may be was submitted to the voters and such proposition was approved, the legislative body shall adopt an ordinance providing for the annexation or adopt ordinances providing for the annexation and adoption of the comprehensive plan, or adopt an ordinance providing for the annexation and creation of a community municipal corporation, as the case may be. If a proposition for annexation or annexation and adoption of the comprehensive plan or creation of a community municipal corporation, as the case may be, and a proposition for assumption of all or any portion of indebtedness were both submitted, and were approved, the legislative body shall adopt an ordinance providing for the annexation or annexation and adoption of the comprehensive plan or annexation and creation of a community municipal corporation including the assumption of all or any portion of indebtedness. If the propositions were submitted and only the annexation or annexation and adoption of the comprehensive plan or annexation and creation of a community municipal corporation proposition was approved, the legislative body may, if it deems it wise or expedient, adopt an ordinance providing for the annexation or adopt ordinances providing for the annexation and adoption of the comprehensive plan, or adopt ordinances providing for the annexation and creation of a community municipal corporation, as the case may be.

**Sec. 3.** RCW 35.16.050 and 1994 c 273 s 5 are each amended to read as follows:

A certified copy of the ordinance defining the reduced city or town limits together with a map showing the corporate limits as altered shall be filed in accordance with RCW 29.15.026 and recorded in the office of the county auditor of the county in which the city or town is situated, upon the effective date of the ordinance. The new boundaries of the city or town shall take effect immediately after they are filed and recorded with the county auditor.

**Sec. 4.** RCW 35.17.260 and 1965 c 7 s 35.17.260 are each amended to read as follows:

Ordinances may be initiated by petition of ~~((electors))~~ registered voters of the city filed with the commission. If the petition accompanying the proposed ordinance is signed by the registered voters in the city equal in number to twenty-five percent of the votes cast for all candidates for mayor at the last preceding city election, and if it contains a request that, unless passed by the commission, the ordinance be submitted to a vote of the ~~((people))~~ registered voters of the city, the commission shall either:

(1) Pass the proposed ordinance without alteration within twenty days after the ~~((city clerk's))~~ county auditor's certificate ~~((that the number of signatures on the petition are sufficient))~~ of sufficiency has been received by the commission; or

(2) Immediately after the ~~((clerk's))~~ county auditor's certificate of sufficiency ~~((is attached to))~~ for the petition is received, cause to be called a special election to be held ~~((not less than thirty nor more than sixty))~~ on the next election date, as provided in RCW 29.13.020, that occurs not less than forty-five days thereafter, for submission of the proposed ordinance without alteration, to a vote of the people unless a general election will occur within ninety days, in which event submission must be made ~~((thereat))~~ on the general election ballot.

**Sec. 5.** RCW 35.17.270 and 1965 c 7 s 35.17.270 are each amended to read as follows:

~~((Every signer to a petition submitting a proposed ordinance to the commission shall add to his signature his place of residence giving street and number. The signatures need not all be appended to one paper, but one of the signers on each paper must attach thereto an affidavit stating the number of signatures thereon, that each signature thereon is a genuine signature of the person whose name it purports to be and that the statements therein made are true as he believes.))~~ The petitioner preparing an initiative petition for submission to the commission shall follow the procedures established in section 6 of this act.

**NEW SECTION. Sec. 6.** A new section is added to chapter 35.21 RCW to read as follows:

Wherever in this title petitions are required to be signed and filed, the following rules shall govern the sufficiency thereof:

(1) A petition may include any page or group of pages containing an identical text or prayer intended by the circulators, signers or sponsors to be presented and considered as one petition and containing the following essential elements when applicable, except that the elements referred to in (d) and (e) of this subsection are essential for petitions referring or initiating legislative matters to the voters, but are directory as to other petitions:

- (a) The text or prayer of the petition which shall be a concise statement of the action or relief sought by petitioners and shall include a reference to the applicable state statute or city ordinance, if any;
- (b) If the petition initiates or refers an ordinance, a true copy thereof;
- (c) If the petition seeks the annexation, incorporation, withdrawal, or reduction of an area for any purpose, an accurate legal description of the area proposed for such action and if practical, a map of the area;
- (d) Numbered lines for signatures with space provided beside each signature for the name and address of the signer and the date of signing;
- (e) The warning statement prescribed in subsection (2) of this section.

(2) Petitions shall be printed or typed on single sheets of white paper of good quality and each sheet of petition paper having a space thereon for signatures shall contain the text or prayer of the petition and the following warning:

#### WARNING

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

Each signature shall be executed in ink or indelible pencil and shall be followed by the name and address of the signer and the date of signing.

(3) The term "signer" means any person who signs his or her own name to the petition.

(4) To be sufficient a petition must contain valid signatures of qualified registered voters or property owners, as the case may be, in the number required by the applicable statute or ordinance. Within three working days after the filing of a petition, the officer with whom the petition is filed shall transmit the petition to the county auditor for petitions signed by registered voters, or to the county assessor for petitions signed by property owners for determination of sufficiency. The officer whose duty it is to determine the sufficiency of the petition shall proceed to make such a determination with reasonable promptness and shall file with the officer receiving the petition for filing a certificate stating the date upon which such determination was begun, which date shall be referred to as the terminal date. Additional pages of one or more signatures may be added to the petition by filing the same with the appropriate filing officer prior to such terminal date. Any signer of a filed petition may withdraw his or her signature by a written request for withdrawal filed with the receiving officer prior to such terminal date. Such written request shall so sufficiently describe the petition as to make identification of the person and the petition certain. The name of any person seeking to withdraw shall be signed exactly the same as contained on the petition and, after the filing of such request for withdrawal, prior to the terminal date, the signature of any person seeking such withdrawal shall be deemed withdrawn.

(5) Petitions containing the required number of signatures shall be accepted as prima facie valid until their invalidity has been proved.

(6) A variation on petitions between the signatures on the petition and that on the voter's permanent registration caused by the substitution of initials instead of the first or middle names, or both, shall not invalidate the signature on the petition if the surname and handwriting are the same.

(7) Signatures, including the original, of any person who has signed a petition two or more times shall be stricken.

(8) Signatures followed by a date of signing which is more than six months prior to the date of filing of the petition shall be stricken.

(9) When petitions are required to be signed by the owners of property, the determination shall be made by the county assessor.

Where validation of signatures to the petition is required, the following shall apply:

(a) The signature of a record owner, as determined by the records of the county auditor, shall be sufficient without the signature of his or her spouse;

(b) In the case of mortgaged property, the signature of the mortgagor shall be sufficient, without the signature of his or her spouse;

(c) In the case of property purchased on contract, the signature of the contract purchaser, as shown by the records of the county auditor, shall be deemed sufficient, without the signature of his or her spouse;

(d) Any officer of a corporation owning land within the area involved who is duly authorized to execute deeds or encumbrances on behalf of the corporation, may sign on behalf of such corporation, and shall attach to the petition a certified excerpt from the bylaws of such corporation showing such authority;

(e) When property stands in the name of a deceased person or any person for whom a guardian has been appointed, the signature of the executor, administrator, or guardian, as the case may be, shall be equivalent to the signature of the owner of the property.

(10) The officer who is responsible for determining the sufficiency of the petition shall do so in writing and transmit the written certificate to the officer with whom the petition was originally filed.

**Sec. 7.** RCW 35A.01.040 and 1985 c 281 s 26 are each amended to read as follows:

Wherever in this title petitions are required to be signed and filed, the following rules shall govern the sufficiency thereof:

(1) A petition may include any page or group of pages containing an identical text or prayer intended by the circulators, signers or sponsors to be presented and considered as one petition and containing the following essential elements when applicable, except that the elements referred to in ~~((subdivisions))~~ (d) and (e) ~~((hereof))~~ of this subsection are essential for petitions referring or initiating legislative matters to the voters, but are directory as to other petitions:

(a) The text or prayer of the petition which shall be a concise statement of the action or relief sought by petitioners and shall include a reference to the applicable state statute or city ordinance, if any;

(b) If the petition initiates or refers an ordinance, a true copy thereof;

- (c) If the petition seeks the annexation, incorporation, withdrawal, or reduction of an area for any purpose, an accurate legal description of the area proposed for such action and if practical, a map of the area;
- (d) Numbered lines for signatures with space provided beside each signature for the name and address of the signer and the date of signing (~~and the address of the signer~~);
- (e) The warning statement prescribed in subsection (2) of this section.
- (2) Petitions shall be printed or typed on single sheets of white paper of good quality and each sheet of petition paper having a space thereon for signatures shall contain the text or prayer of the petition and the following warning:

#### WARNING

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

Each signature shall be executed in ink or indelible pencil and shall be followed by the name and address of the signer and the date of signing (~~and the address of the signer~~).

(3) The term "signer" means any person who signs his or her own name to the petition.

(4) To be sufficient a petition must contain valid signatures of qualified (~~electors~~) registered voters or property owners, as the case may be, in the number required by the applicable statute or ordinance. Within three working days after the filing of a petition, the officer (~~or officers~~) with whom the petition is filed shall transmit the petition to the county auditor for petitions signed by registered voters, or to the county assessor for petitions signed by property owners for determination of sufficiency. The officer whose duty it is to determine the sufficiency of the petition shall proceed to make such a determination with reasonable promptness and shall file with the officer receiving the petition for filing a certificate stating the date upon which such determination was begun, which date shall be referred to as the terminal date. Additional pages of one or more signatures may be added to the petition by filing the same with the appropriate filing officer prior to such terminal date. Any signer of a filed petition may withdraw his or her signature by a written request for withdrawal filed with the receiving officer prior to such terminal date. Such written request shall so sufficiently describe the petition as to make identification of the person and the petition certain. The name of any person seeking to withdraw shall be signed exactly the same as contained on the petition and, after the filing of such request for withdrawal, prior to the terminal date, the signature of any person seeking such withdrawal shall be deemed withdrawn.

(5) Petitions containing the required number of signatures shall be accepted as prima facie valid until their invalidity has been proved.

(6) A variation on petitions between the signatures on the petition and that on the voter's permanent registration caused by the substitution of initials instead of the first or middle names, or both, shall not invalidate the signature on the petition if the surname and handwriting are the same.

(7) Signatures, including the original, of any person who has signed a petition two or more times shall be stricken.

(8) Signatures followed by a date of signing which is more than six months prior to the date of filing of the petition shall be stricken.

(9) When petitions are required to be signed by the owners of property, the determination shall be made by the county assessor. Where validation of signatures to the petition is required, the following shall apply:

(a) The signature of a record owner, as determined by the records of the county auditor, shall be sufficient without the signature of his or her spouse;

(b) In the case of mortgaged property, the signature of the mortgagor shall be sufficient, without the signature of his or her spouse;

(c) In the case of property purchased on contract, the signature of the contract purchaser, as shown by the records of the county auditor, shall be deemed sufficient, without the signature of his or her spouse;

(d) Any officer of a corporation owning land within the area involved who is duly authorized to execute deeds or encumbrances on behalf of the corporation, may sign on behalf of such corporation, and shall attach to the petition a certified excerpt from the bylaws of such corporation showing such authority;

(e) When property stands in the name of a deceased person or any person for whom a guardian has been appointed, the signature of the executor, administrator, or guardian, as the case may be, shall be equivalent to the signature of the owner of the property.

(10) The officer who is responsible for determining the sufficiency of the petition shall do so in writing and transmit the written certificate to the officer with whom the petition was originally filed.

**Sec. 8.** RCW 35A.29.170 and 1967 ex. s. c 119 s 35A.29.170 are each amended to read as follows:

Initiative and referendum petitions authorized to be filed under provisions of this title, or authorized by charter, or authorized for code cities having the commission form of government as provided by chapter 35.17 RCW, shall be in substantial compliance with the provisions of RCW 35A.01.040 as to form and content of the petition, insofar as such provisions are applicable; shall contain a true copy of a resolution or ordinance sought to be referred to the voters; and must contain valid signatures of (~~qualified electors~~) registered voters of the code city in the number required by the applicable provision of this title. Except when otherwise provided by statute, referendum petitions must be filed with the clerk of the legislative body of the code city within ninety days after the passage of the resolution or ordinance sought to be referred to the voters, or within such lesser number of days as may be authorized by statute or charter in order to precede the effective date of an ordinance: PROVIDED, That nothing herein shall be construed to abrogate or affect an exemption from initiative and/or referendum provided by a code city charter. The clerk shall transmit the petition to the county auditor who shall determine the sufficiency of the petition under the rules set forth in RCW 35A.01.040. When a referendum petition is filed with the clerk, the legislative action sought to be referred to the voters shall be suspended from taking effect. Such suspension shall terminate when: (1) There is a final determination of insufficiency or untimeliness of the referendum petition; or (2) the legislative action so referred is approved by the voters at a referendum election.

**NEW SECTION. Sec. 9.** RCW 35.16.020 and 1994 c 273 s 2, 1985 c 469 s 19, & 1965 c 7 s 35.16.020 are each repealed."

On motion of Senator Sheldon, the following title amendment was adopted:

On page 1, line 1 of the title, after "towns;" strike the remainder of the title and insert "amending RCW 35.13.090, 35.13.100, 35.16.050, 35.17.260, 35.17.270, 35A.01.040, and 35A.29.170; adding a new section to chapter 35.21 RCW; and repealing RCW 35.16.020."

#### MOTION

On motion of Senator Sheldon, the rules were suspended, Substitute House Bill No. 2140, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2140, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2140, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Absent: Senator Schow - 1.

SUBSTITUTE HOUSE BILL NO. 2140, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE JOINT MEMORIAL NO. 4043, by Representatives Pennington, Basich, Fuhrman, Hatfield, Regala, Johnson, Robertson, Jacobsen, Hankins, Morris, Buck, Beeksmas, Smith, Pelesky, Hargrove, Schoesler, Foreman, Hickel, Mitchell, Silver, Blanton, Ballasiotes, Carrell, Mulliken, Radcliff, Skinner, Hymes, Goldsmith, McMahan, Linville, D. Sommers, Conway, Scheuerman, Keiser, McMorris and Stevens

Petitioning Congress to restore Mitchell Act funding.

The joint memorial was read the second time.

#### MOTION

On motion of Senator Snyder, the rules were suspended, House Joint Memorial No. 4043 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4043.

#### ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4043 and the joint memorial passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

HOUSE JOINT MEMORIAL NO. 4043, having received the constitutional majority, was declared passed.

There being no objection, the Senate resumed consideration of House Bill No. 2457 and the pending Committee on Government Operations striking amendment, deferred earlier today.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Spanel, the President finds that House Bill No. 2457 is a measure which freezes property tax valuations for senior citizens and persons retired due to disability who are eligible for the property tax exemption program.

"The Committee on Government Operations amendment would alter the criteria for determining true and fair value of real property for taxation purposes.

"The President, therefore, finds that the proposed committee amendment does change the scope and object of the bill and the point of order is well taken."

The Committee on Government Operations striking amendment to House Bill No. 2457 was ruled out of order.

#### MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 2457 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTIONS

On motion of Senator Sheldon, Senator Rinehart was excused.

On motion of Senator Thibaudeau, Senator Drew was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2457.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2457 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Drew and Rinehart - 2.

HOUSE BILL NO. 2457, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Sheldon, Senator Thibaudeau was excused.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 2133, by Representatives Chandler, Chappell, Mastin, Schoesler, Grant, Regala, Honeyford, Johnson and Boldt (by request of Department of Agriculture)

Disclosing agriculture business records.

The bill was read the second time.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed House Bill No. 2133 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2133.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2133 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 46.

Excused: Senators Drew, Rinehart and Thibaudeau - 3.

ENGROSSED HOUSE BILL NO. 2133, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 2132, by Representatives Chandler, Chappell, Grant, Mastin, Regala and Johnson (by request of Department of Agriculture)

Rule making by the department of agriculture.

The bill was read the second time.

#### MOTIONS

On motion of Senator Rasmussen, the following Committee on Agriculture, Agricultural Trade and Development amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 15.17.020 and 1963 c 122 s 2 are each amended to read as follows:

For the purpose of this chapter:

- (1) "Department" means the department of agriculture of the state of Washington.
- (2) "Director" means the director of the department or his duly authorized representative.
- (3) "Person" means a natural person, individual, or firm, partnership, corporation, company, society, and association, and every officer, agent, or employee thereof. This term shall import either the singular or plural, as the case may be.
- (4) "Horticultural plant or product" includes, but is not limited to, any horticultural, floricultural, viticultural, and olericultural plant, growing or otherwise, and their products whether grown above or below the ground's surface.
- (5) "Horticultural facilities" means, but is not limited to, the premises where horticultural plants and products are grown, stored, handled, or delivered for sale or transportation, records required by rule under this chapter, and all vehicles and equipment, whether aerial or surface, used to transport such horticultural plants or products.
- (6) "Deceptive pack" means the pack of any container which has in the outer layer or any exposed surface, horticultural plants or products which are in quality, size, condition, or any other respect so superior to those in the interior of the container in the unexposed portion as to materially misrepresent the contents. Such pack is deceptive when the outer or exposed surface is composed of horticultural plants or products whose size is not an accurate representation of the variation of the size of such horticultural plants or products in the entire container, even though such horticultural plants or products in the container are virtually uniform in size or comply with the specific horticultural plant or product for which the director in prescribing standards for grading and classifying has prescribed size variations or if such size variations are prescribed by law.

(7) "Deceptive arrangement or display" of any horticultural plants or products, means any bulk lot or load, arrangement or display of such horticultural plants or products which has in the exposed surface, horticultural plants or products which are so superior in quality, size, condition, or any other respect to those which are concealed, or the unexposed portion, as to materially misrepresent any part of such bulk lot or load, arrangement, or display.

(8) "Mislabel" means the placing or presence of any false or misleading statement, design, or device upon any container, or upon the label or lining of any such container, or upon the wrapper of any horticultural plants or products, or upon any such horticultural plants or products, or any placard used in connection therewith and having reference to such horticultural plants or products. A statement, design, or device is false or misleading when the horticultural plant or product or container to which it refers does not conform to such statement.

(9) "Container" means any container, subcontainer used within a container, or any type of a container used to prepackage any horticultural plants or products: PROVIDED, That this does not include containers used by a retailer to package such horticultural plants or products sold from a bulk display to a consumer.

(10) "Agent" means broker, commission merchant, auctioneer, solicitor, seller, or consignor, and any other person acting upon the actual or implied authority of another.

(11) "Inspection and certification" means, but is not limited to, the inspection of any horticultural plant or product at any time prior to, during, or subsequent to harvest, by the director, and the issuance by him of a written permit to move or sell or a written certificate stating the grade, classification, and if such horticultural plants or products are free of plant pests and/or other defects.

(12) "Plant pests" means, but is not limited to, any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substance, which can directly or indirectly injure or cause disease or damage in any plant or parts thereof, or any processed, manufactured, or other products of plants.

**NEW SECTION. Sec. 2.** A new section is added to chapter 15.17 RCW to read as follows:

The director shall, by rule, establish either grades or classifications, or both, for American ginseng (*Panax quinquefolius* L.). In establishing grades or classifications, the director shall take into account the factors of place of origin, whether the ginseng is wild or cultivated, weight, and date of harvest.

The director shall, by rule, require the registration of ginseng dealers who purchase and/or sell American ginseng for the purpose of foreign export. After determining that an applicant or registered ginseng dealer has violated this chapter and complying with the notice and hearing requirements and all other provisions of chapter 34.05 RCW concerning adjudicative proceedings, the director may deny, suspend, or revoke any dealer registration or application for registration issued under this chapter.

The director shall adopt rules requiring that records be maintained by dealers who purchase or sell American ginseng for the purpose of foreign export.

The director may adopt any other rules necessary to comply with the requirements of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, (27 U.S.T. 108); the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.); and 50 C.F.R., Part 23 (1995), as they existed on the effective date of this act, or such subsequent date as may be provided by rule, consistent with the purposes of this section.

It is unlawful for a person to sell, offer for sale, hold for sale, or ship or transport American ginseng for foreign export in violation of this chapter or rules adopted under this chapter.

The department shall not disclose information obtained under this section regarding the purchases, sales, or production of an individual American ginseng dealer, except for providing reports to the United States fish and wildlife service. This information is exempt from public disclosure required by chapter 42.17 RCW.

**Sec. 3.** RCW 15.36.021 and 1994 c 143 s 103 are each amended to read as follows:

The director of agriculture (~~may~~) is authorized to:

(1) Adopt rules necessary to carry out the purposes of chapters 15.36 and 15.38 RCW, which includes rules governing the farm storage tank and bulk milk tanker requirements, however the rules may not restrict the display or promotion of products covered under this section.

(2) By rule, establish, amend, or both, definitions and standards for milk and milk products. Such definitions and standards established by the director shall conform, insofar as practicable, with the definitions and standards for milk and milk products adopted by the federal food and drug administration. The director of agriculture, by rule, may likewise establish, amend, or both, definitions and standards for products whether fluid, powdered or frozen, compounded or manufactured to resemble or in semblance or imitation of genuine dairy products as defined under the provisions of this chapter. Such products made to resemble or in semblance or imitation of genuine dairy products shall conform with all the provisions of chapter 15.38 RCW and be made wholly of nondairy products.

All such products compounded or manufactured to resemble or in semblance or imitation of a genuine dairy product shall set forth on the container or labels the specific generic name of each ingredient used.

In the event any product compounded or manufactured to resemble or in semblance or imitation of a genuine dairy product contains vegetable fat or oil, the generic name of such fat or oil shall be set forth on the label. If a blend or variety of oils is used, the ingredient statement shall contain the term "vegetable oil" in the appropriate place in the ingredient statement, with the qualifying phrase following the ingredient statement, such as "vegetable oils are soybean, cottonseed and coconut oils" or "vegetable oil, may be cottonseed, coconut or soybean oil."

The labels or containers of such products compounded or manufactured to resemble or in semblance or imitation of genuine dairy products shall not use dairy terms or words or designs commonly associated with dairying or genuine dairy products, except as to the extent that such words or terms are necessary to meet legal requirements for labeling. The term "nondairy" may be used as an informative statement.

(3) By rule adopt the PMO, DMO, and supplemental documents by reference to establish requirements for grade A pasteurized and grade A raw milk.

(4) Adopt rules establishing standards for grade A pasteurized and grade A raw milk that are more stringent than the PMO based upon current industry or public health information for the enforcement of this chapter whenever he or she determines that any such rules are necessary to carry out the purposes of this section and RCW 15.36.481. The adoption of rules under this chapter, or the holding of a hearing in regard to a license issued or that may be issued under this chapter are subject to the applicable provisions of chapter 34.05 RCW, the administrative procedure act.

(5) By rule, certify an officially designated laboratory to analyze milk for standard of quality, adulteration, contamination, and unwholesomeness.

**Sec. 4.** RCW 15.58.040 and 1991 c 264 s 2 are each amended to read as follows:

(1) The director shall administer and enforce the provisions of this chapter and rules adopted under this chapter. All the authority and requirements provided for in chapter 34.05 RCW (Administrative Procedure Act) and chapter 42.30 RCW shall apply to this chapter in the adoption of rules including those requiring due notice and a hearing for the adoption of permanent rules.

(2) The director is authorized to adopt appropriate rules for carrying out the purpose and provisions of this chapter, including but not limited to rules providing for:

(a) Declaring as a pest any form of plant or animal life or virus which is injurious to plants, people, animals (domestic or otherwise), land, articles, or substances;

(b) Determining that certain pesticides are highly toxic to people. For the purpose of this chapter, highly toxic pesticide means any pesticide that conforms to the criteria in 40 C.F.R. Sec. 162.10 for toxicity category I due to oral inhalation or dermal toxicity. The director shall publish a list of all pesticides, determined to be highly toxic, by their common or generic name and their trade or brand name if practical. Such list shall be kept current and shall, upon request, be made available to any interested party;

(c) Determining standards for denaturing pesticides by color, taste, odor, or form;

(d) The collection and examination of samples of pesticides or devices;

(e) The safe handling, transportation, storage, display, distribution, and disposal of pesticides and their containers;

(f) Restricting or prohibiting the use of certain types of containers or packages for specific pesticides. These restrictions may apply to type of construction, strength, and/or size to alleviate danger of spillage, breakage, misuse, or any other hazard to the public. The director shall be guided by federal regulations concerning pesticide containers;

(g) Procedures in making of pesticide recommendations;

(h) Adopting a list of restricted use pesticides for the state or for designated areas within the state if the director determines that such pesticides may require rules restricting or prohibiting their distribution or use. The director may include in the rule the time and conditions of distribution or use of such restricted use pesticides and may, if it is found necessary to carry out the purpose and provisions of this chapter, require that any or all restricted use pesticides shall be purchased, possessed, or used only under permit of the director and under the director's direct supervision in certain areas and/or under certain conditions or in certain quantities or concentrations. The director may require all persons issued such permits to maintain records as to the use of all the restricted use pesticides;

(i) Label requirements of all pesticides required to be registered under provisions of this chapter;

(j) Regulating the labeling of devices; ~~(and)~~

(k) The establishment of criteria governing the conduct of a structural pest control inspection; and

(l) Declaring crops, when grown to produce seed specifically for crop reproduction purposes, to be nonfood and/or nonfeed sites of pesticide application. The director may include in the rule any restrictions or conditions regarding: (i) The application of pesticides to the designated crops; and (ii) the disposition of any portion of the treated crop.

(3) For the purpose of uniformity and to avoid confusion endangering the public health and welfare the director may adopt rules in conformity with the primary pesticide standards, particularly as to labeling, established by the United States environmental protection agency or any other federal agency.

**Sec. 5.** RCW 16.70.040 and 1971 c 72 s 4 are each amended to read as follows:

(1) The secretary, with the advice and concurrence of the director of the department of agriculture, shall be authorized to develop rules ~~(and regulations)~~ for proposed adoption by the board relating to the importation, movement, sale, transfer, or possession of pet animals as defined ~~(herein)~~ in RCW 16.70.020 which are reasonably necessary for the protection and welfare of the people of this state.

(2) The director of the department of agriculture shall also be authorized to adopt rules to allow administration of permits for those pet animals under subsection (1) of this section by the state veterinarian.

**NEW SECTION. Sec. 6.** A new section is added to chapter 42.17 RCW to read as follows:

Except under section 3 of this act, information obtained regarding the purchases, sales, or production of an individual American ginseng dealer is exempt from disclosure under this chapter."

On motion of Senator Rasmussen, the following title amendment was adopted:

On page 1, line 2 of the title, after "authority;" strike the remainder of the title and insert "amending RCW 15.17.020, 15.36.021, 15.58.040, and 16.70.040; adding a new section to chapter 15.17 RCW; and adding a new section to chapter 42.17 RCW."

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed House Bill No. 2132, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2132, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2132, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 47.

Absent: Senators Moyer and Wojahn - 2.

ENGROSSED HOUSE BILL NO. 2132, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Engrossed House Bill No. 2672, deferred on third reading earlier today.

#### MOTIONS

On motion of Senator Pelz, the rules were suspended, Engrossed House Bill No. 2672 was returned to second reading and read the second time.

Senator Pelz moved that the following amendments by Senators Deccio and Pelz be considered simultaneously and be adopted:

On page 1, line 5, strike all of section one.

On page 2, line 11, after "purposes." strike everything through "tribe, a" on line 12, and insert "A"

On page 2, line 13, after "of" strike "those"

Renumber the sections consecutively and correct any internal references accordingly

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Deccio and Pelz on page 1, line 5 and page 2, lines 11 and 13, to Engrossed House Bill No. 2672, under suspension of the rules.

The motion by Senator Pelz carried and the amendments were adopted.

## MOTIONS

On motion of Senator Pelz, the following title amendment was adopted:  
On page 1, line 3 of the title, after "RCW;" strike "creating a new section;"

On motion of Senator Pelz, the rules were suspended, Engrossed House Bill No. 2672, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2672, as amended by the Senate under suspension of the rules.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2672, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

ENGROSSED HOUSE BILL NO. 2672, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Thibaudeau, Senators Bauer and Quigley were excused.

## SECOND READING

ENGROSSED HOUSE BILL NO. 2613, by Representatives Sterk, Crouse, Carrell, Brumsickle, McMahan, Boldt, Honeyford, D. Sommers, Clements, Sherstad, Koster, Fuhrman, Sheahan, Huff, Mulliken and Thompson

Enhancing school disciplinary measures.

The bill was read the second time.

## MOTIONS

On motion of Senator McAuliffe, the following Committee on Education amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.225.225 and 1995 c 52 s 3 are each amended to read as follows:

(1) All districts accepting applications from nonresident students or from students receiving home-based instruction for admission to the district's schools shall consider equally all applications received. Each school district shall adopt a policy establishing rational, fair, and equitable standards for acceptance and rejection of applications ((by June 30, 1990)). The policy may include rejection of nonresident students if acceptance of these students would result in the district experiencing a financial hardship, or if the nonresident student's disciplinary record indicates a history of behavior that has been disruptive to the educational process.

(2) The district shall provide to applicants written notification of the approval or denial of the application in a timely manner. If the application is rejected, the notification shall include the reason or reasons for denial and the right to appeal under RCW 28A.225.230(3).

**Sec. 2.** RCW 28A.305.160 and 1975-76 2nd ex.s. c 97 s 1 are each amended to read as follows:

(1) The state board of education shall adopt and distribute to all school districts lawful and reasonable rules ((and regulations)) prescribing the substantive and procedural due process guarantees of pupils in the common schools. Such rules ((and regulations)) shall authorize a school district to use informal due process procedures in connection with the short-term suspension of students to the extent constitutionally permissible: PROVIDED, That the state board deems the interest of students to be adequately protected. When a student suspension or expulsion is appealed, the rules shall authorize a school district to impose the suspension or expulsion temporarily after an initial hearing for no more than ten consecutive school days or until the appeal is decided, whichever is earlier. Any days that the student is temporarily suspended or expelled before the appeal is decided shall be applied to the term of the student suspension or expulsion and shall not limit or extend the term of the student suspension or expulsion.

(2) Short-term suspension procedures may be used for suspensions of students up to and including ten consecutive school days.

**Sec. 3.** RCW 28A.635.090 and 1990 c 33 s 540 are each amended to read as follows:

It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any administrator, teacher, classified employee, person under contract with the school or school district, or student of any common school who is in the peaceful discharge or conduct of his or her duties or studies. Any such interference by force or violence committed by a student shall be grounds for immediate suspension or expulsion of the student."

On motion of Senator McAuliffe, the following title amendment was adopted:

On page 1, line 1 of the title, after "discipline;" strike the remainder of the title and insert "and amending RCW 28A.225.225, 28A.305.160, and 28A.635.090."

## MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed House Bill No. 2613, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2613, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2613, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Anderson, A., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45.

Absent: Senators Owen and Rinehart - 2.

Excused: Senators Bauer and Quigley - 2.

ENGROSSED HOUSE BILL NO. 2613, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2720, by House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Schoesler, Sheahan, Fuhrman, Foreman, Mastin, D. Sommers, Sterk, Crouse, Campbell, L. Thomas, Silver, Morris, Cooke, Mulliken, Blanton, McMorris, Thompson and Elliot)

Allowing consortiums of counties to acquire correctional facilities.

The bill was read the second time.

## MOTIONS

On motion of Senator Morton, the following amendments by Senators Morton and McCaslin were considered simultaneously and were adopted:

On page 2, line 26, after "property" insert "and improvements thereon"

On page 2, line 30, after "value" strike "or" and insert "and"

On motion of Senator Wojahn, the following amendments by Senators Wojahn, Loveland and Hargrove were considered simultaneously and were adopted:

On page 2, line 31, after "value," insert "during the initial term of the lease,"

On page 2, after line 32, insert the following:

"The initial term of a lease governed by subsection (1) of this section shall not exceed twenty years. A lease renewed under subsection (1) of this section after the initial term shall charge the fair rental value for the land and facilities, and may include provisions for payment of any reasonable operation and maintenance expenses incurred by the state. For the purposes of this subsection, fair rental value shall be determined by the commissioner of public lands in consultation with the department.

(3) The net proceeds generated from any lease entered or renewed under subsection (1) of this section involving land and facilities on the grounds of eastern state hospital shall be used solely for the benefit of eastern state hospital programs for the long-term care needs of patients with mental disorders. These proceeds shall not supplant or replace funding from traditional sources for the normal operations and maintenance or capital budget projects. It is the intent of this subsection to ensure that eastern state hospital receives the full benefit intended by this section, and that such effect will not be diminished by budget adjustments inconsistent with this intent."

## MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 2720, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

## MOTION

On motion of Senator Thibaudeau, Senator Kohl was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2720, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2720, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Moyer, Newhouse, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45.

Voting nay: Senator Oke - 1.

Absent: Senator McAuliffe - 1.

Excused: Senators Bauer and Kohl - 2.

SUBSTITUTE HOUSE BILL NO. 2720, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2828, by House Committee on Appropriations (originally sponsored by Representative Crouse)

Regulating wireless telephone services.

The bill was read the second time.

#### MOTIONS

On motion of Senator Sutherland, the following Committee on Energy, Telecommunications and Utilities amendment was adopted:

On page 1, after line 6, insert the following:

"NEW SECTION. Sec. 1. The legislature finds that concerns have been raised over possible health effects from exposure to some wireless telecommunications facilities, and that exposures from these facilities should be kept as low as reasonably achievable while still allowing the operation of these networks. The legislature further finds that the department of health should serve as the state agency that follows the issues and compiles information pertaining to potential health effects from wireless telecommunications facilities."

Renumber the sections consecutively and correct any internal references accordingly

On motion of Senator Sutherland, the following Committee on Energy, Telecommunications and Utilities amendments were considered simultaneously and were adopted:

On page 3, line 25, after "exempt" strike all material through "(b) the" on line 28 and insert "personal wireless services equipment shelters, or the room or enclosure housing equipment for personal wireless service facilities, that meet the following conditions: (a) The"

On page 3, line 29, strike "(c)" and insert "(b)"

#### MOTIONS

On motion of Senator Sutherland, the following Committee on Energy, Telecommunications and Utilities amendment was adopted:

On page 4, after line 7, insert the following:

"NEW SECTION. Sec. 6. A new section is added to chapter 43.70 RCW to read as follows:

Unless this section is preempted by applicable federal statutes, the department may require that in residential zones or areas, all providers of personal wireless services, as defined in section 1 of this act, provide random test results on power density analysis for the provider's licensed frequencies showing radio frequency levels before and after development of the personal wireless service antenna facilities, following national standards or protocols of the federal communications commission or other federal agencies. This section shall not apply to microcells as defined in section 1 of this act. The department may adopt rules to implement this section."

Renumber the sections consecutively and correct any internal references accordingly

Senator Sutherland moved that the following Committee on Energy, Telecommunications and Utilities amendment be adopted:

On page 4, after line 7, insert the following:

"NEW SECTION. Sec. 6. The sum of 49,500 dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1997, from the state general fund to the department of health for the purposes of section 5 of this act."

Renumber the sections consecutively and correct any internal references accordingly

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Energy, Telecommunications and Utilities amendment on page 4, after line 7, to Engrossed Substitute House Bill No. 2828.

The motion by Senator Sutherland carried and the committee amendment was adopted.

#### MOTIONS

On motion of Senator Sutherland, the following title amendments were considered simultaneously and were adopted:

On page 1, line 4, strike "and adding a new section to chapter 43.70 RCW" and insert: "adding a new section to chapter 43.70 RCW; and creating a new section"

On page 1, line 4 of the title, strike "and adding a new section to chapter 43.70 RCW" and insert "adding a new section to chapter 43.70 RCW; and making an appropriation"

On page 1, line 4, strike "a new section" and insert "new sections"

On motion of Senator Sutherland, the rules were suspended, Engrossed Substitute House Bill No. 2828, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2828, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2828, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Finkbeiner, Franklin, Hale, Hargrove, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 39.

Voting nay: Senators Drew, Fairley, Fraser, Goings, Haugen, Heavey, Kohl, Pelz, Quigley and Thibaudeau - 10.

SUBSTITUTE HOUSE BILL NO. 2828, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1339, by Representatives Ballasiotes, Morris, Costa, Carlson and Conway

Revising provisions relating to juvenile probation and detention services.

The bill was read the second time.

## MOTIONS

Senator Hargrove moved that the following Committee on Human Services and Corrections amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.04.035 and 1991 c 363 s 10 are each amended to read as follows:

Juvenile court(~~(, probation counselor, and detention services)~~) shall be administered by the superior court, except that by local court rule and agreement with the legislative authority of the county ~~((they))~~ this service may be administered by the legislative authority of the county ~~((in the manner prescribed by RCW 13.20.060: PROVIDED, That)).~~ Juvenile probation counselor and detention services shall be administered by the superior court, except that (1) by local court rule and agreement with the county legislative authority, these services may be administered by the county legislative authority; (2) if a consortium of three or more counties, located east of the Cascade mountains and whose combined population exceeds five hundred thirty thousand, jointly operates a juvenile correctional facility, the county legislative authorities may prescribe for alternative administration of these services by ordinance; and (3) in any county with a population of one million or more, ~~((such))~~ probation and detention services shall be administered in accordance with chapter 13.20 RCW. The administrative body shall appoint an administrator of juvenile court, probation counselor, and detention services who shall be responsible for day-to-day administration of such services, and who may also serve in the capacity of a probation counselor. One person may, pursuant to the agreement of more than one administrative body, serve as administrator of more than one juvenile court."

Senator Hargrove moved that the following amendment by Senators Hargrove, Moyer and Thibaudeau to the Committee on Human Services and Corrections striking amendment be adopted:

On page 1, at the beginning of line 22, strike "these services" and insert "the juvenile correctional facility"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove, Moyer and Thibaudeau on page 1, at the beginning of line 22, to the Committee on Human Services and Corrections striking amendment to House Bill No. 1339.

The motion by Senator Hargrove carried and the amendment to the committee striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Human Services and Corrections striking amendment, as amended, to House Bill No. 1339.

The committee striking amendment, as amended, was adopted.

## MOTIONS

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "and amending RCW 13.04.035."

On motion of Senator Hargrove, the rules were suspended, House Bill No. 1339, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1339, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1339, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 48.

Voting nay: Senator Wojahn - 1.

HOUSE BILL NO. 1339, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2791, by Representatives Lambert, Costa, Sterk, Campbell and Smith

Clarifying assault in the third degree to include county fire marshal's office.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, House Bill No. 2791 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2791.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2791 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 2; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 46.

Voting nay: Senator Zarelli - 1.

Absent: Senators McDonald and Snyder - 2.

HOUSE BILL NO. 2791, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2227, by House Committee on Law and Justice (originally sponsored by Representatives Sterk, Sheahan, L. Thomas, Honeyford, Robertson, Stevens, Koster, Carlson, Thompson and Costa)

Changing provisions relating to felony traffic offenses.

The bill was read the second time.

#### MOTION

On motion of Senator Smith, the rules were suspended, Engrossed Substitute House Bill No. 2227 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2227.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2227 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yeas: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Absent: Senator Rinehart - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2227, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Sheldon, Senator Thibaudeau was excused.

#### SECOND READING

HOUSE BILL NO. 2849, by Representatives Dyer, Cody, Casada, Conway, Hymes, Murray, Skinner, Morris, Crouse, Sherstad, Backlund, H. Sommers and Silver

Modifying nursing home administrator licensing.

The bill was read the second time.

#### MOTIONS

On motion of Senator Quigley, the following Committee on Health and Long-Term Care amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.52.071 and 1992 c 53 s 7 are each amended to read as follows:

The department shall issue a license to any person applying for a nursing home administrator's license (~~(after July 1, 1993,)~~) who meets the following requirements:

(1) Successful completion of the requirements for a baccalaureate degree from a recognized institution of higher learning(~~(=~~ ~~PROVIDED, That if education requirements are adopted by the federal government, the board may adopt rules requiring educational qualifications to meet those requirements)~~ ~~and any federal requirements;~~

(2) Successful completion of a practical experience requirement as determined by the board;

(3) Successful completion of examinations administered or approved by the board, or both, which shall be designed to test the candidate's competence to administer a nursing home;

(4) At least twenty-one years of age; and

(5) Not having engaged in unprofessional conduct as defined in RCW 18.130.180 or being unable to practice with reasonable skill and safety as defined in RCW 18.130.170. The board shall establish by rule what constitutes adequate proof of meeting the above requirements.

A limited license indicating the limited extent of authority to administer institutions (~~(certified by such)~~) conducted by and for those who rely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denomination (~~(teaching religious or spiritual means for healing through prayer,)~~) shall be issued to individuals demonstrating membership in such church or denomination. However, nothing in this chapter shall be construed to require an applicant (~~(certified)~~) employed by (~~(any well established and generally recognized church or religious denomination teaching reliance on spiritual means alone)~~) such institution to demonstrate proficiency in any medical techniques or to meet any medical educational qualifications or medical standards not in accord with the remedial care and treatment provided in such institutions."

On motion of Senator Quigley, the following title amendment was adopted:

On page 1, line 1 of the title, after "licensing;" strike the remainder of the title and insert "and amending RCW 18.52.071."

#### MOTION

On motion of Senator Quigley, the rules were suspended, House Bill No. 2849, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2849, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2849, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Thibaudeau - 1.

HOUSE BILL NO. 2849, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Anderson, Senator Johnson was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2167, by House Committee on Natural Resources (originally sponsored by Representatives Buck, Goldsmith, Benton, Huff, Blanton, Thompson, Hymes, Koster, Pennington, Beeksma, Sheldon, Fuhrman and McMahan)

Exempting regular maintenance of marinas from hydraulic project review and approval.

The bill was read the second time.

#### MOTIONS

On motion of Senator Fraser, the following Committee on Ecology and Parks amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that initial construction of a marina and some maintenance activities change the natural flow or bed of the salt or fresh water body in which the marina is constructed. Because of this disturbance, it is appropriate that plans for initial marina construction as well as some maintenance activities undergo the hydraulic project review and approval process established in chapter 75.20 RCW.

It is the intent of the legislature that after a marina has received a hydraulic project approval and been constructed, a renewable, five-year hydraulic project approval be issued, upon request, for regular maintenance activities within the marina.

**NEW SECTION. Sec. 2.** A new section is added to chapter 75.20 RCW to read as follows:

(1) "Marina" means a public or private facility providing boat moorage space, fuel, or commercial services. Commercial services include but are not limited to overnight or live-aboard boating accommodations.

(2) For a marina in existence on the effective date of this act or a marina that has received a hydraulic project approval for its initial construction, a renewable, five-year hydraulic project approval shall be issued, upon request, for regular maintenance activities of the marina.

(3) Upon construction of a new marina that has received hydraulic project approval, a renewable, five-year hydraulic project approval shall be issued, upon request, for regular maintenance activities of the marina.

(4) For the purposes of this section, regular maintenance activities are only those activities necessary to restore the marina to the conditions approved in the initial hydraulic project approval. These activities may include, but are not limited to, dredging, piling replacement, and float replacement.

(5) The five-year permit must include a requirement that a fourteen-day notice be given to the department before regular maintenance activities begin."

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 1 of the title, after "marinas;" strike the remainder of the title and insert "adding a new section to chapter 75.20 RCW; and creating a new section."

#### MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 2167, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2167, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2167, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 45.

Absent: Senators McDonald and Owen - 2.

Excused: Senators Johnson and Thibaudeau - 2.

SUBSTITUTE HOUSE BILL NO. 2167, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2762, by House Committee on Natural Resources (originally sponsored by Representatives Sehlin, Ogden, Cooke and Silver)

Ensuring that the community and technical college forest reserve is managed like other state forests for sustainable commercial forestry and potential multiple use.

The bill was read the second time.

#### MOTIONS

On motion of Senator Drew, the following Committee on Natural Resources amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 76.12 RCW to read as follows:

(1) The legislature finds that the state's community and technical colleges need a dedicated source of revenue to augment other sources of capital improvement funding. The intent of this section is to ensure that the forest land purchased under section 310, chapter 16, Laws of 1990 1st ex. sess. and known as the community and technical college forest reserve land base, is managed in perpetuity and in the same manner as state forest lands for sustainable commercial forestry and multiple use of lands consistent with RCW 79.68.050. These state lands will also be managed to provide an outdoor education and experience area for organized groups. The lands will provide a source of revenue for the long term capital improvement needs of the state community and technical college system.

(2) There has been increasing pressure to convert forest lands within areas of the state subject to population growth. Loss of forest land in urbanizing areas reduces the production of forest products and the available supply of open space, watershed protection, habitat, and recreational opportunities. The land known as the community and technical college forest reserve land base is forever reserved from sale. However, the timber and other products on the land may be sold, or the land may be leased in the same manner and for the same purposes as

authorized for state granted lands if the department finds the sale or lease to be in the best interest of this forest reserve land base and approves the terms and conditions of the sale or lease.

(3) The land exchange and acquisition powers provided in RCW 76.12.050 may be used by the department to reposition land within the community and technical college forest reserve land base consistent with subsection (1) of this section.

(4) Up to twenty-five percent of the revenue from these lands, as determined by the board of natural resources, will be deposited in the forest development account to reimburse the forest development account for expenditures from the account for management of these lands.

(5) The community college forest reserve account, created under section 310, chapter 16, Laws of 1990 1st ex. sess., is renamed the community and technical college forest reserve account. The remainder of the revenue from these lands must be deposited in the community and technical college forest reserve account. Money in the account may be appropriated by the legislature for the capital improvement needs of the state community and technical college system or to acquire additional forest reserve lands."

On motion of Senator Drew, the following title amendment was adopted:

On page 1, line 2 of the title, after "lands;" strike the remainder of the title and insert "and adding a new section to chapter 76.12 RCW."

#### MOTION

On motion of Senator Drew, the rules were suspended, Substitute House Bill No. 2762, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2762, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2762, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senators Goings and Roach - 2.

SUBSTITUTE HOUSE BILL NO. 2762, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 2847, by Representatives Horn, Kessler, Buck, Silver, D. Sommers and Mitchell

Prohibiting the department of labor and industries from requiring employers to compensate employees for usual and customary wearing apparel.

The bill was read the second time.

#### MOTIONS

Senator Pelz moved that the following Committee on Labor, Commerce and Trade amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 49.12 RCW to read as follows:

(1) Whenever an employer requires an employee to wear a uniform or other article of wearing apparel of a specific style or color, it must be furnished by the employer. Usual and customary wearing apparel in conformance to a general dress standard need not be furnished by the employer.

(2) Notwithstanding subsection (1) of this section, an employer who requires an employee to wear black or white apparel not of a specific style is not required to furnish the apparel to an employee if: (a) The employer is classified under the standard industrial classification major group 58; or (b) the employee is paid at a rate of not less than thirty-five cents more per hour than the rate required to be paid under RCW 49.46.020.

(3) If the director, or the director's designee, finds that an employer has violated this section, he or she shall order the employer to reimburse any employee for the cost of wearing apparel required to be provided under this section and may assess the employer a civil penalty of not more than two hundred dollars for each violation.

(4) The department may adopt rules to implement this section.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Senator Pelz moved that the following amendment to the Committee on Labor, Commerce and Trade striking amendment be adopted:

On page 1, beginning on line 16 of the amendment, after "apparel to" strike all material through "49.46.020" on line 20, and insert "the employee"

#### POINT OF INQUIRY

Senator Wood: "Senator Pelz, when they are talking about black and white, is the white meant as a tuxedo shirt that would still have to be provided by the employee?"

Senator Pelz: "Under this bill, as we have written it, a tuxedo shirt is not customary and usual and, therefore, the employer would have to reimburse for tuxedo shirts."

Senator Wood: "But, it is black and white."

Senator Pelz: "But it is not a customary style; it is a unique style. The restaurant industry, at all points, said to us that they never intended to not be responsible for a tuxedo shirt. They just said that if we tell you to show up in black and a white dress shirt, you pay for it. If we tell you to wear a tuxedo shirt, we have to pay for it."

Senator Wood: "And they are in agreement?"

Senator Pelz: "They are largely in agreement with where we are going and they are anxious to get their conference on this bill."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pelz on page 1, beginning on line 16, to the Committee on Labor, Commerce and Trade striking amendment to Engrossed House Bill No. 2847.

The motion by Senator Pelz carried and the amendment to the committee striking amendment was adopted.

#### MOTION

On motion of Senator Heavey, the following amendment by Senators Heavey and Swecker to the committee striking amendment was adopted:

On page 1, after line 26 of the amendment, insert the following:

"**Sec. 2.** RCW 49.12.005 and 1994 c 164 s 13 are each amended to read as follows:

For the purposes of this chapter:

(1) The term "department" means the department of labor and industries.  
(2) The term "director" means the director of the department of labor and industries, or the director's designated representative.  
(3) The term "employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees and for the purposes of RCW 49.12.270 through 49.12.295 and section 1 of this act also includes the state, any state institution, any state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation.

(4) The term "employee" means an employee who is employed in the business of the employee's employer whether by way of manual labor or otherwise.

(5) The term "conditions of labor" shall mean and include the conditions of rest and meal periods for employees including provisions for personal privacy, practices, methods and means by or through which labor or services are performed by employees and includes bona fide physical qualifications in employment, but shall not include conditions of labor otherwise governed by statutes and rules and regulations relating to industrial safety and health administered by the department.

(6) For the purpose of chapter 16, Laws of 1973 2nd ex. sess. a minor is defined to be a person of either sex under the age of eighteen years."

Renumber the remaining section consecutively.

The President declared the question before the Senate to be the adoption of the Committee on Labor, Commerce and Trade striking amendment, as amended, to Engrossed House Bill No. 2847.

The committee amendment, as amended, to Engrossed House Bill No. 2847 was adopted.

## MOTIONS

On motion of Senator Pelz, the following title amendments were considered simultaneously and were adopted:

On page 1, line 3 of the title, after "apparel;" strike the remainder of the title and insert "adding a new section to chapter 49.12 RCW; prescribing penalties; and declaring an emergency."

On page 2, line 5 of the title amendment, after "insert" insert "amending RCW 49.12.005;"

On motion of Senator Pelz, the rules were suspended, Engrossed House Bill No. 2847, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

## MOTION

On motion of Senator Sheldon, Senator Rinehart was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2847, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2847, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Rinehart - 1.

ENGROSSED HOUSE BILL NO. 2847, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## STATEMENT FOR THE JOURNAL

Please let the record reflect that my vote in favor of Engrossed Substitute House Bill No. 2406 was mistakenly cast. I believe this bill is an infringement on the civil rights of our citizens and wish the record to show that I intended a 'No' vote.

SENATOR PAM ROACH, 31st District

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2406, by House Committee on Law and Justice (originally sponsored by Representatives Sterk, Chappell, Delvin, Hickel, Smith and Hymes)

Regulating interception of communications.

The bill was read the second time.

## MOTIONS

Senator Smith moved that the following Committee on Law and Justice amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.73.070 and 1994 c 49 s 1 are each amended to read as follows:

(1) The provisions of this chapter shall not apply to any activity in connection with services provided by a common carrier pursuant to its tariffs on file with the Washington utilities and transportation commission or the Federal Communication Commission and any activity of any officer, agent or employee of a common carrier who performs any act otherwise prohibited by this law in the construction, maintenance, repair and operations of the common carrier's communications services, facilities, or equipment or incident to the use of such services, facilities or equipment, and shall not apply to the use of a pen register or a trap and trace device by such common carrier:

(a) Relating to the operation, maintenance, and testing of a wire or electronic communication service or to the protection of the rights or property of such common carrier, or to the protection of users of the common carrier's service from abuse of service or unlawful use of service;

(b) To record the fact that a wire or electronic communication was initiated or completed in order to protect such common carrier, another common carrier furnishing service toward the completion of the wire communication, or a user of that service, from fraudulent, unlawful, or abusive use of service; or

(c) Where the consent of the user of that service has been obtained.

(2) "Common carrier" as used in this section means any person engaged as a common carrier or public service company for hire in intrastate, interstate or foreign communication by wire or radio or in intrastate, interstate or foreign radio transmission of energy.

~~((2))~~ (3) The provisions of this chapter shall not apply to:

(a) Any common carrier automatic number, caller, or location identification service that has been approved by the Washington utilities and transportation commission; or

(b) A 911 or enhanced 911 emergency service as defined in RCW 82.14B.020, for purposes of aiding public health or public safety agencies to respond to calls placed for emergency assistance.

**NEW SECTION. Sec. 2.** A new section is added to chapter 9.73 RCW to read as follows:

(1) As used in this section:

(a) "Wire communication" means any aural transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception, including the use of such connection in a switching station, furnished or operated by any person engaged in providing or operating such facilities for the transmission of intrastate, interstate, or foreign communications, and such term includes any electronic storage of such communication.

(b) "Electronic communication" means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system, but does not include:

(i) Any wire or oral communication;

(ii) Any communication made through a tone-only paging device; or

(iii) Any communication from a tracking device.

(c) "Electronic communication service" means any service that provides to users thereof the ability to send or receive wire or electronic communications.

(d) "Pen register" means a device that records or decodes electronic or other impulses that identify the numbers dialed or otherwise transmitted on the telephone line to which such device is attached, but such term does not include any device used by a provider or customer of a wire or electronic communication service for billing, or recording as an incident to billing, for communications services provided by such provider or any device used by a provider or customer of a wire communication service for cost accounting or other like purposes in the ordinary course of its business.

(e) "Trap and trace device" means a device that captures the incoming electronic or other impulses that identify the originating number of an instrument or device from which a wire or electronic communication was transmitted.

(2) No person may install or use a pen register or trap and trace device without a prior court order issued under this section except as provided under subsection (6) of this section or RCW 9.73.070.

(3) A law enforcement officer may apply for and the superior court may issue orders and extensions of orders authorizing the installation and use of pen registers and trap and trace devices as provided in this section. The application shall be under oath and shall include the identity of the officer making the application and the identity of the law enforcement agency conducting the investigation. The applicant must certify that the information likely to be obtained is relevant to an ongoing criminal investigation being conducted by that agency.

(4) If the court finds that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation and finds reason to believe that the pen register or trap and trace device will lead to obtaining evidence of a crime, contraband, fruits of crime, things criminally possessed, weapons, or other things by means of which a crime has been committed or reasonably appears about to be committed, or will lead to learning the location of a person who is unlawfully restrained or reasonably believed to be a witness in a criminal investigation or for whose arrest there is probable cause, the court shall enter an ex parte order authorizing the installation and use of a pen register or a trap and trace device. The order shall specify:

(a) The identity, if known, of the person to whom is leased or in whose name is listed the telephone line to which the pen register or trap and trace device is to be attached;

(b) The identity, if known, of the person who is the subject of the criminal investigation;

(c) The number and, if known, physical location of the telephone line to which the pen register or trap and trace device is to be attached and, in the case of a trap and trace device, the geographic limits of the trap and trace order; and

(d) A statement of the offense to which the information likely to be obtained by the pen register or trap and trace device relates.

The order shall direct, if the applicant has requested, the furnishing of information, facilities, and technical assistance necessary to accomplish the installation of the pen register or trap and trace device. An order issued under this section shall authorize the installation and use of a pen register or a trap and trace device for a period not to exceed sixty days. Extensions of such an order may be granted, but only upon a new application for an order under subsection (3) of this section and upon the judicial findings required by this subsection. The period of extension shall be for a period not to exceed sixty days.

An order authorizing or approving the installation and use of a pen register or a trap and trace device shall direct that the order be sealed until otherwise ordered by the court and that the person owning or leasing the line to which the pen register or trap and trace device is attached, or who has been ordered by the court to provide assistance to the applicant, not disclose the existence of the pen register or trap and trace device or the existence of the investigation to the listed subscriber or to any other person, unless or until otherwise ordered by the court.

(5) Upon the request of an officer of a law enforcement agency authorized to install and use a pen register under this chapter, a provider of wire or electronic communication service, landlord, custodian, or other person shall furnish such law enforcement officer forthwith all information, facilities, and technical assistance necessary to accomplish the installation of the pen register unobtrusively and with a minimum of interference with the services that the person so ordered by the court accords the party with respect to whom the installation and use is to take place, if such assistance is directed by a court order as provided in subsection (4) of this section.

Upon the request of an officer of a law enforcement agency authorized to receive the results of a trap and trace device under this chapter, a provider of a wire or electronic communication service, landlord, custodian, or other person shall install such device forthwith on the appropriate line and shall furnish such law enforcement officer all additional information, facilities, and technical assistance including installation and operation of the device unobtrusively and with a minimum of interference with the services that the person so ordered by the court accords the party with respect to whom the installation and use is to take place, if such installation and assistance is directed by a court order as provided in subsection (4) of this section. Unless otherwise ordered by the court, the results of the trap and trace device shall be furnished to the officer of a law enforcement agency, designated in the court order, at reasonable intervals during regular business hours for the duration of the order.

A provider of a wire or electronic communication service, landlord, custodian, or other person who furnishes facilities or technical assistance pursuant to this subsection shall be reasonably compensated by the law enforcement agency that requests the facilities or assistance for such reasonable expenses incurred in providing such facilities and assistance.

No cause of action shall lie in any court against any provider of a wire or electronic communication service, its officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with the terms of a court order under this section. A good faith reliance on a court order under this section, a request pursuant to this section, a legislative authorization, or a statutory authorization is a complete defense against any civil or criminal action brought under this chapter or any other law.

(6) Notwithstanding any other provision of this chapter, a law enforcement officer and a prosecuting attorney or deputy prosecuting attorney who jointly and reasonably determine that an emergency situation exists that involves immediate danger of death or serious bodily injury to any person that requires the installation and use of a pen register or a trap and trace device before an order authorizing such installation and use can, with due diligence, be obtained, and there are grounds upon which an order could be entered under this chapter to authorize such installation and use, may have installed and use a pen register or trap and trace device if, within forty-eight hours after the installation has occurred, or begins to occur, an order approving the installation or use is issued in accordance with subsection (4) of this section. In the absence of an authorizing order, such use shall immediately terminate when the information sought is obtained, when the application for the order is denied or when forty-eight hours have lapsed since the installation of the pen register or trap and trace device, whichever is earlier. If an order approving the installation or use is not obtained within forty-eight hours, any information obtained is not admissible as evidence in any legal proceeding. The knowing installation or use by any law enforcement officer of a pen register or trap and trace device pursuant to this subsection without application for the authorizing order within forty-eight hours of the installation shall constitute a violation of this chapter and be punishable as a gross misdemeanor. A provider of a wire or electronic service, landlord, custodian, or other person who furnished facilities or technical assistance pursuant to this subsection shall be reasonably compensated by the law enforcement agency that requests the facilities or assistance for such reasonable expenses incurred in providing such facilities and assistance."

Senator Fairley moved that the following amendment to the Committee on Law and Justice striking amendment be adopted:

On page 1, beginning on line 7 of the amendment, strike all of section 1

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fairley on page 1, beginning on line 7, to the Committee on Law and Justice striking amendment to Engrossed Substitute House Bill No. 2406.

The motion by Senator Fairley carried and the amendment to the committee striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Law and Justice striking amendment, as amended, to Engrossed Substitute House Bill No. 2406.

The committee striking amendment, as amended, to Engrossed Substitute House Bill No. 2406 was adopted.

## MOTIONS

On motion of Senator Smith, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "communications;" strike the remainder of the title and insert "amending RCW 9.73.070; adding a new section to chapter 9.73 RCW; and prescribing penalties."

On page 6, line 14 of the title amendment, after "insert" strike "amending RCW 9.73.070;"

On motion of Senator Smith, the rules were suspended, Engrossed Substitute House Bill No. 2406, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2406, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2406, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Franklin, Goings, Hale, Hargrove, Haugen, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Newhouse, Oke, Owen, Pelz, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Smith, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wood - 36.

Voting nay: Senators Fairley, Finkbeiner, Fraser, Heavey, Kohl, Morton, Prentice, Sheldon, Swecker, Thibaudeau, Wojahn and Zarelli - 12.

Excused: Senator Rinehart - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2406, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2726, by Representatives Radcliff and Blanton

Moving school bond election resolution provisions.

The bill was read the second time.

## MOTION

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 2726 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2726.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2726 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Rinehart - 1.

HOUSE BILL NO. 2726, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

Senator McDonald moved that the Senate advance to the ninth order of business to relieve the Committee on Rules of Substitute House Bill No. 1911 and demanded a roll call.

The demand for a roll call was sustained.

Debate ensued.

#### MOTION

Senator Heavey moved to lay the motion by Senator McDonald on the table.

#### WITHDRAWAL OF MOTION

Senator Heavey withdrew the motion to lay the motion by Senator McDonald on the table.

The President declared the question before the Senate to be the roll call on the motion by Senator McDonald to advance to the ninth order of business.

#### ROLL CALL

The Secretary called the roll and the motion to advance to the ninth order of business failed by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 24.

Voting nay: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau and Wojahn - 25.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2785, by House Committee on Government Operations (originally sponsored by Representatives Reams, Chopp, Cairnes, Thompson and Elliot)

Providing a bidding procedure for public works projects in counties.

The bill was read the second time.

#### MOTION

Senator Haugen moved that the following Committee on Government Operations amendment not be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.32.240 and 1993 c 198 s 5 are each amended to read as follows:

(1) In any county the county legislative authority may by resolution establish a county purchasing department.

(2) In each county with a population of less than one million which exercises this option, the purchasing department shall contract on a competitive basis for all public works, enter into leases of personal property on a competitive basis, and purchase all supplies, materials, and equipment, on a competitive basis, for all departments of the county, as provided in this chapter and chapter 39.04 RCW, except that the county purchasing department is not required to make purchases for the county hospital, or make purchases that are paid from the county road fund or equipment rental and revolving fund.

NEW SECTION. **Sec. 2.** A new section is added to chapter 36.32 RCW to read as follows:

(1) In each county with a population of one million or more which by resolution establishes a county purchasing department, the purchasing department shall enter into leases of personal property on a competitive basis and purchase all supplies, materials, and equipment on a competitive basis, for all departments of the county, as provided in this chapter and chapter 39.04 RCW, except that the county purchasing department is not required to make purchases that are paid from the county road fund or equipment rental and revolving fund.

(2) As used in this section, "public works" has the same definition as in RCW 39.04.010.

(3) Except as otherwise specified in this chapter or in chapter 36.77 RCW, all counties subject to these provisions shall contract on a competitive basis for all public works after bids have been submitted to the county upon specifications therefor. Such specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection.

(4) An advertisement shall be published in the county official newspaper stating the time and place where bids will be opened, the time after which bids will not be received, the character of the work to be done, the materials and equipment to be furnished, and that specifications therefor may be seen at the office of the clerk of the county legislative authority. An advertisement shall also be published in a legal newspaper of general circulation in or as near as possible to that part of the county in which such work is to be done. If the county official newspaper is a newspaper of general circulation covering at least forty percent of the residences in that part of the county in which such public works are to be done, then the publication of an advertisement of the applicable specifications in the county official newspaper is sufficient. Such advertisements shall be published at least once at least thirteen days prior to the last date upon which bids will be received.

(5) The bids shall be in writing, shall be filed with the clerk, shall be opened and read in public at the time and place named therefor in the advertisements, and after being opened, shall be filed for public inspection. No bid may be considered for public work unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed.

(6) The contract for the public work shall be awarded to the lowest responsible bidder. Any or all bids may be rejected for good cause. The county legislative authority shall require from the successful bidder for such public work a contractor's bond in the amount and with the conditions imposed by law.

(7) If the bidder to whom the contract is awarded fails to enter into the contract and furnish the contractor's bond as required within ten days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the county and the contract awarded to the next lowest and best bidder. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the successful bidder is accepted by the county legislative authority. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry.

(8) As limited by subsection (10) of this section, a county subject to these provisions may have public works performed by county employees in any annual or biennial budget period equal to a dollar value not exceeding ten percent of the public works construction budget, including any amount in a supplemental public works construction budget, over the budget period.

Whenever a county subject to these provisions has had public works performed in any budget period up to the maximum permitted amount for that budget period, all remaining public works except emergency work under subsection (12) of this section within that budget period shall be done by contract pursuant to public notice and call for competitive bids as specified in subsection (3) of this section. The state auditor shall report to the state treasurer any county subject to these provisions that exceeds this amount and the extent to which the county has or has not reduced the amount of public works it has performed by public employees in subsequent years.

(9) If a county subject to these provisions has public works performed by public employees in any budget period that are in excess of this ten percent limitation, the amount in excess of the permitted amount shall be reduced from the otherwise permitted amount of public works that may be performed by public employees for that county in its next budget period. Ten percent of the motor vehicle fuel tax distributions to that county shall be withheld if two years after the year in which the excess amount of work occurred, the county has failed to so reduce the amount of public works that it has performed by public employees. The amount withheld shall be distributed to the county when it has demonstrated in its reports to the state auditor that the amount of public works it has performed by public employees has been reduced as required.

(10) In addition to the percentage limitation provided in subsection (8) of this section, counties subject to these provisions containing a population of one million or more shall not have public employees perform a public works project in excess of seventy thousand dollars if more than a single craft or trade is involved with the public works project, or a public works project in excess of twenty-five thousand dollars if only a single craft or trade is involved with the public works project. A public works project means a complete project. The restrictions in this subsection do not permit the division of the project into units of work or classes of work to avoid the restriction on work that may be performed by public employees on a single project.

The cost of a separate public works project shall be the costs of materials, supplies, equipment, and labor on the construction of that project. The value of the public works budget shall be the value of all the separate public works projects within the budget.

(11) In addition to the accounting and recordkeeping requirements contained in chapter 39.04 RCW, any county which uses public employees to perform public works projects under RCW 36.32.240(1) shall prepare a year-end report to be submitted to the state auditor indicating the total dollar amount of the county's public works construction budget and the total dollar amount for public works projects performed by public employees for that year.

The year-end report submitted pursuant to this subsection to the state auditor shall be in accordance with the standard form required by RCW 43.09.205.

(12) Notwithstanding any other provision in this section, counties may use public employees without any limitation for emergency work performed under an emergency declared pursuant to RCW 36.32.270, and any such emergency work shall not be subject to the limitations of this section. Publication of the description and estimate of costs relating to correcting the emergency may be made within seven days after the commencement of the work. Within two weeks of the finding that such an emergency existed, the county legislative authority shall adopt a resolution certifying the damage to public facilities and costs incurred or anticipated relating to correcting the emergency.

Additionally this section shall not apply to architectural and engineering or other technical or professional services performed by public employees in connection with a public works project.

(13) In lieu of the procedures of subsections (3) through (11) of this section, a county may use a small works roster process and award contracts for public works projects with an estimated value of ten thousand dollars up to one hundred thousand dollars as provided in RCW 39.04.155.

Whenever possible, the county shall invite at least one proposal from a minority or woman contractor who shall otherwise qualify under this section.

(14) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW.

(15) Nothing in this section prohibits any county from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused."

The President declared the question before the Senate to be the motion by Senator Haugen to not adopt the Committee on Government Operations striking amendment to Substitute House Bill No. 2785.

The motion by Senator Haugen carried and the committee striking amendment was not adopted.

#### MOTIONS

On motion of Senator Haugen, the following amendment by Senators Haugen and Winsley was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.32.240 and 1993 c 198 s 5 are each amended to read as follows:

(1) In any county the county legislative authority may by resolution establish a county purchasing department.

(2) In each county with a population of less than one million which exercises this option, the purchasing department shall contract on a competitive basis for all public works, enter into leases of personal property on a competitive basis, and purchase all supplies, materials, and equipment, on a competitive basis, for all departments of the county, as provided in this chapter and chapter 39.04 RCW, except that the county purchasing department is not required to make purchases for the county hospital, or make purchases that are paid from the county road fund or equipment rental and revolving fund.

NEW SECTION. **Sec. 2.** A new section is added to chapter 36.32 RCW to read as follows:

(1) In each county with a population of one million or more which by resolution establishes a county purchasing department, the purchasing department shall enter into leases of personal property on a competitive basis and purchase all supplies, materials, and equipment on a competitive basis, for all departments of the county, as provided in this chapter and chapter 39.04 RCW, except that the county purchasing department is not required to make purchases that are paid from the county road fund or equipment rental and revolving fund.

(2) As used in this section, "public works" has the same definition as in RCW 39.04.010.

(3) Except as otherwise specified in this chapter or in chapter 36.77 RCW, all counties subject to these provisions shall contract on a competitive basis for all public works after bids have been submitted to the county upon specifications therefor. Such specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection.

(4) An advertisement shall be published in the county official newspaper stating the time and place where bids will be opened, the time after which bids will not be received, the character of the work to be done, the materials and equipment to be furnished, and that specifications therefor may be seen at the office of the clerk of the county legislative authority. An advertisement shall also be published in a legal newspaper of general circulation in or as near as possible to that part of the county in which such work is to be done. If the county official newspaper is a newspaper of general circulation covering at least forty percent of the residences in that part of the county in which such public works are to be done, then the publication of an advertisement of the applicable specifications in the county official newspaper is sufficient. Such advertisements shall be published at least once at least thirteen days prior to the last date upon which bids will be received.

(5) The bids shall be in writing, shall be filed with the clerk, shall be opened and read in public at the time and place named therefor in the advertisements, and after being opened, shall be filed for public inspection. No bid may be considered for public work unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed.

(6) The contract for the public work shall be awarded to the lowest responsible bidder. Any or all bids may be rejected for good cause. The county legislative authority shall require from the successful bidder for such public work a contractor's bond in the amount and with the conditions imposed by law.

(7) If the bidder to whom the contract is awarded fails to enter into the contract and furnish the contractor's bond as required within ten days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the county and the contract awarded to the next lowest and best bidder. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the successful bidder is accepted by the county legislative authority. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry.

(8) As limited by subsection (10) of this section, a county subject to these provisions may have public works performed by county employees in any annual or biennial budget period equal to a dollar value not exceeding ten percent of the public works construction budget, including any amount in a supplemental public works construction budget, over the budget period.

Whenever a county subject to these provisions has had public works performed in any budget period up to the maximum permitted amount for that budget period, all remaining public works except emergency work under subsection (12) of this section within that budget period shall be done by contract pursuant to public notice and call for competitive bids as specified in subsection (3) of this section. The state auditor shall report to the state treasurer any county subject to these provisions that exceeds this amount and the extent to which the county has or has not reduced the amount of public works it has performed by public employees in subsequent years.

(9) If a county subject to these provisions has public works performed by public employees in any budget period that are in excess of this ten percent limitation, the amount in excess of the permitted amount shall be reduced from the otherwise permitted amount of public works that may be performed by public employees for that county in its next budget period. Ten percent of the motor vehicle fuel tax distributions to that county shall be withheld if two years after the year in which the excess amount of work occurred, the county has failed to so reduce the amount of public works that it has performed by public employees. The amount withheld shall be distributed to the county when it has demonstrated in its reports to the state auditor that the amount of public works it has performed by public employees has been reduced as required.

(10) In addition to the percentage limitation provided in subsection (8) of this section, counties subject to these provisions containing a population of one million or more shall not have public employees perform a public works project in excess of seventy thousand dollars if more than a single craft or trade is involved with the public works project, or a public works project in excess of twenty-five thousand dollars if only a single craft or trade is involved with the public works project. A public works project means a complete project. The restrictions in this subsection do not permit the division of the project into units of work or classes of work to avoid the restriction on work that may be performed by public employees on a single project.

The cost of a separate public works project shall be the costs of materials, supplies, equipment, and labor on the construction of that project. The value of the public works budget shall be the value of all the separate public works projects within the budget.

(11) In addition to the accounting and recordkeeping requirements contained in chapter 39.04 RCW, any county which uses public employees to perform public works projects under RCW 36.32.240(1) shall prepare a year-end report to be submitted to the state auditor indicating the total dollar amount of the county's public works construction budget and the total dollar amount for public works projects performed by public employees for that year.

The year-end report submitted pursuant to this subsection to the state auditor shall be in accordance with the standard form required by RCW 43.09.205.

(12) Notwithstanding any other provision in this section, counties may use public employees without any limitation for emergency work performed under an emergency declared pursuant to RCW 36.32.270, and any such emergency work shall not be subject to the limitations of this section. Publication of the description and estimate of costs relating to correcting the emergency may be made within seven days after the commencement of the work. Within two weeks of the finding that such an emergency existed, the county legislative authority shall adopt a resolution certifying the damage to public facilities and costs incurred or anticipated relating to correcting the emergency. Additionally this section shall not apply to architectural and engineering or other technical or professional services performed by public employees in connection with a public works project.

(13) In lieu of the procedures of subsections (3) through (11) of this section, a county may use a small works roster process and award contracts for public works projects with an estimated value of ten thousand dollars up to one hundred thousand dollars as provided in RCW 39.04.155.

Whenever possible, the county shall invite at least one proposal from a minority or woman contractor who shall otherwise qualify under this section.

(14) The allocation of public works projects to be performed by county employees shall not be subject to a collective bargaining agreement.

(15) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW.

(16) Nothing in this section prohibits any county from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused."

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "projects;" strike the remainder of the title and insert "amending RCW 36.32.240; and adding a new section to chapter 36.32 RCW."

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 2785, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2785, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2785, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2785, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2250, by Representatives Carlson, Mastin, Mulliken, Sheahan, Jacobsen, Mason, Blanton, Goldsmith and Scheurman (by request of Higher Education Coordinating Board)

Requiring annual budget review, recommendations, and guidelines for the higher education system.

The bill was read the second time.

#### MOTION

On motion of Senator Bauer, the rules were suspended, House Bill No. 2250 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2250.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2250 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Absent: Senator Rinehart - 1.

HOUSE BILL NO. 2250, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Wood, Senators Moyer and Schow were excused.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 2254, by Representatives Van Luven, Romero, Backlund, Scott, Foreman, Sheldon, Horn and Benton

Providing special plates and fee exemptions for representatives of foreign organizations.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, Engrossed House Bill No. 2254 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2254.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2254 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senator Rinehart - 1.

Excused: Senators Moyer and Schow - 2.

ENGROSSED HOUSE BILL NO. 2254, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2716, by Representatives Chandler and Chappell

Concerning waste discharge permits.

The bill was read the second time.

#### MOTION

Senator Fraser moved that the following Committee on Ecology and Parks amendment not be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.21C RCW to read as follows:

The issuance, reissuance, or modification of a waste discharge permit that contains conditions no less stringent than federal effluent limitations and state rules is not subject to the requirements of RCW 43.21C.030(2)(c). This exemption applies to existing discharges only and does not apply to new source discharges. This exemption does not apply to the issuance, reissuance, or modification of a waste discharge permit for a marine finfish rearing facility.

NEW SECTION. Sec. 2. If specific funding for the wastewater discharge permit program in the amount of nineteen million six hundred thousand dollars or more, from the water quality permit account, is not provided by June 30, 1996, in the omnibus appropriations act, this act is null and void."

The President declared the question before the Senate to be the motion by Senator Fraser to not adopt the Committee on Ecology and Parks striking amendment to House Bill No. 2716.

The motion by Senator Fraser carried and the Committee on Ecology and Parks striking amendment was not adopted.

#### MOTION

Senator Snyder moved that the following amendment by Senators Snyder, Hargrove, Swecker and Newhouse be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.21C RCW to read as follows:

(1)For any industrial facility described in subsection (2) of this section, the issuance, reissuance, or modification of a waste discharge permit that contains conditions no less stringent than federal effluent limitations and state rules is not subject to the requirements of RCW 43.21C.030(2)(c). This exemption applies to existing discharges only and does not apply to new source discharges.

(2) This section applies to waste discharge permits for industrial facilities in the following categories: (a) pulp, paper, and paper board; (b) food processing; and (c) petroleum refining."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Snyder, Hargrove, Swecker and Newhouse to House Bill No. 2716.

The motion by Senator Snyder carried and the striking amendment was adopted.

#### MOTION

On motion of Senator Fraser, the rules were suspended, House Bill No. 2716, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Franklin: "Senator Snyder, are the dioxin limits included in the NPDES permits issued by DOE, Senator?"

Senator Snyder: "Yes, DOE incorporates federal dioxin standards in the NPDES it issues."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2716, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2716, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Franklin, Goings, Hale, Hargrove, Haugen, Hochstatter, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prince, Rasmussen, Roach, Sellar, Snyder, Strannigan, Sutherland, Swecker, West, Winsley, Wood and Zarelli - 32.

Voting nay: Senators Drew, Fairley, Finkbeiner, Fraser, Heavey, Kohl, McAuliffe, Pelz, Prentice, Quigley, Rinehart, Sheldon, Smith, Spanel, Thibaudeau and Wojahn - 16.

Excused: Senator Schow - 1.

HOUSE BILL NO. 2716, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2832, by House Committee on Transportation (originally sponsored by Representatives Chandler, K. Schmidt, Scheurman and Blanton)

Reinstating rail service in the Milwaukee Road corridor.

The bill was read the second time.

#### MOTIONS

Senator Owen moved that the following Committee on Transportation amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to complete a cross-state trail system while maintaining long-term ownership of the Milwaukee Road corridor. In order to accomplish this, it will be beneficial to change the management and control of certain portions of the Milwaukee Road corridor currently managed and controlled by several state agencies and to provide a franchise to establish and maintain a rail line. It is the intent of the legislature that if a franchise is not agreed upon, no changes in the current management and control shall occur.

NEW SECTION. Sec. 2. A new section is added to chapter 43.51 RCW to read as follows:

(1) The commission shall develop and maintain a cross-state trail facility with appropriate appurtenances.

(2) This section expires July 1, 1999, if the department of transportation does not enter into a franchise agreement for a rail line over portions of the Milwaukee Road corridor by July 1, 1999.

**NEW SECTION. Sec. 3.** (1) To facilitate completion of a cross-state trail under the management of the parks and recreation commission, management and control of lands known as the Milwaukee Road corridor shall be transferred between state agencies as follows on the date a franchise agreement is entered into for a rail line over portions of the Milwaukee Road corridor:

(a) Portions owned by the state between Ellensburg and the Columbia River that are managed by the parks and recreation commission are transferred to the department of transportation;

(b) Portions owned by the state between the west side of the Columbia River and Royal City Junction and between Warden and Lind that are managed by the department of natural resources are transferred to the department of transportation; and

(c) Portions owned by the state between Lind and the Idaho border that are managed by the department of natural resources are transferred to the parks and recreation commission.

(2) The department of natural resources and the parks and recreation commission may by mutual agreement transfer the management authority over portions of the Milwaukee Road corridor between their two respective agencies without legislative approval if the portion transferred does not exceed ten miles in length.

(3) This section expires July 1, 1999, and no transfers shall occur if the department of transportation does not enter into a franchise agreement for a rail line over portions of the Milwaukee Road corridor by July 1, 1999.

**NEW SECTION. Sec. 4.** (1) The department of transportation shall negotiate a franchise with a rail carrier to establish and maintain a rail line over portions of the Milwaukee Road corridor owned by the state between Ellensburg and Lind. The department of transportation may negotiate such a franchise with any qualified rail carrier. Criteria for negotiating the franchise and establishing the right of way include:

(a) Assurances that resources from the franchise will be sufficient to compensate the state for use of the property, including completion of a cross-state trail between Easton and the Idaho border;

(b) Types of payment for use of the franchise, including payment for the use of federally granted trust lands in the transportation corridor;

(c) Standards for maintenance of the line;

(d) Provisions ensuring that both the conventional and intermodal rail service needs of local shippers are met. Such accommodations may comprise agreements with the franchisee to offer or maintain adequate service or to provide service by other carriers at commercially reasonable rates;

(e) Provisions requiring the franchisee, upon reasonable request of any other rail operator, to provide rail service and interchange freight over what is commonly known as the Stampede Pass rail line from Cle Elum to Auburn at commercially reasonable rates;

(f) If any part of the franchise agreement is invalidated by actions or rulings of the federal surface transportation board or a court of competent jurisdiction, the remaining portions of the franchise agreement are not affected;

(g) Compliance with environmental standards; and

(h) Provisions for insurance and the coverage of liability.

(2) The franchise may provide for periodic review of financial arrangements under the franchise.

(3) The department of transportation, in consultation with the parks and recreation commission and the legislative transportation committee, shall negotiate the terms of the franchise, and shall present the agreement to the parks and recreation commission for approval of as to terms and provisions affecting the cross-state trail or affecting the commission.

(4) This section expires July 1, 1999, if the department of transportation does not enter into a franchise agreement for a rail line over portions of the Milwaukee Road corridor by July 1, 1999.

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.51 RCW to read as follows:

(1) The cross-state trail account is created in the custody of the state treasurer. The department of transportation shall deposit revenues from fees collected for use of the state's Milwaukee Road corridor into the account until the parks and recreation commission has received adequate funds to (a) replace portions of land converted to rail use; (b) acquire necessary properties to complete the cross-state trail between Easton and the Idaho border; and (c) provide maintenance on the cross-state trail over the term of the franchise agreement. The department of transportation may retain an administrative fee to cover the actual costs of administering the franchise. Any residual amount shall be deposited into the essential rail assistance account, created under RCW 47.76.250. Expenditures from the account may be used only for the acquisition, development, operation, and maintenance of the cross-state trail. Only the director of the state parks and recreation commission or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(2) The commission may acquire land from willing sellers for the cross-state trail, but not by eminent domain.

(3) The commission shall adopt rules describing the cross-state trail.

(4) This section expires July 1, 1999, if the department of transportation does not enter into a franchise agreement for a rail line over portions of the Milwaukee Road corridor by July 1, 1999.

NEW SECTION. **Sec. 6.** (1) Before entering into a final agreement to issue a franchise negotiated in accordance with section 4 of this act, the department of transportation shall submit the franchise to the legislative transportation committee for review and approval.

(2) If the department of transportation has not entered into a final agreement to franchise a rail line over portions of the Milwaukee Road corridor by December 1, 1998, a report of the progress and obstacles to such an agreement shall be made. The report shall be submitted by December 15, 1998, to appropriate committees of the legislature.

**Sec. 7.** RCW 43.51.405 and 1989 c 129 s 1 are each amended to read as follows:

Except as provided in sections 3 and 4 of this act, management control of the portion of the Milwaukee Road corridor, beginning at the western terminus near Easton and concluding at the west end of the bridge structure over the Columbia river, which point is located in section 34, township 16 north, range 23 east, W.M., inclusive of the northerly spur line therefrom, shall be transferred by the department of natural resources to the state parks and recreation commission at no cost to the commission.

**Sec. 8.** RCW 79.08.275 and 1989 c 129 s 2 are each amended to read as follows:

Except as provided in sections 3 and 4 of this act, the portion of the Milwaukee Road corridor from the west end of the bridge structure over the Columbia river, which point is located in section 34, township 16 north, range 23 east, W.M., to the Idaho border purchased by the state shall be under the management and control of the department of natural resources.

**Sec. 9.** RCW 44.40.020 and 1977 ex.s. c 235 s 5 are each amended to read as follows:

(1) The committee is authorized and directed to continue its studies and for that purpose shall have the powers set forth in chapter 111, Laws of 1947. The committee is further authorized to make studies related to bills assigned to the house and senate transportation committees and such other studies as provided by law. The executive committee of the committee may assign responsibility for all or part of the conduct of studies to the house and/or senate transportation committees.

(2) The committee may review and approve franchise agreements entered into by the department of transportation under section 4 of this act.

NEW SECTION. **Sec. 10.** This act takes effect July 1, 1996.

NEW SECTION. **Sec. 11.** Sections 7 and 8, chapter . . . , Laws of 1996 (sections 7 and 8 of this act) expire July 1, 1999, if the department of transportation does not enter into a franchise agreement for a rail line over portions of the Milwaukee Road corridor by July 1, 1999.

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

Senator Owen moved that the following amendments by Senators Owen and Prince to the Committee on Transportation striking amendment be considered simultaneously and be adopted:

On page 3, line 21 of the amendment, after "state treasurer." strike all material through "account" on line 31, and insert "Eleven million five hundred thousand dollars is provided to the state parks and recreation commission to acquire, construct, and maintain a cross-state trail. This amount may consist of: (a) Legislative appropriations intended for trail development; (b) payments for the purchase of federally-granted trust lands; and (c) franchise fees derived from use of the rail corridor. The legislature intends that any amounts provided from the transportation fund are to be repaid to the transportation fund from franchise fees.

(2) The department shall deposit franchise fees from use of the rail corridor according to the following priority: (a) To the department of transportation for actual costs incurred in administering the franchise; (b) to the department of natural resources as compensation for use of federally granted trust lands in the rail corridor; (c) to the transportation fund to reimburse any amounts transferred or appropriated from that fund by the legislature for trail development; (d) to the cross-state trail account, not to exceed eleven million five hundred thousand dollars, provided that this amount shall be reduced proportionate with any funds transferred or appropriated by the 1996 legislature or paid from franchise fees for the purchase of federally-granted trust lands for trail development; and (e) the remainder to the essential rail assistance account, created under RCW 47.76.250. Expenditures from the cross-state trail account"

On page 3, at the beginning of line 37 of the amendment, strike "(2)" and insert "(3)"

On page 4, at the beginning of line 1 of the amendment, strike "(3)" and insert "(4)"

On page 4, at the beginning of line 3 of the amendment, strike "(4)" and insert "(5)"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Owen and Prince on page 3, line 21; page 3, line 37; and page 4, lines 1 and 3, to the Committee on Transportation striking amendment to Engrossed Substitute House Bill No. 2832.

The motion by Senator Owen carried and the amendments to the committee amendment were adopted.

The President declared the question before the Senate to be the adoption of the Committee on Transportation striking amendment, as amended, to Engrossed Substitute House Bill No. 2832.

The committee amendment, as amended, to Engrossed Substitute House Bill No. 2832 was adopted.

## MOTIONS

On motion of Senator Owen, the following title amendments were considered simultaneously and were adopted:

On line 4 of the title, after "way;" strike the remainder of the title and insert "amending RCW 43.51.405, 79.08.275, and 44.40.020; adding new sections to chapter 43.51 RCW; creating new sections; providing an effective date; and providing contingent expiration dates."

On motion of Senator Owen, the rules were suspended, Engrossed Substitute House Bill No. 2832, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## MOTION

On motion of Senator Thibaudeau, Senator Quigley was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2832, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2832, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Quigley - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2832, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SPECIAL ORDER OF BUSINESS

On motion of Senator Snyder, Engrossed Substitute House Bill No. 2343 will be made a special order of business at 4:55 p.m. today.

## SECOND READING

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1967, by House Committee on Transportation (originally sponsored by Representatives Romero, Robertson, R. Fisher, K. Schmidt, Tokuda, Chopp, Patterson, Regala, Hatfield, Wolfe, Cole, Dellwo, Valle and Ogden)

Increasing penalties for repeat violations of vehicle licensing requirements.

The bill was read the second time.

## MOTIONS

On motion of Senator Owen, the following Committee on Transportation amendment was adopted:

On page 4, line 26, after "days" insert "except that in the case of a recreational vehicle as defined in RCW 43.22.335, no more than two trip permits may be used for any one vehicle in a one-year period"

On motion of Senator Owen, the rules were suspended, Second Engrossed Substitute House Bill No. 1967, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Substitute House Bill No. 1967, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute House Bill No. 1967, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Quigley - 1.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1967, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2365, by Representatives Casada and Pelesky

Revising provisions for bridge and service districts.

The bill was read the second time.

## MOTIONS

On motion of Senator Haugen, the following Committee on Government Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 36.83.010 and 1985 c 400 s 2 are each amended to read as follows:

The legislative authority of a county may establish one or more service districts within the county for the purpose of providing and funding capital and maintenance costs for any bridge or road improvement or for providing and funding capital costs for any state highway improvement a county or a road district has the authority to provide. A service district may not include any area within the corporate limits of a city or town unless the city or town governing body adopts a resolution approving inclusion of the area within its limits. A service district is a quasi municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

A service district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, to acquire, hold, and dispose of real and personal property, and to sue and be sued. All projects constructed by a service district pursuant to the provisions of this chapter shall be competitively bid and contracted.

A board of three commissioners appointed by the county legislative authority or county executive pursuant to this chapter shall be the governing body of a service district. The county treasurer shall act as the ex officio treasurer of the service district. The electors of a service district are all registered voters residing within the district.

**Sec. 2.** RCW 36.83.020 and 1983 c 130 s 2 are each amended to read as follows:

(1) A county legislative authority proposing to establish a service district(~~(, or to modify the boundaries of an existing service district, or to dissolve an existing service district,))~~) shall conduct a hearing at the time and place specified in a notice published at least once, not less than ten days prior to the hearing, in a newspaper of general circulation within the proposed service district. This notice shall be in addition to any other notice required by law to be published. The notice shall(~~(, where applicable,))~~) specify the functions or activities proposed to be provided or funded(~~(, or the additional functions or activities proposed to be provided or funded,))~~) by the service district. Additional notice of the hearing may be given by mail, posting within the proposed service district, or in any manner the county legislative authority deems necessary to notify affected persons. All hearings shall be public and the county legislative authority shall hear objections from any person affected by the formation, modification of the boundaries, or dissolution of the service district.

(2) Following the hearing held pursuant to subsection (1) of this section, the county legislative authority may establish a service district(~~(, modify the boundaries or functions of an existing service district, or dissolve an existing service district,))~~) if the county legislative authority finds the action to be in the public interest and adopts an ordinance or resolution providing for the ~~((action))~~ establishment of the service district. The ~~((ordinance))~~ legislation establishing a service district shall specify the functions or activities to be exercised or funded and establish the boundaries of the service district. Functions or activities proposed to be provided or funded by the service district may not be expanded beyond those specified in the notice of hearing, ~~((unless additional notices are made, further hearings on the expansion are held, and further determinations are made that it is in the public interest to so expand the functions or activities proposed to be provided or funded))~~ except as provided in subsection (4) of this section.

(3) At any time prior to the county legislative authority establishing a service district pursuant to this section, all further proceedings shall be terminated upon the filing of a verified declaration of termination signed by ~~((the owners of real property consisting of at least sixty percent of the assessed valuation in))~~ a majority of the registered voters of the proposed service district.

(4) With the approval of the county legislative authority, the governing body of a service district may modify the boundaries of, expand or otherwise modify the functions of, or dissolve the service district after providing notice and conducting a public hearing or hearings in the manner provided in subsection (1) of this section. The governing body must make a determination that the proposed action is in the public interest and adopt a resolution providing for the action.

NEW SECTION. Sec. 3. A new section is added to chapter 36.83 RCW to read as follows:

If the county legislative authority establishes a road and bridge service district, it shall promptly appoint three persons who are residents of the territory included in that service district to serve as the commissioners of the service district. For counties having an elected executive, the executive shall appoint those commissioners subject to confirmation by the legislative authority of the county. The commissioners first appointed shall be designated to serve for terms of one, two, and three years, respectively, from the date of their appointment. Thereafter, service district commissioners shall be appointed for a term of office of five years. Vacancies must be filled for any unexpired term in the same manner as the original appointment. No member of the legislative authority of the county in which a service district is created may be a commissioner of that service district, except that, if the boundaries of the service district are included within or coterminous with the boundaries of a county commissioner or council district, the county commissioner or councilmember elected from that commissioner or council district may be appointed to serve as a commissioner of the service district. A commissioner shall hold office until his or her successor has been appointed and qualified, unless sooner removed from office for cause in accordance with this chapter or removed by referendum in accordance with section 4 of this act. A certificate of the appointment or reappointment of any commissioner must be filed with the county auditor, and such certificate is conclusive evidence of the due and proper appointment of the commissioner. The commissioners of the service district shall receive no compensation for their services, in any capacity, but are entitled to reimbursement for reasonable and necessary expenses, including travel expenses, incurred in the discharge of their duties.

The powers of each service district are vested in the commissioners of the service district. Two commissioners constitute a quorum of the service district for the purpose of conducting its business and exercising its powers and for all other purposes. The commissioners of the service district shall organize itself and select its chair, vice-chair, and secretary, who shall serve one-year terms but may be selected for additional terms. When the office of any officer becomes vacant, the commissioners of the service district shall select a new officer from among the commissioners for the balance of the term of office.

NEW SECTION. Sec. 4. A new section is added to chapter 36.83 RCW to read as follows:

Any registered voter residing within the boundaries of the road and bridge service district may file a referendum petition to call an election to retain any or all commissioners. Any referendum petition to call such election shall be filed with the county auditor no later than one year before the end of a commissioner's term. Within ten days of the filing of a petition, the county auditor shall confer with the petitioner concerning form and style of the petition, issue an identification number for the petition, and write a ballot title for the measure. The ballot title shall be posed as a question: "Shall (name of commissioner) be retained as a road and bridge service district commissioner?" and the question shall be posed separately for each commissioner. The petitioner shall be notified of the identification number and ballot title within this ten-day period.

After this notification, the petitioner shall have thirty days in which to secure on petition forms the signatures of not less than twenty-five percent of the registered voters residing within the boundaries of the service district and file the signed petitions with the county auditor. Each petition form shall contain the ballot title. The county auditor shall verify the sufficiency of the signatures on the petitions. If sufficient valid signatures are properly submitted, the county auditor shall submit the referendum measure to the registered voters residing in the service district in a special election no later than one hundred twenty days after the signed petition has been filed with the county auditor. The special election may be conducted by mail ballot as provided for in chapter 29.36 RCW.

The office of any commissioner for whom there is not a majority vote to retain shall be declared vacant.

NEW SECTION. Sec. 5. A new section is added to chapter 36.83 RCW to read as follows:

For neglect of duty or misconduct in office, a commissioner of a service district may be removed by the county legislative authority after conducting a hearing. The commissioner must be given a copy of the charges at least ten days prior to the hearing and must have an opportunity to be heard in person or by counsel. If a commissioner is removed, a record of the proceedings, together with the charges and findings, must be filed in the office of the county auditor.

NEW SECTION. Sec. 6. A new section is added to chapter 36.83 RCW to read as follows:

Any road or bridge improvements financed in whole by funds of a service district, including but not limited to proceeds of bonds issued by a service district, shall be owned by that service district. Improvements financed jointly by a service district and the county or city within which the improvements are located may be owned jointly by the service district and that county or city pursuant to an interlocal agreement.

NEW SECTION. Sec. 7. A new section is added to chapter 36.83 RCW to read as follows:

If a service district is formed, there shall be created in the office of the county treasurer, as ex officio treasurer of the service district, a local service district fund with such accounts as the treasurer may find convenient or as the state auditor or the governing body of the service district may direct, into which shall be deposited all revenues received by or on behalf of the service district from tax levies, gifts, donations and any other source. The fund shall be designated "(name of county) (road/bridge) service district No. . . . fund."

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 36.83.010 and 36.83.020; and adding new sections to chapter 36.83 RCW."

#### MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 2365, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2365, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2365, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

HOUSE BILL NO. 2365, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2690, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Pelesky, Benton, Dyer, L. Thomas, Huff, D. Sommers, Kessler and Grant)

Authorizing the collection of fees and prepayment penalties for consumer loans.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 2690 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2690.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2690 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Voting nay: Senator Pelz - 1.

Absent: Senator Rinehart - 1.

SUBSTITUTE HOUSE BILL NO. 2690, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2790, by Representatives Dyer, Hymes, Scott, Wolfe, Honeyford, D. Schmidt and B. Thomas

Authorizing the distribution of certain governmental lists of public information to private companies for use by federal, state or local governments.

The bill was read the second time.

MOTIONS

On motion of Senator Haugen, the following Committee on Government Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.12.370 and 1982 c 215 s 1 are each amended to read as follows:

In addition to any other authority which it may have, the department of licensing may furnish lists of registered and legal owners of motor vehicles only for the purposes specified in this section to:

(1) The manufacturers of motor vehicles, or their authorized agents, to be used to enable those manufacturers to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. sec. 1382-1418), including amendments or additions thereto, respecting safety-related defects in motor vehicles;

(2) Any governmental agency of the United States or Canada, or political subdivisions thereof, to be used by it or by its authorized commercial agents or contractors only in connection with the enforcement of motor vehicle or traffic laws by, or programs related to traffic safety of, that government agency. Only such parts of the list as are required for completion of the work required of the agent or contractor shall be provided to such agent or contractor; ~~((e))~~

(3) Any business regularly making loans to other persons to finance the purchase of motor vehicles, to be used to assist the person requesting the list to determine ownership of specific vehicles for the purpose of determining whether or not to provide such financing. In the event a list of registered and legal owners of motor vehicles is used for any purpose other than that authorized in subsections (1)~~((2))~~ and ~~((3))~~ through (4) of this section, the manufacturer, governmental agency, financial institution or their authorized agents or contractors responsible for the unauthorized disclosure or use will be denied further access to such information by the department of licensing; or

(4) To private companies that provide on-line computer data base services to federal, state, and local agencies for law enforcement or government purposes. The department shall first obtain the written agreement and assurances satisfactory to the agency of any company requesting information under this section that any list so obtained shall not be provided to any person other than as provided in this section.

**NEW SECTION. Sec. 2.** A new section is added to chapter 42.17 RCW to read as follows:

In addition to the provisions of RCW 42.17.260, state agencies may furnish lists that they maintain of public information, including such lists in computer readable form or on magnetic tape, that they make available to other federal, state, or local government agencies, including law enforcement agencies, to private companies that provide on-line computer data base services with data bases consisting primarily of public records. An agency shall first obtain the written agreement and assurances of the data base company satisfactory to the agency that the company will supply the lists and information so obtained only to federal, state, or local government agencies solely for law enforcement or governmental purposes.

**Sec. 3.** RCW 82.32.330 and 1995 c 197 s 1 are each amended to read as follows:

(1) For purposes of this section:

(a) "Disclose" means to make known to any person in any manner whatever a return or tax information;

(b) "Return" means a tax or information return or claim for refund required by, or provided for or permitted under, the laws of this state which is filed with the department of revenue by, on behalf of, or with respect to a person, and any amendment or supplement thereto, including supporting schedules, attachments, or lists that are supplemental to, or part of, the return so filed;

(c) "Tax information" means (i) a taxpayer's identity, (ii) the nature, source, or amount of the taxpayer's income, payments, receipts, deductions, exemptions, credits, assets, liabilities, net worth, tax liability deficiencies, overassessments, or tax payments, whether taken from the taxpayer's books and records or any other source, (iii) whether the taxpayer's return was, is being, or will be examined or subject to other investigation or processing, (iv) a part of a written determination that is not designated as a precedent and disclosed pursuant to RCW 82.32.410, or a background file document relating to a written determination, and (v) other data received by, recorded by, prepared by, furnished to, or collected by the department of revenue with respect to the determination of the existence, or possible existence, of liability, or the amount thereof, of a person under the laws of this state for a tax, penalty, interest, fine, forfeiture, or other imposition, or offense: PROVIDED, That data, material, or documents that do not disclose information related to a specific or identifiable taxpayer do not constitute tax information under this section. Except as provided by RCW 82.32.410, nothing in this chapter shall require any person

possessing data, material, or documents made confidential and privileged by this section to delete information from such data, material, or documents so as to permit its disclosure;

(d) "State agency" means every Washington state office, department, division, bureau, board, commission, or other state agency;

(e) "Taxpayer identity" means the taxpayer's name, address, telephone number, registration number, or any combination thereof, or any other information disclosing the identity of the taxpayer; and

(f) "Department" means the department of revenue or its officer, agent, employee, or representative.

(2) Returns and tax information shall be confidential and privileged, and except as authorized by this section, neither the department of revenue nor any other person may disclose any return or tax information.

(3) The foregoing, however, shall not prohibit the department of revenue from:

(a) Disclosing such return or tax information in a civil or criminal judicial proceeding or an administrative proceeding:

(i) In respect of any tax imposed under the laws of this state if the taxpayer or its officer or other person liable under Title 82 RCW is a party in the proceeding; or

(ii) In which the taxpayer about whom such return or tax information is sought and another state agency are adverse parties in the proceeding;

(b) Disclosing, subject to such requirements and conditions as the director shall prescribe by rules adopted pursuant to chapter 34.05 RCW, such return or tax information regarding a taxpayer to such taxpayer or to such person or persons as that taxpayer may designate in a request for, or consent to, such disclosure, or to any other person, at the taxpayer's request, to the extent necessary to comply with a request for information or assistance made by the taxpayer to such other person: PROVIDED, That tax information not received from the taxpayer shall not be so disclosed if the director determines that such disclosure would compromise any investigation or litigation by any federal, state, or local government agency in connection with the civil or criminal liability of the taxpayer or another person, or that such disclosure would identify a confidential informant, or that such disclosure is contrary to any agreement entered into by the department that provides for the reciprocal exchange of information with other government agencies which agreement requires confidentiality with respect to such information unless such information is required to be disclosed to the taxpayer by the order of any court;

(c) Disclosing the name of a taxpayer with a deficiency greater than five thousand dollars and against whom a warrant under RCW 82.32.210 has been either issued or filed and remains outstanding for a period of at least ten working days. The department shall not be required to disclose any information under this subsection if a taxpayer: (i) Has been issued a tax assessment; (ii) has been issued a warrant that has not been filed; and (iii) has entered a deferred payment arrangement with the department of revenue and is making payments upon such deficiency that will fully satisfy the indebtedness within twelve months;

(d) Disclosing the name of a taxpayer with a deficiency greater than five thousand dollars and against whom a warrant under RCW 82.32.210 has been filed with a court of record and remains outstanding;

(e) Publishing statistics so classified as to prevent the identification of particular returns or reports or items thereof;

(f) Disclosing such return or tax information, for official purposes only, to the governor or attorney general, or to any state agency, or to any committee or subcommittee of the legislature dealing with matters of taxation, revenue, trade, commerce, the control of industry or the professions;

(g) Permitting the department of revenue's records to be audited and examined by the proper state officer, his or her agents and employees;

(h) Disclosing any such return or tax information to the proper officer of the internal revenue service of the United States, the Canadian government or provincial governments of Canada, or to the proper officer of the tax department of any state or city or town or county, for official purposes, but only if the statutes of the United States, Canada or its provincial governments, or of such other state or city or town or county, as the case may be, grants substantially similar privileges to the proper officers of this state;

(i) Disclosing any such return or tax information to the Department of Justice, the Bureau of Alcohol, Tobacco and Firearms of the Department of the Treasury, the Department of Defense, the United States customs service, the coast guard of the United States, and the United States department of transportation, or any authorized representative thereof, for official purposes;

(j) Publishing or otherwise disclosing the text of a written determination designated by the director as a precedent pursuant to RCW 82.32.410;

(k) Disclosing, in a manner that is not associated with other tax information, the taxpayer name, entity type, business address, mailing address, revenue tax registration numbers, standard industrial classification code of a taxpayer, and the dates of opening and closing of business. This subsection shall not be construed as giving authority to the department to give, sell, or provide access to any list of taxpayers for any commercial purpose except as provided in section 4 of this act; or

(l) Disclosing such return or tax information that is also maintained by another Washington state or local governmental agency as a public record available for inspection and copying under the provisions of chapter 42.17 RCW or is a document maintained by a court of record not otherwise prohibited from disclosure.

(4)(a) The department may disclose return or taxpayer information to a person under investigation or during any court or administrative proceeding against a person under investigation as provided in this subsection (4). The disclosure must be in connection with

the department's official duties relating to an audit, collection activity, or a civil or criminal investigation. The disclosure may occur only when the person under investigation and the person in possession of data, materials, or documents are parties to the return or tax information to be disclosed. The department may disclose return or tax information such as invoices, contracts, bills, statements, resale or exemption certificates, or checks. However, the department may not disclose general ledgers, sales or cash receipt journals, check registers, accounts receivable/payable ledgers, general journals, financial statements, expert's workpapers, income tax returns, state tax returns, tax return workpapers, or other similar data, materials, or documents.

(b) Before disclosure of any tax return or tax information under this subsection (4), the department shall, through written correspondence, inform the person in possession of the data, materials, or documents to be disclosed. The correspondence shall clearly identify the data, materials, or documents to be disclosed. The department may not disclose any tax return or tax information under this subsection (4) until the time period allowed in (c) of this subsection has expired or until the court has ruled on any challenge brought under (c) of this subsection.

(c) The person in possession of the data, materials, or documents to be disclosed by the department has twenty days from the receipt of the written request required under (b) of this subsection to petition the superior court of the county in which the petitioner resides for injunctive relief. The court shall limit or deny the request of the department if the court determines that:

(i) The data, materials, or documents sought for disclosure are cumulative or duplicative, or are obtainable from some other source that is more convenient, less burdensome, or less expensive;

(ii) The production of the data, materials, or documents sought would be unduly burdensome or expensive, taking into account the needs of the department, the amount in controversy, limitations on the petitioner's resources, and the importance of the issues at stake; or

(iii) The data, materials, or documents sought for disclosure contain trade secret information that, if disclosed, could harm the petitioner.

(d) The department shall reimburse reasonable expenses for the production of data, materials, or documents incurred by the person in possession of the data, materials, or documents to be disclosed.

(e) Requesting information under (b) of this subsection that may indicate that a taxpayer is under investigation does not constitute a disclosure of tax return or tax information under this section.

(5) Any person acquiring knowledge of any return or tax information in the course of his or her employment with the department of revenue and any person acquiring knowledge of any return or tax information as provided under subsection (3)(f), (g), (h), or (i) of this section, who discloses any such return or tax information to another person not entitled to knowledge of such return or tax information under the provisions of this section, shall upon conviction be punished by a fine not exceeding one thousand dollars and, if the person guilty of such violation is an officer or employee of the state, such person shall forfeit such office or employment and shall be incapable of holding any public office or employment in this state for a period of two years thereafter.

**NEW SECTION. Sec. 4.** A new section is added to chapter 82.32 RCW to read as follows:

The department of revenue may furnish lists of taxpayer names, entity types, business addresses, mailing addresses, revenue tax registration numbers, standard industrial classification code of a taxpayer, and the dates of opening and closing of a business to companies that provide on-line computer data base services. The on-line computer companies shall provide the data bases consisting primarily of public records only to other federal, state, or local government agencies solely for law enforcement or government purposes. Before providing a list to a company under this section, the department shall obtain a written agreement that any list so provided shall be used only for the purposes specified in this section.

**NEW SECTION. Sec. 5.** A new section is added to chapter 42.17 RCW to read as follows:

The legislature finds that the practices covered by RCW 46.12.370(4) and sections 2 and 4 of this act are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. Violations of RCW 46.12.370(4) and sections 2 and 4 of this act are not reasonable in relation to the development and preservation of business. A violation of RCW 46.12.370(4) or section 2 or 4 of this act is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW."

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 2 of the title, after "information;" strike the remainder of the title and insert "amending RCW 46.12.370 and 82.32.330; adding new sections to chapter 42.17 RCW; and adding a new section to chapter 82.32 RCW."

#### MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 2790, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2790, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2790, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 39.

Voting nay: Senators Drew, Fairley, Finkbeiner, Franklin, Fraser, Kohl, Loveland, Roach, Sheldon and Zarelli - 10.

HOUSE BILL NO. 2790, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### CHANGE OF TIME FOR SPECIAL ORDER OF BUSINESS

On motion of Senator Snyder, Engrossed Substitute House Bill No. 2343 will be made a special order of business at 4:59 p.m. today, rather than 4:55 p.m.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1229, by House Committee on Law and Justice (originally sponsored by Representatives Sheahan and Appelwick)

Modifying options for payment of retirement allowances.

The bill was read the second time.

#### MOTION

On motion of Senator Drew, the rules were suspended, Second Substitute House Bill No. 1229 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1229.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1229 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Absent: Senator Hargrove - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1229, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2724, by House Committee on Commerce and Labor (originally sponsored by Representatives McMorris, Cole and Costa)

Providing for payment of job modification or accommodation costs for injured workers.

The bill was read the second time.

#### MOTION

On motion of Senator Pelz, the rules were suspended, Substitute House Bill No. 2724 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2724.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2724 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2724, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2657, by House Committee on Capital Budget (originally sponsored by Representatives Silver and Costa)

Redefining the term "public works project."

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute House Bill No. 2657 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Snyder, further consideration of Engrossed Substitute House Bill No. 2657 was deferred.

#### POINT OF ORDER SPECIAL ORDER OF BUSINESS

Senator Snyder: "Mr. President, I rise to a point of order. We have now reached the time for the Special Order of Business on Engrossed Substitute House Bill No. 2343."

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2343, by House Committee on Transportation (originally sponsored by Representatives K. Schmidt, R. Fisher, D. Schmidt and Thompson) (by request of Office of Financial Management)

Funding transportation.

The bill was read the second time.

#### MOTION

Senator Owen moved that the following Committee on Transportation amendment not be adopted:  
Strike everything after the enacting clause and insert the following:

**"PART I  
GENERAL GOVERNMENT AGENCIES--OPERATING**

**Sec. 101.** 1995 2nd sp.s. c 14 s 103 (uncodified) is amended to read as follows:

**FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM**

Motor Vehicle Fund--State Appropriation   \$ ~~((205,000))~~

410,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The legislative evaluation and accountability program committee shall enter into a service level agreement with the legislative transportation committee by September 30, 1995, which shall be reviewed annually thereafter.

**PART II  
TRANSPORTATION AGENCIES**

**Sec. 201.** 1995 2nd sp.s. c 14 s 203 (uncodified) is amended to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Motor Vehicle Fund--Rural Arterial Trust

Account--State Appropriation   \$ ~~((37,553,000))~~

57,553,000

Motor Vehicle Fund--State Appropriation   \$ 1,340,000

Motor Vehicle Fund--Private/Local Appropriation   \$ 508,000

Motor Vehicle Fund--County Arterial Preservation

Account --State Appropriation   \$ 26,023,000

TOTAL APPROPRIATION   \$ ~~((65,424,000))~~

85,424,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The county road administration board shall conduct an analysis of gravel roads under county jurisdictions and provide a report to the legislative transportation committee consisting of recommendations for implementing a state-wide program for paving county gravel roads. The recommendations will include prioritizing methodology and legislative changes required for implementation of the program. The report and a list of high priority projects will be provided to the legislative transportation committee by December 31, 1996.

**Sec. 202.** 1995 2nd sp.s. c 14 s 204 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Motor Vehicle Fund--Urban Arterial Trust

Account--State Appropriation   \$ ~~((38,997,000))~~

43,297,000

Motor Vehicle Fund--Transportation Improvement

Account--State Appropriation   \$ ~~((143,061,000))~~

173,061,000

Motor Vehicle Fund--City Hardship Assistance

Account--State Appropriation   \$ ~~((1,904,000))~~

2,404,000

Central Puget Sound Public Transportation Account--

State Appropriation   \$ 15,009,000

Public Transportation Systems Account--State

Appropriation   \$ 6,082,000

Motor Vehicle Fund--Small City Account--

State Appropriation   \$ 5,702,000

TOTAL APPROPRIATION   \$ ~~((189,664,000))~~

245,555,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The transportation improvement account--state appropriation includes \$50,000,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. However, the transportation improvement board may authorize the use of current revenues available in lieu of bond proceeds.

(2) The appropriations in this section include \$9,000,000 for the Mill Plain extension project.

(3) The appropriations in this section include sufficient funds for any costs associated with the implementation of Substitute Senate Bill No. 6761.

**Sec. 203.** 1995 2nd sp.s. c 14 s 205 (uncodified) is amended to read as follows:

**FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE**

Motor Vehicle Fund--State Appropriation \$ 2,528,000

High Capacity Transportation Account--

State Appropriation \$ 250,000

**TOTAL APPROPRIATION \$ 2,778,000**

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The legislative transportation committee shall convene representatives from the department of transportation, Washington state patrol, department of licensing, and any other agency receiving an appropriation in this act, as necessary, to establish performance measures that are associated with the ~~((final legislative appropriation))~~ budget for the 1997-1999 biennium. The performance measures are to be established and will be tracked within the transportation executive information system.

(2) The legislative transportation committee shall convene one or more groups to address activities that result in the loss of transportation tax revenue. The groups shall present their findings to the legislative transportation committee and the office of financial management. One of the groups shall study and submit to the legislature by December 31, 1996, draft legislation to move the special fuel tax point of collection from the special fuel dealer level to the bulk transfer/terminal system. The group may also study the feasibility of moving the point of collection for motor vehicle fuel.

(3) ~~((The legislative transportation committee shall study the governance and operations of the ports.))~~ The legislative transportation committee shall undertake an assessment of the methods and technology currently available to create a driver's license and identicard that cannot be fraudulently obtained from the department of licensing, thereby providing the public, businesses, and agencies with a more secure driver's license. A consultant may be hired to assist in the assessment. A final report is due by January 15, 1997.

(4) By December 31, 1996, the legislative transportation committee, in consultation with the department of licensing, Washington state patrol, and vendors of license plate materials and technologies, shall develop recommendations regarding motor vehicle license plates.

(5) The legislative transportation committee shall conduct an assessment of those public transportation issues identified for further examination by the 1995 subcommittee on transit of the house of representatives transportation committee. These issues include the funding and use of state transit related accounts, the level of transit system reserves, transit governance and direct accountability, methods to improve transit efficiency, improving the productivity of transit expenditures, and an assessment of the appropriate level of state subsidy and improved accountability for state funds. The committee may assess any issue related to public transportation they deem necessary. The committee shall also evaluate the need for addressing specialized transportation needs in areas where public transportation systems have not been established. The committee shall report its findings and recommendations to the 1997 legislature and prepare legislation necessary to implement those recommendations. \$100,000 of the high capacity transportation account--state appropriation is provided solely for this assessment.

(6) The legislative transportation committee shall provide assistance to transit agencies to develop policies and implement joint operating agreements to improve cross jurisdictional services as set forth in Engrossed Substitute Senate Bill No. 6701. These improvements shall include connections among agencies and other transportation providers, reduced use of nonproductive services such as empty backhauls, improved fare collection policies, and better traveler information. Up to \$150,000 of the high capacity transportation account--state appropriation is provided solely for this purpose.

**Sec. 204.** 1995 2nd sp.s. c 14 s 207 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION COMMISSION**

Transportation Fund--State Appropriation \$ ~~((677,000))~~

764,000

~~((The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:))~~

**Sec. 205.** 1995 2nd sp.s. c 14 s 208 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS**

Motor Vehicle Fund--State Patrol Highway

Account--State Appropriation \$ ~~((140,251,000))~~

141,697,000

Motor Vehicle Fund--State Patrol Highway

Account--Federal Appropriation \$ 3,196,000

Motor Vehicle Fund--State Appropriation \$ 747,000

Marine Operating Fund--State Appropriation \$ 927,000

TOTAL APPROPRIATION \$ ((145,121,000))

146,567,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The state patrol shall have a staffing level of not less than ~~((735))~~ 741 commissioned officers at the end of the 1995-97 biennium. This compares to a level of 700 commissioned officers that was established in the 1993-95 biennium. To achieve these levels: A class of not less than 30 cadets shall begin in July of 1995 ~~((and))~~; a class of not less than 40 cadets shall begin in January of 1996; and a class of not less than 40 shall begin in September 1996.

(2) Management levels, lieutenants and above, are redirected to perform direct traffic law enforcement activities equivalent to five field force FTE staff years. Management personnel engaged in management activity shall not exceed 55 FTE staff years. This level compares to 76 FTE management level staff years in January of 1993.

(3) Any user of Washington state patrol aircraft shall reimburse the Washington state patrol for its pro rata share of all operating and maintenance costs including capitalization.

~~((5))~~ By January 1, 1996, the chief of the state patrol shall submit to the legislative transportation committee a plan to incorporate safety education officer functions into field force activities. In development of the plan, the chief may consult with various constituent groups including the Washington traffic safety commission, schools, businesses, and local traffic entities. Up to \$200,000 of the motor vehicle fund--state patrol highway account--state appropriation provided for in this section may be used for these purposes.

~~((6))~~ (4) The \$747,000 motor vehicle fund--state appropriation in this section is provided for the following traditional general fund purposes: The Governor's air travel, the license fraud program, and the special services unit. This motor vehicle fund--state appropriation shall not be recognized as a permanent funding source for these purposes, but rather as a temporary funding source subject to renewed evaluation during the 1997 legislative session.

**Sec. 206.** 1995 2nd sp.s. c 14 s 209 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU**

Motor Vehicle Fund--State Patrol Highway

Account--State Appropriation \$ ((53,229,000))

53,319,000

Highway Safety Fund--State Appropriation \$ 440,000

Motor Vehicle Fund--State Appropriation \$ ((1,491,000))

2,811,000

Transportation Fund--State Appropriation \$ 2,636,000

TOTAL APPROPRIATION \$ ((57,356,000))

59,206,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

~~((1))~~ ~~The office of the chief of the state patrol shall prepare a strategic plan that represents the future of the Washington state patrol and how management envisions meeting the challenges identified in the plan. The plan shall address the future responsibilities of commissioned and non-commissioned personnel, and the use of technology in law enforcement. It will focus on maximizing joint services and projects with other transportation agencies such as communication systems, computer systems, and facilities. Additionally, the state patrol shall include any other issues it deems necessary and will provide a six-year financial plan to address the future challenges identified in the strategic plan. The plan outline shall be delivered to the legislative transportation committee by August 1, 1995, and the final plan delivered to the legislature by January 1, 1996.~~

~~((2))~~ \$1,241,000 of the motor vehicle fund--state appropriation and \$2,363,000 of the transportation fund--state appropriation provided for in this section are for the following traditional general fund purposes: The executive protection unit, revolving fund charges, budget and fiscal services, computer services, personnel, human resources, administrative services, and property management. These appropriations shall not be recognized as permanent funding sources for these purposes, but rather as temporary funding sources subject to renewed evaluation during the 1997 legislative session.

~~((2))~~ The Washington state patrol shall develop policies and cost neutral procedures to facilitate the dissemination of driver's license status data to private sector entities that satisfactorily demonstrate an operational need for such information. The Washington state patrol shall report its findings to the committee not later than July 1, 1996.

**Sec. 207.** 1995 2nd sp.s. c 14 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES**

Highway Safety Fund--Motorcycle Safety Education Account--

State Appropriation \$ ((78,000))

68,000

State Wildlife Account--State Appropriation	\$ ((69,000))	53,000
Highway Safety Fund--State Appropriation	\$ ((5,090,000))	5,460,000
Motor Vehicle Fund--State Appropriation	\$ ((4,338,000))	4,045,000
Transportation Fund--State Appropriation	\$ ((791,000))	808,000
TOTAL APPROPRIATION	\$ ((10,366,000))	10,434,000

**Sec. 208.** 1995 2nd sp.s. c 14 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS**

Highway Safety Fund--Motorcycle Safety Education

Account--State Appropriation \$ 2,000

General Fund--Wildlife Account--State

Appropriation \$ ((118,000))

		114,000
Highway Safety Fund--State Appropriation	\$ ((7,820,000))	12,761,000
Motor Vehicle Fund--State Appropriation	\$ ((12,871,000))	21,154,000
Transportation Fund--State Appropriation	\$ ((1,302,000))	2,532,000
TOTAL APPROPRIATION	\$ ((22,111,000))	36,563,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) ~~(\$15,223,000)~~ \$30,143,000 is for the licensing application migration project (LAMP), of which ~~(\$9,134,000)~~ \$17,240,000 is motor vehicle account--state, ~~(\$6,089,000)~~ \$11,493,000 is highway safety fund--state, and \$1,400,000 is transportation account--state. The increase in this subsection represents the second year funding for the LAMP project in the 1995-97 biennium.

Of the ~~(\$15,223,000)~~ \$30,143,000 LAMP appropriation ~~(\$761,150)~~ \$1,507,150 is provided solely as a contingency amount.

(2) The licensing application migration project (LAMP) shall comply with section 49, chapter 23, Laws of 1993 ex. sess.

(3) The steering committee specified in the licensing application migration project (LAMP) feasibility study, dated July 7, 1992, shall meet monthly. In addition to the existing steering committee membership established in the feasibility study, the LAMP project director, the LAMP contractor's project manager, the LAMP quality assurance consultant, and a representative of the Washington state patrol shall be ex officio members of the LAMP steering committee.

(4) The licensing application migration project (LAMP) quality assurance consultant shall provide the LAMP steering committee with bimonthly reports on the status of the LAMP project. The bimonthly reports shall be on alternate months from the bimonthly reports provided by the department of information services. The reports required in this subsection shall also be delivered to the senate and house of representatives transportation committee chairs.

~~((5) No moneys are provided in this act for the inclusion of general fund activities in the LAMP project.)~~

**Sec. 209.** 1995 2nd sp.s. c 14 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES**

General Fund--Marine Fuel Tax Refund Account--

State Appropriation \$ 26,000

General Fund--Wildlife Account--State

Appropriation \$ 534,000

Motor Vehicle Fund--State Appropriation \$ ((46,554,000))

		48,195,000
Department of Licensing Services Account--		
State Appropriation	\$ ((2,944,000))	3,544,000
TOTAL APPROPRIATION	\$ ((50,058,000))	52,299,000

52,299,000

The appropriations in this section are subject to the following conditions and limitations: If the following bills are not enacted by June 30, 1996, the amounts specified from the motor vehicle fund--state appropriation shall lapse:

- (1) Engrossed Second Substitute House Bill No. 2221: \$24,000;
- (2) Substitute House Bill No. 2520: \$20,000;
- (3) Engrossed Substitute House Bill No. 2747: \$395,000;
- (4) Substitute House Bill No. 2893: \$64,000;
- (5) Engrossed Second Substitute Senate Bill No. 5700: \$83,000;
- (6) Substitute Senate Bill No. 6271: \$24,000;
- (7) Senate Bill No. 6476: \$20,000;
- (8) Senate Bill No. 6550: \$345,000; and
- (9) Engrossed Senate Bill No. 6566: \$11,000.

**Sec. 210.** 1995 2nd sp.s. c 14 s 214 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

Highway Safety Fund--Motorcycle Safety Education

Account--State Appropriation \$ 1,150,000

Highway Safety Fund--State Appropriation \$ ((~~56,759,000~~))

56,242,000

Transportation Fund--State Appropriation \$ 4,914,000

TOTAL APPROPRIATION \$ ((~~62,823,000~~))

62,306,000

The appropriations in this section are subject to the following conditions and limitations: If the following bills are not enacted by June 30, 1996, the amounts specified from the highway safety fund--state appropriation shall lapse:

- (1) Engrossed Substitute House Bill No. 2150: \$298,000;
- (2) Substitute Senate Bill No. 6487: \$61,000;
- (3) Engrossed Third Substitute Senate Bill No. 6062: \$230,000.

**Sec. 211.** 1995 2nd sp.s. c 14 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING**

Motor Vehicle Fund--State Appropriation \$ ((~~24,194,000~~))

24,394,000

Motor Vehicle Fund--Federal Appropriation \$ 400,000

Motor Vehicle Fund--Transportation Capital

Facilities Account--State Appropriation \$ 21,974,000

TOTAL APPROPRIATION \$ ((~~46,568,000~~))

46,768,000

**Sec. 212.** 1995 2nd sp.s. c 14 s 216 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F**

Transportation Fund--Aeronautics Account--State

Appropriation \$ 3,780,000

Transportation Fund--Aeronautics Account--Federal

Appropriation \$ 500,000

Transportation Fund--Aircraft Search and Rescue,

Safety, and Education Account--State

Appropriation \$ ((~~132,000~~))

172,000

TOTAL APPROPRIATION \$ ((~~4,412,000~~))

4,452,000

The appropriations in this section are subject to the following conditions and limitations:

The aircraft search and rescue, safety, and education account appropriation includes \$40,000 of additional funding for search and rescue missions and to expand the education program for search and rescue volunteers, flight instructors, mechanics, and the aviation public pursuant to RCW 47.68.233.

**Sec. 213.** 1995 2nd sp.s. c 14 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

Motor Vehicle Fund--Economic Development Account--

State Appropriation	\$ 2,000,000	
Motor Vehicle Fund--State Appropriation	\$ ((235,055,000))	
		<u>242,900,000</u>
Motor Vehicle Fund--Federal Appropriation	\$ ((296,774,000))	
		<u>300,052,000</u>
Motor Vehicle Fund--Private/Local Appropriation	\$ ((47,750,000))	
		<u>49,166,000</u>
Special Category C Account--State Appropriation	\$ 177,600,000	
Special Category C Account--Local Appropriation	\$ 50,000	
Transportation Fund--State Appropriation	\$ ((60,000,000))	
		<u>72,220,000</u>
<u>Central Puget Sound Public Transportation Account--</u> <u>State Appropriation</u>	<u>\$ 8,500,000</u>	
<u>High Capacity Transportation Account--State</u> <u>Appropriation</u>	<u>\$ 8,680,000</u>	
Puyallup Tribal Settlement Account--State Appropriation	\$ ((21,000,000))	
		<u>21,800,000</u>
Puyallup Tribal Settlement Account--Federal Appropriation	\$ 1,000,000	
Puyallup Tribal Settlement Account--Private/Local Appropriation	\$ 2,300,000	
TOTAL APPROPRIATION	\$ ((853,841,000))	
		<u>886,268,000</u>

The appropriations in this section are provided for the location, design, right of way acquisition, and construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$32,204,000 of the motor vehicle fund--federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund--state appropriation includes \$7,525,000 in proceeds from the sale of bonds authorized in RCW 47.10.819(1) for the federal match requirements. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. No bond proceeds shall be used to pay for a federal demonstration study project.

(2) The special category C account--state appropriation of \$177,600,000 includes \$160,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.812 through 47.10.817. The appropriation includes \$75,746,000 for the 1st avenue south bridge in Seattle, \$15,254,000 for North-South Corridor/Division street improvements in Spokane, and \$86,600,000 for selected sections of state route 18. However, the transportation commission may revise the allocation of the appropriation for these projects with the concurrence of the legislative transportation committee. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The motor vehicle fund--state appropriation includes ~~(\$8,710,000)~~ \$9,500,000 in proceeds from the sale of bonds authorized by RCW 47.10.761 and 47.10.762. These funds shall be expended for the following projects:

- (a) Sea Tac International Blvd;
- (b) SR 99 to SR 5 - HOV Lanes;
- (c) SR 3 to Bremerton Ferry Terminal;
- (d) Leavenworth Intermodal Improvement;
- (e) Olympic Interchange;
- (f) Sunset Dr. I/C - I/C Modifications;
- (g) 94th Ave. E. Interchange;
- (h) 164th Ave. Interchange; and
- (i) NE 160th I/C Modifications (CN only).

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

(4) (~~(\$44,685,000)~~) \$47,087,000 appropriated in this section, which includes: (~~(\$3,212,000)~~) \$5,614,000 of the motor vehicle fund--state appropriation; \$39,886,000 of the transportation fund--state appropriation; \$1,328,000 of the motor vehicle fund--local appropriation; and \$259,000 of the economic development account--state appropriation, is to be expended on the following projects:

- (a) Spring St. to Johnson Rd;
- (b) W. Lk. Samm. Pkwy. to SR 202;
- (c) Diamond Lake Channelization;
- (d) 15th SW to SR 161 U-Xing;
- (e) Andresen Road to SR 503;
- (f) NE 144th St. to Battleground;
- (g) Steamboat Island Rd I/C;
- (h) Graham Hill Vicinity;
- (i) North of Winslow - Stage 1;
- (j) SR 5 to Blandford Drive;
- (k) North Sumner Interchange; and
- (l) Sunnyslope I/C - Stage 2.

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

(5) (~~(\$69,111,000)~~) \$78,586,000 appropriated in this section, which includes: (~~(\$35,060,000)~~) \$37,935,000 of the motor vehicle fund--state appropriation; (~~(\$18,948,000)~~) \$25,548,000 of the transportation fund--state appropriation; and \$15,103,000 of the motor vehicle fund--federal appropriation, is to be expended on the following projects:

- (a) SO 360th St/Milton Rd SO to SR 18 - Stage 1;
- (b) SR 522 to 228th St. SE - Stage 1;
- (c) 104th Ave NE to 124th Ave NE I/C;
- (d) 124th NE I/C to W. Lake Samm. Pkwy.;
- (e) Lewis Street Interchange;
- (f) SR 202 Interchange;
- (g) SR 82 to Selah;
- (h) O'Brien to Lewis Rd;
- (i) NE 147th to 80th NE - HOV Lanes;
- (j) Old Cascade Hwy - to Deception CR - Stage 1;
- (k) Prophets point to Old Cascade Hwy - Stage 2; and
- (l) Sequim Bypass.

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

(6) (~~(The motor vehicle fund--state appropriation in this section includes)~~) \$47,072,000 appropriated in this section, which includes \$44,772,000 from the motor vehicle fund--state appropriation and \$2,300,000 from the central Puget Sound public transportation account--state appropriation, is for the following high occupancy vehicle lane projects:

- (a) 15th St SW to 84th Ave. SO - Stage 2; and
- (b) Pierce C.L. to Tukwila I/C - Stage 1.

~~((Construction of the projects under this subsection is subject to the availability of revenue from the repeal of the gasoline exemption and credit.))~~

(7) When the projects identified in subsections (4) through (6) of this section are complete, the legislature will have fulfilled the commitments made in 1990 associated with the passage of the 1990 transportation revenue package.

(8) \$5,400,000 appropriated in this section, which includes: \$880,000 of the high capacity transportation account--state and \$4,520,000 of the transportation fund--state is provided for the following economic development projects:

(a) Mill Plain extension provided that the port of Vancouver contributes \$3,600,000 to the project and a written agreement is reached that upon completion of the project, the city of Vancouver will transfer jurisdiction of Mill Plain Boulevard to the department and the department will transfer jurisdiction of Fourth Plain to the city of Vancouver without further obligation; and

(b) NE 40th Street Interchange (SR 520).

(9) The central Puget Sound public transportation account appropriation and the high capacity transportation account appropriation in this section include \$14,000,000 for the following high-occupancy vehicle mobility projects:

- (a) 164th to SR 526 HOV Lanes - NB and SB (SR 5);
- (b) Woodinville Interchange (SR 405); and
- (c) Bothell to Swamp Creek I/C STAGE 1 (SR 405).

(10) The motor vehicle fund appropriation in this section includes \$17,800,000 for new preconstruction activities. Up to \$2,100,000 of the appropriation in this subsection is to be expended for preconstruction activities on the following project: 196th Street SW/SR 524 I/C.

~~((9))~~ (11) The department shall report annually to the legislative transportation committee on the status of the projects funded by the special category C appropriations contained in this section. The report shall be submitted by January 1 of each year.

~~((10))~~ (12) If chapter . . . (Substitute House Bill No. 1597), Laws of 1995 is enacted by the 1995 legislature, the department of transportation shall assess the impacts of the bill upon the department of transportation and provide a report on such impacts to the legislative transportation committee by January 1, 1997.

~~((11))~~ (13) The legislature needs to determine all possible causes for changes in a project's cost from the time the cost is identified in the transportation commission's budget recommendation provided to the governor and legislature in support of the proposed highway construction budget, through completion of project construction.

The department shall provide a historical data report showing changes throughout the life of selected projects. The historical data report shall quantify the reasons for project increases or decreases and include department of transportation actions taken to minimize such changes. The department is directed to assess whether construction cost efficiencies can be achieved by ensuring continuity between design efforts and construction administrative activities.

The department shall explicitly identify in its 1997-99 agency budget submittal any project for which funding is being requested as part of two or more budget items or programs. For each such project, the department shall identify the relevant budget items, the programs in which the budget items are contained, the amount being requested for the project in each budget item, and the total amount being requested for the project.

~~((12))~~ (14) The motor vehicle fund--state appropriation in this section includes \$2,700,000 solely for state match for the Blaine border crossing project to be used only if federal demonstration project funding is authorized for this project.

~~((13))~~ (15) The motor vehicle fund--state appropriation in this section includes \$600,000 solely for a rest area and information facility in the Nisqually gateway area to Mt. Rainier, provided that at least forty percent of the total project costs are provided from federal, local, or private sources. The contributions from the nonstate sources may be in the form of in-kind contributions including, but not limited to, donations of property and services.

~~((14))~~ (16) The economic development account--state appropriation in this section includes \$1,000,000 for state highway projects associated with the development of a horse racetrack in western Washington. With the funding of these projects, funding from the economic development account for state highway projects is fully obligated. The community economic revitalization board and the transportation commission shall not select any new projects pursuant to RCW 43.160.074 and 47.01.280, notwithstanding projects selected to fulfill the provisions of this subsection.

~~((15))~~ (17) The motor vehicle fund--state appropriation in this section includes \$2,500,000 solely for the department of transportation match for transportation improvement board projects ready for construction in fiscal year 1996.

~~((16))~~ (18) The motor vehicle fund--state appropriation in this section includes \$6,533,000 solely for additional all-weather highway projects.

~~((18))~~ (19) The motor vehicle fund--state appropriation in this section includes \$4,870,000 to be expended on the following project: SR 82, SR 823 UC to SR 12 UC. This project will complete the Selah project identified in subsection (5) of this section.

~~((19))~~ (20) \$93,000 of the appropriation in this section, including \$74,000 of the motor vehicle fund--federal appropriation and \$19,000 of the motor vehicle fund--state appropriation, is provided solely for the Aurora avenue bicycle/pedestrian overpass at Galer Street. The motor vehicle fund--federal appropriation in this subsection is to be provided from transportation enhancement moneys.

~~((20))~~ (21) The motor vehicle fund--state appropriation in this section includes \$3,300,000 for safety work associated with additional pavement preservation projects.

~~((21))~~ (22) The motor vehicle fund--state appropriation in this section includes \$400,000 for additional fish barrier removal projects on state highways.

~~((22))~~ (23) The motor vehicle fund--state appropriation in this section includes up to \$2,160,000 from the sale of bonds authorized in RCW 47.10.834.

(24) \$924,000 of the motor vehicle fund--state appropriation in this section is provided for the SR 522/SR 527/Main Street project.

(25) \$475,000 of the motor vehicle fund--state appropriation in this section is provided for the following project: SR 305, SR 3 to Bond Road vicinity project.

(26) \$50,000 of the motor vehicle fund--state appropriation in this section is provided for the Belfair Bypass corridor analysis.

(27) \$500,000 of the motor vehicle fund--state appropriation in this section is provided for the I-90 Sunset Interchange modifications project.

(28) \$1,000,000 of the motor vehicle fund--state appropriation in this section is provided for the Sprague Avenue to Argonne Road project.

(29) \$200,000 of the motor vehicle fund--state appropriation in this section is provided for the 192nd Avenue Interchange (Brady Road) project.

(30) \$1,100,000 of the transportation fund--state appropriation in this section is provided for the port of Tacoma Road grade separation project.

(31) \$3,000,000 of the motor vehicle fund--state appropriation is provided for additional safety projects such as SR 12, SR 395, and SR 507.

(32) \$150,000 of the motor vehicle fund--state appropriation is provided solely for implementation of Substitute Senate Bill No. 6322. If the bill is not enacted by June 30, 1996, this amount shall lapse.

NEW SECTION. Sec. 214. A new section is added to 1995 2nd sp.s. c 14 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION ECONOMIC PARTNERSHIPS--PROGRAM K**

Transportation Fund--State Appropriation \$ 1,238,000  
Motor Vehicle Account--State Appropriation \$ 17,442,000  
TOTAL APPROPRIATION \$ 18,680,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$17,442,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or the payment of other costs incident to the location, development, design, right of way, and construction of only the SR 16 corridor improvements and park and ride projects selected under the public-private transportation initiative program authorized under chapter 47.46 RCW; support costs of the public-private transportation initiatives program, including the program and fiscal audit required under RCW 47.46.030(2) and subsection (3) of this section; and development of the replacement project process required under RCW 47.46.030(2). \$2,160,000 of the bond proceeds are to be deposited in the motor vehicle fund--state to pay back the loan recommended by the transportation commission and the legislative transportation committee.

(2) Any additional FTEs required to support the public-private initiatives in the transportation program established under chapter 47.46 RCW shall be funded from program management and administration fees paid by private entities participating in the program.

(3) The department of transportation shall provide quarterly reports to the legislative transportation committee and the office of financial management on the status of the public-private initiatives in the transportation program. The department shall conduct a program and fiscal review of the public-private initiatives in the transportation program, authorized under chapter 47.46 RCW, for the biennium ending June 30, 1997. Such review shall include, at a minimum, the extent to which the program has operated in the public interest and fulfilled its statutory obligation; the extent to which the program is operating in an efficient, effective, and economical manner; and the extent to which continuation of the program maintains, improves, or adversely impacts the transportation system of the state of Washington. The department shall provide a progress report on its program and fiscal review of the public-private initiatives in transportation program by June 30, 1996.

Sec. 215. 1995 2nd sp.s. c 14 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**

Motor Vehicle Fund--State Appropriation \$ ~~((221,368,000))~~

222,274,000

Motor Vehicle Fund--Federal Appropriation \$ 461,000

Motor Vehicle Fund--Private/Local Appropriation \$ 3,305,000

TOTAL APPROPRIATION \$ ~~((225,134,000))~~

226,040,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

~~(2) (If projected snow and ice expenditures exceed the plan of \$40,000,000, the department will continue service delivery as planned within the other major maintenance groups, and will request a supplemental appropriation in the following legislative session to fund the additional snow and ice expenditures.~~

~~(3))~~ The department shall deliver the highway maintenance program according to the plans for each major maintenance group to the extent practical. However, if projected snow and ice expenditures exceed the plan of \$40,000,000, the department will, after prior consultation with the legislative transportation committee, adopt one or both of the following courses of action:

(a) Reduce planned maintenance activities in other groups to offset the necessary increases for snow and ice control and detail these expenditures; or

(b) Continue service delivery as planned within the other major maintenance groups and access up to \$2,000,000 in the snow and ice reserve to cover increased snow and ice expenditures provided for in section 505 of this act.

(3) The department shall provide recommendations to the legislative transportation committee by ~~((December 15, 1995))~~ June 30, 1996, on: (a) The feasibility of developing a maintenance management system; (b) methods for providing a consistent maintenance level of service throughout the state; (c) options for centralized versus decentralized management of the program; (d) improving accountability and oversight of the maintenance program; and (e) improving accountability and oversight of the transportation equipment fund program.

(4) The motor vehicle fund--state appropriation in this section includes \$250,000 solely for augmentation of the adopt-a-highway program, under Engrossed Substitute House Bill No. 1512.

(5) The motor vehicle fund--state appropriation in this section includes ~~((906,000))~~ \$1,812,000 for payment of local stormwater assessment fees ~~((for fiscal year 1996. Funding for the remainder of the biennium is withheld pending the results of a legislative transportation committee review of local stormwater assessment fees charged to the department of transportation)).~~

(6) The department of transportation shall participate with the Grant county noxious weed board in a demonstration project to examine ways to accomplish weed control in a more cost effective manner.

**Sec. 216.** 1995 2nd sp.s. c 14 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

Motor Vehicle Fund--State Appropriation \$ ~~((95,544,000))~~

100,050,000

Motor Vehicle Fund--Federal Appropriation \$ 74,600,000

Motor Vehicle Fund--Private/Local Appropriation \$ 8,100,000

Transportation Fund--State Appropriation \$ 119,600,000

Transportation Fund--Federal Appropriation \$ 143,400,000

Transportation Fund--Private/Local Appropriation \$ 3,000,000

TOTAL APPROPRIATION \$ ~~((444,244,000))~~

448,750,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$8,300,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The appropriations in this section include \$10,034,000 for seismic retrofit activities.

(3) The department shall not reduce its commitment to sexual harassment training and diversity training, notwithstanding the reduction in this section for training.

(4) \$36,000,000 of the appropriation in this section, including \$21,000,000 of the transportation fund--state appropriation and \$15,000,000 of the motor vehicle fund--state appropriation, is provided for additional pavement preservation projects.

(5) The appropriations in this section include \$6,879,000 for Washington state's share to replace the deck on the Lewis and Clark bridge. If the Oregon state legislature enacts a public/private partnership program and the Washington state transportation commission, in consultation with the legislative transportation committee, negotiates and enters into an agreement between Washington and Oregon to place the bridge into Oregon's public/private partnership program, up to \$1,000,000 of this amount shall be used for Washington's share of emergency deck repairs to extend the service life of the bridge. The remaining funds may be used as Washington's contribution toward the design of the project pursuant to the agreement between Washington and Oregon. Any additional contributions shall be subject to Washington state legislative appropriations and approvals. The department shall provide a status report on this project to the legislative transportation committee by January 15, 1996.

(6) \$3,700,000 of the motor vehicle fund--state appropriation in this section is provided for the Susie creek bridge (112/38) replacement project.

(7) \$150,000 of the motor vehicle fund--state appropriation is provided solely for implementation of Substitute Senate Bill No. 6322. If the bill is not enacted by June 30, 1996, this amount shall lapse.

**Sec. 217.** 1995 2nd sp.s. c 14 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION SYSTEMS MANAGEMENT--PROGRAM Q**

Motor Vehicle Fund--State Appropriation \$ ~~((40,241,000))~~

22,735,000

The appropriations in this section are subject to the following conditions and limitations ~~((and specified amounts are provided solely for that activity))~~:

~~((1) The appropriation contained in this section provides funding for fiscal year 1996 only.~~

~~((2))~~ By December 31, 1995, the department shall increase the motorist information sign annual permit fee from ten dollars to fifty dollars, increase the motorist information sign initial application fee from seventy-five dollars to one hundred dollars, and provide recommendations to the legislative transportation committee for making the motorist information sign program and the billboard program fully

self-supporting within three years. For the purposes of achieving a self-supporting program, the erection, maintenance, and replacement of backpanels shall not be considered part of the department's program costs.

**Sec. 218.** 1995 2nd sp.s. c 14 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--SALES AND SERVICES TO OTHERS--PROGRAM R**

Motor Vehicle Fund--State Appropriation \$ ((368,000))

490,000

Motor Vehicle Fund--Federal Appropriation \$ 400,000

Motor Vehicle Fund--Private/Local Appropriation \$ ((2,232,000))

7,232,000

TOTAL APPROPRIATION \$ ((3,000,000))

8,122,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

~~((1) By December 1, 1995, the department of transportation is to provide the legislative transportation committee an analysis and recommended policy modifications, where appropriate, regarding the following regional practices:~~

~~(a) Recovery of full costs for reimbursable services; and~~

~~(b) Consistency of charging for reimbursable services across the department's regions.~~

~~(2)) It is the intent of the legislature to continue the state's partnership with the federal government, local government, and the private sector in transportation construction and operations in the most cost-effective manner. The ((program is established)) office of financial management, in cooperation with the department of transportation, is directed to establish an efficient and effective process to increase the expenditure and work force authority for this program to allow the department the ability to provide services on nonappropriated, outside requests ((through the unanticipated receipt process including both dollar and full-time equivalent staff increases)).~~

**Sec. 219.** 1995 2nd sp.s. c 14 s 222 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

Motor Vehicle Fund--Puget Sound Capital Construction

Account--State Appropriation \$ 1,109,000

Motor Vehicle Fund--State Appropriation \$ ((60,781,000))

52,647,000

Motor Vehicle Fund--Puget Sound Ferry Operations

Account--State Appropriation \$ 1,105,000

Transportation Fund--State Appropriation \$ ((2,002,000))

898,000

TOTAL APPROPRIATION \$ ((64,997,000))

55,759,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

~~(1) ((The motor vehicle fund--state appropriation includes \$8,370,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or the payment of other costs incident to the location, development, design, right of way, and construction of projects selected under the public-private transportation initiative program. \$2,160,000 of the bond proceeds are to be deposited in the motor vehicle fund--state to pay back the loan recommended by the transportation commission and the legislative transportation committee.~~

~~(2) Any additional FTEs required to support the public-private initiatives in the transportation program established under chapter 47.46 RCW shall be funded from program management and administration fees paid by private entities participating in the program.~~

~~(3) The department of transportation shall provide quarterly reports to the legislative transportation committee and the office of financial management on the status of the public-private initiatives in the transportation program. The department shall conduct a program and fiscal review of the public-private initiatives in the transportation program, authorized under chapter 47.46 RCW, for the biennium ending June 30, 1997. Such review shall include, at a minimum, the extent to which the program has operated in the public interest and fulfilled its statutory obligation; the extent to which the program is operating in an efficient, effective, and economical manner; and the extent to which continuation of the program maintains, improves, or adversely impacts the transportation system of the state of Washington. The department shall provide a progress report on its program and fiscal review of the public-private initiatives in transportation program by June 30, 1996.~~

~~(4)) It is the intent of the legislature that the department reduce the amount of money spent on nonessential training programs for its employees.~~

~~((5) One of the two full-time employees funded in this section for enhanced public involvement shall be responsible for improving communications between the department and the public. His or her responsibilities shall include: (a) Developing a more efficient and effective system for replying to inquiries from the public and (b) supporting new and existing programs related to public involvement.~~

~~(6) By December 1, 1995, the department of transportation shall implement: (a) Modifications to the construction administration system that promote prudent project management and standards that ensure state-wide consistency of approach among all departmental regions; and (b) modifications to the preconstruction system that streamline processes, reduce the number of internal reviews, and eliminate duplicative documentation.~~

~~(7) To assure that maximum resources are available for the construction programs, the finance and administration division shall assess the financial condition of the transportation equipment fund programs and report to the legislative transportation committee and the office of financial management by December 1, 1995. The evaluation should address lower operating cash balances and reductions in the purchase of highway and computer equipment, and where possible, should identify any surplus equipment to match the downsizing of the department's work force.)~~ (2) The department in conjunction with the legislative transportation committee, office of financial management, and the state treasurer is to evaluate the feasibility of implementing a fiduciary fund for processing one hundred percent reimbursable local and federally funded activities and submit recommendations that shall be forwarded to the legislative transportation committee and the governor by August 31, 1996.

(3) \$50,000 of the motor vehicle fund--state appropriation in this section is provided for the implementation of toll-free telecommunications to provide mountain pass reports and other customer information or services.

**Sec. 220.** 1995 2nd sp.s. c 14 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSIT RESEARCH AND INTERMODAL PLANNING--PROGRAM T**

~~((Essential Rail Assistance Account--State~~

~~Appropriation --- \$ 1,036,000))~~

~~Motor Vehicle Fund--State Appropriation \$ ((13,653,000))~~

14,395,000

~~Motor Vehicle Fund--Federal Appropriation \$ ((46,198,000))~~

15,647,000

~~((High Capacity Transportation Account--~~

~~State Appropriation --- \$ 2,475,000~~

~~Essential Rail Banking Account--State~~

~~Appropriation --- \$ 52,000))~~

~~Transportation Fund--State Appropriation \$ ((37,770,000))~~

1,345,000

~~((Transportation Fund--Federal Appropriation \$ 11,643,000~~

~~Transportation Fund--Private/Local~~

~~Appropriation --- \$ 105,000~~

~~Central Puget Sound Public Transportation~~

~~Account--State Appropriation --- \$ 11,009,000~~

~~Public Transportation Systems Account--State~~

~~Appropriation --- \$ 3,082,000))~~

~~TOTAL APPROPRIATION \$ ((97,023,000))~~

31,387,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

~~((1) Up to \$33,845,000 of the transportation fund--state appropriation and \$700,000 of the transportation fund--federal appropriation is provided for intercity rail passenger service including up to \$12,000,000 for lease purchase of two advanced technology train sets with total purchase costs not to exceed \$20,000,000, subsidies for operating costs not to exceed \$10,000,000, to maintain service of one state contracted round trip between Seattle and Portland and Seattle and Vancouver, British Columbia, and capital projects necessary to provide Seattle-Vancouver, British Columbia, train operating times of under 4 hours. The lease purchase of the train sets is predicated on the condition that the manufacturer of the trains has the obligation of establishing a corporate office in Washington state. The manufacturer is also obligated to spend a minimum of twenty-five percent of the total purchase price of the train sets on the assembly and manufacture of parts of the train sets in Washington state.~~

~~((2)) Up to \$2,400,000 of the motor vehicle fund--state appropriation is provided for regional transportation planning organizations, with allocations for participating counties maintained at the 1993-1995 biennium levels for those counties not having metropolitan planning organizations within their boundaries.~~

~~((3) The appropriations from the central Puget Sound public transportation account and the public transportation systems account are transferred to the transportation improvement board should either chapter . . . (Engrossed Substitute House Bill No. 1107), Laws of 1995 or chapter . . . (Substitute Senate Bill No. 5199), Laws of 1995 be enacted, and contain provisions transferring responsibility for administration of these accounts from the department of transportation to the transportation improvement board, except \$1,000,000 of the appropriation from the public transportation systems account shall be utilized for the rural mobility program and be administered by the department of transportation. Priority for grants provided from these accounts shall be given to projects and programs that can be accomplished in the 1995-1997 biennium and that are not primarily intended for the planning of facilities. Prior to July 1, 1996, no applications for grants from the central Puget Sound public transportation account may be accepted from, nor may funds from that account be granted to, the regional transit authority. The public transportation systems account funds provided to the rural mobility program are for the 1995-97 biennium and are not intended for grants which will have ongoing costs to this program.~~

~~(4) Up to \$700,000 of the high capacity transportation account state appropriation is reappropriated for regional transit authority grants. However, this amount shall not exceed the amount of unexpended regional transit authority grants in the 1993-95 biennium.~~

~~(5) None of the high capacity transportation account state appropriation or reappropriation may be used to disseminate information in a manner that attempts to persuade, rather than inform or educate, area residents regarding the adopted system plan. The appropriation and reappropriation also may not be used to lobby or advertise, or distribute free promotional materials.~~

~~(6) The department of transportation may not transfer high capacity transportation account state funds to a regional transportation authority during the 1995-1997 biennium, unless the authority has provided a detailed report to the department of transportation and the house of representatives and senate transportation committees regarding its use of those funds during preceding biennia and how it proposes to spend additional state funds.~~

~~(7) The motor vehicle fund state appropriation includes \$558,000 for the office of urban mobility. This appropriation is for fiscal year 1996 only, pending a legislative transportation committee review of the office of urban mobility's activities in relation to the planning functions of the department's regional offices.)~~

**Sec. 221.** 1995 2nd sp.s. c 14 s 225 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U**

(1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT

Motor Vehicle Fund--State Appropriation \$ 4,646,000

(2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR

Motor Vehicle Fund--State Appropriation \$ 832,000

(3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES

Motor Vehicle Fund--State Appropriation \$ 3,374,000

(4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL

Motor Vehicle Fund--State Appropriation \$ 2,240,000

(5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION

Motor Vehicle Fund--State Appropriation \$ ~~((5,049,000))~~

7,749,000

~~((The motor vehicle fund state appropriation of \$5,049,000 in this subsection is provided for the self insurance premium and for risk management administrative costs. The department of general administration, the office of financial management, and the department of transportation shall develop funding proposals for: (a) Participation by the department of transportation in the state wide liability self insurance program in fiscal year 1997, and (b) alternative methods for funding the department of transportation's tort claim payments, if appropriate. A report shall be made to the legislative transportation committee and the governor no later than October 31, 1995.))~~

(6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION

Motor Vehicle Fund--Puget Sound Ferry Operations

Account--State Appropriation \$ 2,000,000

(7) FOR PAYMENT OF COSTS OF THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Motor Vehicle Fund--State Appropriation \$ 508,000

(8) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL ADMINISTRATION STATE PARKING SERVICES

Motor Vehicle Fund--State Appropriation \$ 95,000

(9) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE

Motor Vehicle Fund--State Appropriation \$ 361,000

(10) FOR ARCHIVES AND RECORDS MANAGEMENT

Motor Vehicle Fund--State Appropriation \$ ~~((230,000))~~

280,000

**Sec. 222.** 1995 2nd sp.s. c 14 s 226 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--MARINE CONSTRUCTION--PROGRAM W**

Motor Vehicle Fund--Puget Sound Capital Construction

Account--State Appropriation \$ 244,659,000

Motor Vehicle Fund--Puget Sound Capital Construction

Account--Federal Appropriation \$ 22,172,000

Transportation Fund--Passenger Ferry Account--State

Appropriation \$ 1,250,000

Motor Vehicle Fund--Puget Sound Capital Construction

Account--Private/Local Appropriation \$ 765,000

TOTAL APPROPRIATION \$ 268,846,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section are provided to carry out only the projects presented to the legislature (version 3) for the 1995-97 budget. The department shall reconcile the 1993-95 capital expenditures within ninety days of the end of the biennium and submit a final report to the legislative transportation committee and office of financial management.

(2) The Puget Sound capital construction account--state appropriation includes \$15,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.560 and \$155,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.800 for construction of new jumbo ferry vessels in accordance with the requirements of RCW 47.60.770 through 47.60.778. However, the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(3) The appropriations contained in this section shall not be expended for the development of park facilities at the Seattle colman dock ferry terminal.

(4) The Washington state ferries shall acquire an appropriate passenger-only vessel. If permissible under regulations governing the procurement of necessary federal funds, construction and assembly of any passenger-only vessels shall take place within Washington state. If the vessel is procured through the use of state funds, the construction and assembly of any passenger-only vessels shall take place within Washington state.

(5) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the capital program authorized in this section.

(6) Washington state ferries is authorized to reimburse up to \$3,000,000 from the Puget Sound capital construction account to the city of Bremerton and the port of Bremerton for Washington state ferries' financial participation in the development of a Bremerton multimodal transportation terminal, port of Bremerton passenger-only terminal expansion, and ferry vehicular connections to downtown traffic circulation improvements. The reimbursement shall specifically support the construction of the following components: Appropriate passenger-only ferry terminal linkages to accommodate bow-loading catamaran type vessels and the needed transit connections; and the Washington state ferries' component of the Bremerton multimodal transportation terminal as part of the downtown Bremerton redevelopment project, including appropriate access to the new downtown traffic circulation road network.

Sec. 223. 1995 2nd sp.s. c 14 s 227 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

Marine Operating Fund--State Appropriation \$ ((244,187,000))

244,227,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of \$30,297,190 for vessel operating fuel in the 1995-97 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation contained in this section provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1995-97 biennium may not exceed \$159,990,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$305.32 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 1995-97 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 1995, and ~~((thereafter))~~ July 1, 1996, as established in the 1995-97 general fund operating budget and 1996 operating supplemental budget.

(3) The appropriation in this section includes \$614,000 for the automated ticket vending program. These funds shall be expended only in accordance with the implementation of the automated ticket vending program.

(4) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the operating program authorized in this section.

(5) If Second Engrossed House Bill No. 1016 becomes law, as provided in that legislation, \$3,000,000 is appropriated from the Puget Sound ferry operations account to Washington state ferries to reimburse Kitsap county and the port of Bremerton for the construction of facilities supporting the permanent placement of and access to the USS Missouri in the city of Bremerton.

**NEW SECTION. Sec. 224.** A new section is added to 1995 2nd sp.s. c 14 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION AND RAIL--PROGRAM Y**

Essential Rail Assistance Account--State

Appropriation \$ 1,088,000

Motor Vehicle Account--State Appropriation \$ 138,000

Motor Vehicle Account--Federal Appropriation \$ 551,000

High Capacity Transportation Account--State

Appropriation \$ 4,325,000

Air Pollution Control Account--State Appropriation \$ 3,145,000

Transportation Fund--State Appropriation \$ 34,480,000

Transportation Fund--Federal Appropriation \$ 11,643,000

Transportation Fund--Private Local Appropriation \$ 105,000

Public Transportation Systems Account--State

Appropriation \$ 1,000,000

TOTAL APPROPRIATION \$ 56,475,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$31,845,000 of the transportation fund--state appropriation and \$700,000 of the transportation fund--federal appropriation is provided for intercity rail passenger service including up to \$12,000,000 for lease purchase of two advanced technology train sets with total purchase costs not to exceed \$20,000,000, subsidies for operating costs not to exceed \$8,000,000, to maintain service of one state contracted round trip between Seattle and Portland and Seattle and Vancouver, British Columbia, and capital projects necessary to provide Seattle-Vancouver, British Columbia, train operating times of under 4 hours. The lease purchase of the train sets is predicated on the condition that the manufacturer of the trains has the obligation of establishing a corporate office in Washington state. The manufacturer is also obligated to spend a minimum of twenty-five percent of the total purchase price of the train sets on the assembly and manufacture of parts of the train sets in Washington state.

(2) The appropriations from the central Puget Sound public transportation account and the public transportation systems account are transferred to the transportation improvement board should either chapter . . . (Engrossed Substitute House Bill No. 1107), Laws of 1995 or chapter . . . (Substitute Senate Bill No. 5199), Laws of 1995 be enacted, and contain provisions transferring responsibility for administration of these accounts from the department of transportation to the transportation improvement board, except \$1,000,000 of the appropriation from the public transportation systems account shall be utilized for the rural mobility program and be administered by the department of transportation. Priority for grants provided from these accounts shall be given to projects and programs that can be accomplished in the 1995-1997 biennium and that are not primarily intended for the planning of facilities. Prior to July 1, 1996, no applications for grants from the central Puget Sound public transportation account may be accepted from, nor may funds from that account be granted to, the regional transit authority. The public transportation systems account funds provided to the rural mobility program are for the 1995-97 biennium and are not intended for grants which will have ongoing costs to this program.

(3) Up to \$700,000 of the high capacity transportation account--state appropriation is reappropriated for regional transit authority grants. However, this amount shall not exceed the amount of unexpended regional transit authority grants in the 1993-95 biennium.

(4) None of the high capacity transportation account--state appropriation or reappropriation may be used to disseminate information in a manner that attempts to persuade, rather than inform or educate, area residents regarding the adopted system plan. The appropriation and reappropriation also may not be used to lobby or advertise, or distribute free promotional materials.

(5) The department of transportation may not transfer high capacity transportation account--state funds to a regional transportation authority during the 1995-1997 biennium, unless the authority has provided a detailed report to the department of transportation and the house

of representatives and senate transportation committees regarding its use of those funds during preceding biennia and how it proposes to spend additional state funds.

(6) \$1,800,000 of the high capacity transportation account--state appropriation is provided for the regional transit authority.

(7) The air pollution control account appropriation is provided solely for operation of the commute trip reduction program created under chapter 70.94 RCW and transferred to the department of transportation by Senate Bill No. 6451 or House Bill No. 2009. If Senate Bill No. 6451 or House Bill No. 2009 is not enacted by June 30, 1996, this subsection is null and void.

(8) \$50,000 of the high capacity transportation account--state appropriation is provided solely for an assessment of the feasibility of providing shuttle services connecting the state capitol with other employment centers in the central Puget Sound region as provided for in Engrossed Substitute Senate Bill No. 6701.

(9) If Engrossed Substitute House Bill No. 2832 is not enacted by June 30, 1996, \$189,000 of the transportation fund--state appropriation shall lapse.

**Sec. 225.** 1995 2nd sp.s. c 14 s 228 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z**

General Fund--State Appropriation \$ 1,400,000

Motor Vehicle Fund--State Appropriation \$ 14,567,000

Motor Vehicle Fund--Federal Appropriation \$ ((468,179,000))

167,879,000

Transportation Fund--State Appropriation \$ 481,000

Motor Vehicle Fund--Private/Local Appropriation \$ 5,087,000

Transfer Relief Account--State Appropriation \$ 307,000

TOTAL APPROPRIATION \$ ((188,140,000))

189,721,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$13,100,000 of the motor vehicle fund--federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund--state appropriation includes \$3,275,000 in proceeds from the sale of bonds authorized in RCW 47.10.819(1) for the federal match requirements. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

~~((3))~~ (2) The motor vehicle fund--state appropriation in this section includes \$1,750,000 solely to fund the state's share of the east marine view drive project. This amount represents a reappropriation of the funding first provided for Everett homeport transportation projects in 1987. With this reappropriation, the legislature has fulfilled its commitment for funding of special transportation projects associated with the Everett homeport.

~~((5))~~ (3) ~~\$(4,000,000)~~ 2,600,000 of the motor vehicle fund--state appropriation and \$1,400,000 of the general fund--state appropriation in this section is provided solely for one-time capital infrastructure investment associated with development of a horse racetrack in western Washington. With this appropriation, the state has fulfilled its commitment to ~~((provide funding for infrastructure associated with development of a horse racetrack in western Washington))~~ this project.

(4) Up to \$1,100,000 of the motor vehicle fund--state appropriation and \$300,000 of the transportation fund--state appropriation contained in this section shall be used for evaluations that mutually benefit the state department of transportation, counties, and cities. The evaluations may include fuel tax evasion; license fraud; and the development of an implementation plan for the financing and construction of state, local, and private transportation improvements in south downtown Seattle. The implementation plan shall address the safety needs of the Spokane street viaduct, but shall not include any projects that would be financed and constructed under the public-private transportation initiatives program established in chapter 47.46 RCW. The evaluations shall include port mobility issues and other issues as determined by the legislative transportation committee.

(5) \$700,000 of the motor vehicle fund--federal appropriation for the surface transportation program enhancements program is provided for storm water control grants as provided for in Second Substitute House Bill No. 2031. If Second Substitute House Bill No. 2031 is not enacted by June 30, 1996, this subsection is null and void.

(6) \$6,000 of the transportation fund--state appropriation is provided as the state match on the Colfax paving project.

(7) \$25,000 of the transportation fund--state appropriation in this section is provided to evaluate and determine which agency or organization should be authorized to manage and operate the aerial search and rescue program.

(8) \$150,000 of the transportation fund--state appropriation in this section is provided solely for an evaluation of the railroad impacts through the city of Auburn, to be conducted by the city of Auburn. "Evaluation" for the purpose of this subsection does not include litigation. This amount may not be used to supplant existing or future funding for an evaluation or any other purpose.

**PART III  
CAPITAL**

**Sec. 301.** 1995 2nd sp.s. c 14 s 301 (uncodified) is amended to read as follows:

In addition to the transfer language in section 303 of this act, the appropriations in this section ((is)) are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) **JOINT PROJECTS**

(a) **FOR THE WASHINGTON STATE PATROL, DEPARTMENT OF LICENSING, AND DEPARTMENT OF TRANSPORTATION--TRANSPORTATION SERVICE CENTER--PARKLAND**

Motor Vehicle Fund--State Patrol Highway Account--  
State Appropriation \$ 486,000  
Motor Vehicle Fund--State Appropriation \$ 71,000  
Highway Safety Fund--State Appropriation \$ 71,000  
TOTAL APPROPRIATION \$ 628,000

(b) **FOR THE WASHINGTON STATE PATROL AND DEPARTMENT OF LICENSING--UNION GAP**

Motor Vehicle Fund--State Patrol Highway Account--  
State Appropriation \$ 789,000

(c) **FOR THE WASHINGTON STATE PATROL AND DEPARTMENT OF TRANSPORTATION--NORTH SPOKANE**

Motor Vehicle Fund--State Patrol Highway Account--  
State Appropriation \$ 215,000

(d) **FOR THE DEPARTMENT OF TRANSPORTATION AND WASHINGTON STATE PATROL--BELLINGHAM**

~~(Motor Vehicle Fund--)~~Transportation Capital  
Facilities Account--State Appropriation \$ ~~((6,480,000))~~

6,080,000

Motor Vehicle Fund--State Patrol Highway Account--  
State Appropriation \$ 1,800,000  
TOTAL APPROPRIATION \$ ~~((8,280,000))~~

7,880,000

(2) The agency listed first in the appropriation in subsection (1) of this section is designated as the lead agency responsible for management of the projects and shall receive the entire appropriation. (3) The state patrol, the department of licensing, and the department of transportation shall coordinate their activities when siting facilities. This coordination shall result in the collocation of driver and vehicle licensing, vehicle inspection service facilities, and other transportation services whenever possible.

The department of licensing, the department of transportation, and the state patrol shall explore alternative state services, such as vehicle emission testing, that would be feasible to collocate in these joint facilities. All services provided at these transportation service facilities shall be provided at cost to the participating agencies.

(4) The department of licensing may lease develop with option to purchase or lease purchase new customer service centers to be paid for from operating revenues. The Washington state patrol shall provide project management for the department of licensing. Alternatively, a financing contract may be entered into on behalf of the department of licensing in the amounts indicated plus financing expenses and reserves pursuant to chapter 39.94 RCW. The locations and amounts for projects covered under this section are as follows:

- (a) A new customer service center in Vancouver for ~~((2,629,700))~~ 3,709,700;
- (b) A new customer service center in West Spokane for ~~((3,083,600))~~ \$3,467,600;
- (c) A new customer service center in Lacey for ~~((3,152,500))~~ \$4,641,200;
- (d) A new customer service center in Union Gap for ~~((3,026,500))~~ \$3,642,000; and
- (e) A new customer service center in Wenatchee for ~~((2,078,800))~~ \$1,987,800.

(5) The Washington state patrol, department of licensing, and department of transportation shall provide bimonthly progress reports on the capital facilities receiving an appropriation in this act.

**Sec. 302.** 1995 2nd sp.s. c 14 s 302 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL--CAPITAL PROJECTS**

The appropriations in this section are provided for the following projects:

(1) **ACADEMY DRIVE COURSE--SHELTON**

Motor Vehicle Fund--State Patrol Highway Account--  
State Appropriation \$ 500,000

(2) **MINOR WORKS: PRESERVATION**

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 890,000

**(3) MINOR WORKS: PROGRAM**

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 506,000

**(4) SOUTH SEATTLE DETACHMENT**

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 151,000

**(5) WASHINGTON STATE PATROL OFFICE--SILVER LAKE REST AREA**

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 197,000

**(6) BELLEVUE COMMUNICATIONS CENTER IMPROVEMENT**

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 358,000

**(7) STATE-WIDE MICROWAVE COMMUNICATIONS REPLACEMENT AND UPGRADE**

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 5,000,000

**Sec. 303.** 1995 2nd sp.s. c 14 s 303 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

All projects in this section are funded from the motor vehicle fund--transportation capital facilities account--state.

**(1) OKANOGAN AREA MAINTENANCE FACILITY**

Motor Vehicle Fund--Transportation Capital

Facilities Account--State Appropriation \$ ((2,801,000))

3,201,000

**(2) CHEHALIS AREA MAINTENANCE FACILITY**

Motor Vehicle Fund--Transportation Capital

Facilities Account--State Appropriation \$ 4,865,000

**(3) WOODLAND SECTION MAINTENANCE FACILITY**

Motor Vehicle Fund--Transportation Capital

Facilities Account--State Appropriation \$ 1,163,000

**(4) CONNELL SECTION MAINTENANCE FACILITY**

Motor Vehicle Fund--Transportation Capital

Facilities Account--State Appropriation \$ 150,000

**(5) WILBUR SECTION MAINTENANCE FACILITY**

Motor Vehicle Fund--Transportation Capital

Facilities Account--State Appropriation \$ 1,036,000

**(6) MINOR REGIONAL PROJECTS**

Motor Vehicle Fund--Transportation Capital

Facilities Account--State Appropriation \$ 1,525,000

**(7) STATE-WIDE ADMINISTRATION AND SUPPORT**

Motor Vehicle Fund--Transportation Capital

Facilities Account--State Appropriation \$ 1,525,000

(8) The department of transportation shall provide to the legislative transportation committee: (a) Prior notice and the latest project information at least two weeks in advance of the bid process for transportation capital facilities projects going to bid in the 1995-97 biennium, and (b) bimonthly progress reports on all transportation capital facilities projects receiving appropriations in this act.

(9) The office of financial management, following a review and recommendation by the legislative transportation committee, may authorize a transfer of appropriation authority provided for a capital project in sections 301 and 303 of this act that is in excess of the biennial expenditure needs of such project to another capital project funded by an appropriation in these sections for which the biennial appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be made only between appropriations from the transportation capital facilities account for projects included in sections 301 and 303 of this act.

**PART IV  
TRANSFERS AND DISTRIBUTIONS**

Sec. 401. 1995 2nd sp.s. c 14 s 401 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE**

Motor Vehicle Fund--Puget Sound Capital Construction Account

Appropriation \$ 4,250,000

Motor Vehicle Fund Appropriation \$ ((695,000))

903,000

Transportation Improvement Account

Appropriation \$ 1,250,000

~~((Transportation Fund Appropriation \$ 208,000))~~

Special Category C Account Appropriation \$ 4,000,000

Highway Bond Retirement Account Appropriation \$ 195,814,000

Ferry Bond Retirement Account Appropriation \$ 36,788,000

TOTAL APPROPRIATION \$ 243,005,000

Sec. 402. 1995 2nd sp.s. c 14 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Motor Vehicle Fund--Puget Sound Capital Construction

Account Appropriation \$ 850,000

Motor Vehicle Fund Appropriation \$ ((139,000))

181,000

Motor Vehicle Fund--Urban Arterial Trust Account

Appropriation \$ 5,000

Motor Vehicle Fund--Transportation Improvement

Account Appropriation \$ 250,000

Special Category C Account Appropriation \$ 800,000

~~((Transportation Fund Appropriation \$ 42,000))~~

Transportation Capital Facilities Account

Appropriation \$ 1,000

TOTAL APPROPRIATION \$ 2,087,000

Sec. 403. 1995 2nd sp.s. c 14 s 403 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Fund Appropriation for motor

vehicle fuel tax and overload penalties

distribution \$ 452,180,000

Transportation Fund Appropriation \$ ((2,352,000))

2,482,000

TOTAL APPROPRIATION \$ ((454,532,000))

454,662,000

NEW SECTION. Sec. 404. A new section is added to 1995 2nd sp.s. c 14 (uncodified) to read as follows:

**FOR THE STATE TREASURER--DISTRIBUTION FOR CITIES AND TOWNS**

City Hardship Assistance Account--State Appropriation for Distribution to the Cities and Towns \$ 2,600,000

The appropriation in this section is valid only if House Bill No. . . . (Z-1097.1/96) or Senate Bill No. . . . (Z-1097.1/96) is enacted and contains provisions for returning excess funds to cities and towns.

Sec. 405. 1995 2nd sp.s. c 14 s 404 (uncodified) is amended to read as follows:

**FOR THE GOVERNOR--COMPENSATION--SALARY AND INSURANCE INCREASE REVOLVING ACCOUNT**

Motor Vehicle Fund--State Patrol Highway Account

Appropriation \$ ((8,947,000))

5,433,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1)(a) Commissioned officers, commercial vehicle enforcement officers, and communication officers of the state patrol shall receive a five percent salary increase on July 1, 1995.

(b) Commissioned officers, commercial vehicle enforcement officers, and communication officers of the state patrol shall receive an additional four percent salary increase on July 1, 1996, if the state patrol vehicle inspection program is decommissioned by September 1, 1995.

(2) The salary increases provided for in subsection (1) of this section supersede any salary increases provided for in Engrossed Substitute House Bill No. 1410, the omnibus budget, for commissioned officers, commercial vehicle enforcement officers, and communication officers of the state patrol. The appropriation in this section is not in addition to the salary increases provided for in Engrossed Substitute House Bill No. 1410; therefore, the appropriation in this section shall be reduced by any amount provided for commissioned officers, commercial vehicle enforcement officers, and communication officers of the state patrol in Engrossed Substitute House Bill No. 1410.

(3) The appropriation in this section includes \$1,350,000 to implement shift differential pay and educational incentive pay for commissioned officers effective July 1, 1996.

**Sec. 406.** 1995 2nd sp.s. c 14 s 408 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--TRANSFERS**

(1) R V Account--State Appropriation:

For transfer to the Motor Vehicle Fund--

State       \$ ((454,000))

754,000

The transfer in this subsection is subject to the following conditions and limitations: If Substitute Senate Bill No. 6322 is not enacted by June 30, 1996, \$300,000 of the RV account--state appropriation shall lapse.

(2) Transfer Relief Account--State Appropriation:

For transfer to the Motor Vehicle Fund--

State       \$ 1,329,000

The transfer in this subsection is subject to the following conditions and limitations: The secretary of transportation shall notify the office of the state treasurer to close out the transfer relief account and transfer the cash balance into the motor vehicle fund.

(3) Motor Vehicle Fund--State Appropriation:

For transfer to the Transportation Capital

Facilities Account--State   \$ ((41,762,000))

40,178,000

(4) Small City Account--State Appropriation:

For transfer to the Urban Arterial Trust

Account--State       \$ 2,544,000

(5) Small City Account--State Appropriation:

For transfer to the Transportation Improvement

Account--State       \$ 7,500,000

(6) High Capacity Transportation Account--

State Appropriation:

For transfer to the Passenger Ferry Account \$ 760,000

(7) Public Transportation Systems Account--

State Appropriation:

For transfer to the Transportation Fund--State \$ 178,000

(8) Transportation Fund--State Appropriation:

For transfer to the Marine Operating Fund--

State       \$ 2,500,000

The appropriation in this subsection is subject to the following conditions and limitations: \$1,000,000 of the appropriation in this subsection shall be transferred in fiscal year 1996. \$1,500,000 of the appropriation in this subsection shall be transferred in fiscal year 1997, provided, however, that the transfer for fiscal year 1997 is null and void if Engrossed Substitute House Bill No. 1016 is enacted by July 1, 1996.

(9) Transportation Equipment Fund--State

Appropriation:

For transfer to the Motor Vehicle Fund--State \$ 3,300,000

NEW SECTION. Sec. 407. A new section is added to 1995 2nd sp.s. c 14 (uncodified) to read as follows:

**FOR THE STATE TREASURER--TRANSFERS.** The secretary of transportation shall notify the office of the state treasurer to close out the gasohol holding and exemption account and transfer the cash balance into the motor vehicle account.

**PART V  
MISCELLANEOUS**

NEW SECTION. Sec. 501. 1995 2nd sp.s. c 14 s 224 (uncodified) is repealed.

NEW SECTION. Sec. 502. A new section is added to 1995 2nd sp.s. c 14 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION**

Transportation Fund--State Appropriation \$ 2,000,000

The appropriation in this section is subject to the following conditions and limitations:

Savings in passenger rail service operating cost subsidies are to be placed in unallotted status. Upon approval of the legislative transportation committee, the department of transportation may allot up to \$2,000,000 to provide additional expenditure authority for revised estimates of operating cost subsidies, lease purchase costs, capital projects costs, and to secure other funds for the rail program.

NEW SECTION. Sec. 503. A new section is added to 1995 2nd sp.s. c 14 (uncodified) to read as follows:

The department of transportation and the state patrol are appropriated \$150,000 from the state patrol highway account--state and \$150,000 from the motor vehicle fund--state to jointly contract for consultant services to do a feasibility study in cooperation with the department of licensing on the potential to consolidate mainframe computer hardware and software, the maintenance and servicing of data and voice transmissions systems, and the supporting information technology infrastructure of the three transportation agencies. In performing this analysis, the agencies and consultants should consider information and advice from the department of information services as well as the current directions of colocating outlying offices of the three transportation agencies. While the study needs to consider long-term information technology needs of the agencies, the focus should be on technology currently in use by the agencies or anticipated within the next few years. Both the operational and financial aspects of any consolidation will be addressed by the consultant. If the consultants recommend consolidation based on their analysis, a specific time frame for implementation must be provided. The state patrol and the department of transportation, in cooperation with the department of licensing, are to report findings and recommendations to the house of representatives and senate transportation committees by November 15, 1996.

NEW SECTION. Sec. 504. A new section is added to 1995 2nd sp.s. c 14 (uncodified) to read as follows:

Pursuant to the report of the house of representatives subcommittee on state aircraft:

(1) In order to facilitate comparison between agencies, the department of transportation's aviation division, in consultation with the state patrol, department of fish and wildlife, and department of natural resources, shall initiate action to develop standard aircraft activity records for all four state agencies. While the records should continue to meet the mission-specific needs of each agency, to the extent possible, operational, maintenance, inspection, and cost records should be standardized.

(2) Each state agency owning and operating aircraft shall prepare a plan for acquisition and disposition of aircraft. The initial plan shall be submitted to the legislative transportation committee no later than January 1, 1997. The plan shall include, but is not limited to:

- (a) Descriptions of how each agency aircraft fulfills the mission objectives of the agency or college;
- (b) Actual and projected use;
- (c) Target aircraft replacement dates; and
- (d) Proposed funding options for aircraft acquisition, including state surplus.

(3) Until such time as the state patrol has prepared its aircraft acquisition and disposition plan, it shall retain ownership of the beechjet. The plan should document the mission appropriateness of the agency's entire aircraft fleet. Thus, any plans to dispose of the beechjet and/or acquire another plane in lieu of the beechjet should be documented and substantiated in the plan.

NEW SECTION. Sec. 505. A new section is added to 1995 2nd sp.s. c 14 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--SNOW AND ICE--PROGRAM M**

Motor Vehicle Fund--State Appropriation \$ 2,000,000

The appropriation in this section is subject to the following conditions and limitations:

This appropriation is to be placed in reserve status for emergency relief should snow and ice expenditures exceed the \$40,000,000 plan for this activity. The legislative transportation committee shall notify the office of financial management to transfer the appropriation authority from reserve to active status.

**Sec. 506.** RCW 46.16.313 and 1995 3rd sp.s. c 1 s 103 are each amended to read as follows:

(1) The department may establish a fee for each type of special license plates issued under RCW 46.16.301(1) (a), (b), or (c) in an amount calculated to offset the cost of production of the special license plates and the administration of this program. The fee shall not exceed thirty-five dollars and is in addition to all other fees required to register and license the vehicle for which the plates have been requested. All such additional special license plate fees collected by the department shall be deposited in the state treasury and credited to the motor vehicle fund.

(2) In addition to all fees and taxes required to be paid upon application, registration, and renewal registration of a motor vehicle, the holder of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

(3) Except as set forth under subsection (4) of this section, in addition to all fees and taxes required to be paid upon application, registration, and renewal registration of a motor vehicle, the holder of a special baseball stadium license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

(4) Until June 30, 1997, in addition to all fees and taxes required to be paid upon application, registration, and renewal registration of a motor vehicle, the holder of a special baseball stadium license plate shall pay a fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for license plate administration and collection expenses incurred by it. The remaining proceeds shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

NEW SECTION. Sec. 507. A new section is added to 1995 2nd sp.s. c 14 (uncodified) to read as follows:

\$5,000,000 from the motor vehicle fund--state and \$1,500,000 from the transportation fund--state are appropriated to the department of transportation for damage resulting from winter storms and floods. This appropriation will be allotted in programs p-preservation, m-maintenance, and y-public transportation and rail as determined by the department of transportation. Priority for use of transportation fund dollars shall be for rail projects. Remaining funds may be used for flood prevention projects along highways prone to flooding.

NEW SECTION. Sec. 508. A new section is added to 1995 2nd sp.s. c 14 (uncodified) to read as follows:

Up to \$2,500,000 of the rural arterial trust account--state and the transportation improvement account-state combined is appropriated to the department of transportation - program z to match federal emergency funds received by cities and counties for winter storm and flood damage. The department of transportation in cooperation with the county road administration board and the transportation improvement board shall determine the priority of the requests and the amount of funds to be used from each account.

NEW SECTION. Sec. 509. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 510. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

The President declared the question before the Senate to be the motion by Senator Owen that the Committee on Transportation striking amendment to Engrossed Substitute House Bill No. 2343 not be adopted.

The motion by Senator Owen carried and the committee striking amendment was not adopted.

#### MOTION

Senator Owen moved that the following amendment by Senators Owen and Prince be adopted:

Strike everything after the enacting clause and insert the following:

#### "PART I GENERAL GOVERNMENT AGENCIES--OPERATING

**Sec. 101.** 1995 2nd sp.s. c 14 s 103 (uncodified) is amended to read as follows:

#### **FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM**

Motor Vehicle Fund--State Appropriation   \$ ((205,000))

410,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The legislative evaluation and accountability program committee shall enter into a service level agreement with the legislative transportation committee by September 30, 1995, which shall be reviewed annually thereafter.

#### **PART II**

**TRANSPORTATION AGENCIES**

**Sec. 201.** 1995 2nd sp.s. c 14 s 203 (uncodified) is amended to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Motor Vehicle Fund--Rural Arterial Trust

Account--State Appropriation \$ ~~((37,553,000))~~

57,553,000

Motor Vehicle Fund--State Appropriation \$ 1,340,000

Motor Vehicle Fund--Private/Local Appropriation \$ 508,000

Motor Vehicle Fund--County Arterial Preservation

Account--State Appropriation \$ 26,023,000

TOTAL APPROPRIATION \$ ~~((65,424,000))~~

85,424,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The county road administration board shall conduct an analysis of gravel roads under county jurisdictions and provide a report to the legislative transportation committee consisting of recommendations for implementing a state-wide program for paving county gravel roads. The recommendations will include prioritizing methodology and legislative changes required for implementation of the program. The report and a list of high priority projects will be provided to the legislative transportation committee by December 31, 1996.

**Sec. 202.** 1995 2nd sp.s. c 14 s 204 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Motor Vehicle Fund--Urban Arterial Trust

Account--State Appropriation \$ ~~((38,997,000))~~

43,297,000

Motor Vehicle Fund--Transportation Improvement

Account--State Appropriation \$ ~~((143,061,000))~~

173,061,000

Motor Vehicle Fund--City Hardship Assistance

Account--State Appropriation \$ ~~((1,904,000))~~

2,404,000

Central Puget Sound Public Transportation Account--

State Appropriation \$ 14,509,000

Public Transportation Systems Account--State

Appropriation \$ 2,882,000

Motor Vehicle Fund--Small City Account--

State Appropriation \$ 5,702,000

TOTAL APPROPRIATION \$ ~~((189,664,000))~~

241,855,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The transportation improvement account--state appropriation includes \$50,000,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. However, the transportation improvement board may authorize the use of current revenues available in lieu of bond proceeds.

(2) The appropriations in this section include \$9,000,000 for the Mill Plain extension project.

(3) The appropriations in this section include sufficient funds for any costs associated with the implementation of Substitute Senate Bill No. 6761.

(4) \$225,000 from the central Puget Sound public transportation account--state appropriation is provided for the South Hill park and ride lot project.

(5) Prior to July 1, 1997, no applications for grants from the central Puget Sound public transportation account may be accepted from, nor may funds from that account be granted to, the regional transit authority.

(6) The public transportation systems account--state appropriation provided in this section includes \$800,000 that is in addition to the appropriation under 1995 2nd sp.s. c 14. This additional \$800,000 may not be used for studies or planning purposes.

**Sec. 203.** 1995 2nd sp.s. c 14 s 205 (uncodified) is amended to read as follows:

**FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE**

Motor Vehicle Fund--State Appropriation \$ 2,528,000

Transportation Fund--State Appropriation \$ 125,000

High Capacity Transportation Account--

State Appropriation \$ 125,000

TOTAL APPROPRIATION \$ 2,778,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The legislative transportation committee shall convene representatives from the department of transportation, Washington state patrol, department of licensing, and any other agency receiving an appropriation in this act, as necessary, to establish performance measures that are associated with the ~~((final legislative appropriation))~~ budget for the 1997-1999 biennium. The performance measures are to be established and will be tracked within the transportation executive information system.

(2) The legislative transportation committee shall convene one or more groups to address activities that result in the loss of transportation tax revenue. The groups shall present their findings to the legislative transportation committee and the office of financial management. One of the groups shall study and submit to the legislature by December 31, 1996, draft legislation to move the special fuel tax point of collection from the special fuel dealer level to the bulk transfer/terminal system. The group may also study the feasibility of moving the point of collection for motor vehicle fuel.

(3) ~~((The legislative transportation committee shall study the governance and operations of the ports.))~~ The legislative transportation committee shall undertake an assessment of the methods and technology currently available to create a driver's license and identicard that cannot be fraudulently obtained from the department of licensing, thereby providing the public, businesses, and agencies with a more secure driver's license. A consultant may be hired to assist in the assessment. A final report is due by January 15, 1997.

(4) By December 31, 1996, the legislative transportation committee, in consultation with the department of licensing, Washington state patrol, and vendors of license plate materials and technologies, shall develop recommendations regarding motor vehicle license plates.

(5) The legislative transportation committee shall conduct an assessment of those public transportation issues identified for further examination by the 1995 subcommittee on transit of the house of representatives transportation committee. These issues include the funding and use of state transit related accounts, the level of transit system reserves, transit governance and direct accountability, methods to improve transit efficiency, improving the productivity of transit expenditures, and an assessment of the appropriate level of state subsidy and improved accountability for state funds. The committee shall also assess transit services provided across jurisdictional boundaries including the efficient use of resources and the avoidance of empty backhauls; and may address any other issue related to public transportation it deems necessary. The committee shall also evaluate the need for addressing specialized transportation needs in areas where public transportation systems have not been established. The committee shall report its findings and recommendations to the 1997 legislature and prepare legislation necessary to implement those recommendations. \$125,000 of the transportation fund--state appropriation and \$125,000 of the high capacity transportation account--state appropriation are provided solely for this assessment.

Sec. 204. 1995 2nd sp.s. c 14 s 207 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION COMMISSION**

Transportation Fund--State Appropriation \$ ~~((677,000))~~

764,000

~~((The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:))~~

Sec. 205. 1995 2nd sp.s. c 14 s 208 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS**

Motor Vehicle Fund--State Patrol Highway

Account--State Appropriation \$ ~~((140,251,000))~~

141,697,000

Motor Vehicle Fund--State Patrol Highway

Account--Federal Appropriation \$ 3,196,000

Motor Vehicle Fund--State Appropriation \$ 747,000

Marine Operating Fund--State Appropriation \$ 927,000

TOTAL APPROPRIATION \$ ~~((145,121,000))~~

146,567,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The state patrol shall have a staffing level of not less than ~~((735))~~ 741 commissioned officers at the end of the 1995-97 biennium. This compares to a level of 700 commissioned officers that was established in the 1993-95 biennium. To achieve these levels: A class of not less than 30 cadets shall begin in July of 1995 ~~((and))~~ 2 a class of not less than 40 cadets shall begin in January of 1996; and a class of not less than 40 shall begin in September 1996.

(2) Management levels, lieutenants and above, are redirected to perform direct traffic law enforcement activities equivalent to five field force FTE staff years. Management personnel engaged in management activity shall not exceed 55 FTE staff years. This level compares to 76 FTE management level staff years in January of 1993.

(3) Any user of Washington state patrol aircraft shall reimburse the Washington state patrol for its pro rata share of all operating and maintenance costs including capitalization.

~~((5) By January 1, 1996, the chief of the state patrol shall submit to the legislative transportation committee a plan to incorporate safety education officer functions into field force activities. In development of the plan, the chief may consult with various constituent groups including the Washington traffic safety commission, schools, businesses, and local traffic entities. Up to \$200,000 of the motor vehicle fund--state patrol highway account--state appropriation provided for in this section may be used for these purposes.~~

~~(6))~~ (4) The \$747,000 motor vehicle fund--state appropriation in this section is provided for the following traditional general fund purposes: The Governor's air travel, the license fraud program, and the special services unit. This motor vehicle fund--state appropriation shall not be recognized as a permanent funding source for these purposes, but rather as a temporary funding source subject to renewed evaluation during the 1997 legislative session.

**Sec. 206.** 1995 2nd sp.s. c 14 s 209 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU**

Motor Vehicle Fund--State Patrol Highway

Account--State Appropriation \$ ~~((53,229,000))~~

53,319,000

Highway Safety Fund--State Appropriation \$ 440,000

Motor Vehicle Fund--State Appropriation \$ ~~((1,491,000))~~

2,811,000

Transportation Fund--State Appropriation \$ 2,636,000

TOTAL APPROPRIATION \$ ~~((57,356,000))~~

59,206,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

~~(1) ((The office of the chief of the state patrol shall prepare a strategic plan that represents the future of the Washington state patrol and how management envisions meeting the challenges identified in the plan. The plan shall address the future responsibilities of commissioned and non-commissioned personnel, and the use of technology in law enforcement. It will focus on maximizing joint services and projects with other transportation agencies such as communication systems, computer systems, and facilities. Additionally, the state patrol shall include any other issues it deems necessary and will provide a six-year financial plan to address the future challenges identified in the strategic plan. The plan outline shall be delivered to the legislative transportation committee by August 1, 1995, and the final plan delivered to the legislature by January 1, 1996.~~

~~(2))~~ \$1,241,000 of the motor vehicle fund--state appropriation and \$2,363,000 of the transportation fund--state appropriation provided for in this section are for the following traditional general fund purposes: The executive protection unit, revolving fund charges, budget and fiscal services, computer services, personnel, human resources, administrative services, and property management. These appropriations shall not be recognized as permanent funding sources for these purposes, but rather as temporary funding sources subject to renewed evaluation during the 1997 legislative session.

~~(2) The Washington state patrol shall develop and recommend policies and cost neutral procedures to facilitate the dissemination of driver's license status data to private sector entities that satisfactorily demonstrate an operational need for such information. The Washington state patrol shall report its findings to the legislative transportation committee not later than July 1, 1996.~~

**Sec. 207.** 1995 2nd sp.s. c 14 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES**

Highway Safety Fund--Motorcycle Safety Education Account--

State Appropriation \$ ~~((78,000))~~

68,000

State Wildlife Account--State Appropriation \$ ~~((69,000))~~

53,000

Highway Safety Fund--State Appropriation \$ ~~((5,090,000))~~

5,460,000

Motor Vehicle Fund--State Appropriation \$ ~~((4,338,000))~~

4,045,000

Transportation Fund--State Appropriation \$ ~~((791,000))~~

808,000

TOTAL APPROPRIATION \$ ((10,366,000))

10,434,000

**Sec. 208.** 1995 2nd sp.s. c 14 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS**

Highway Safety Fund--Motorcycle Safety Education

Account--State Appropriation \$ 2,000

General Fund--Wildlife Account--State

Appropriation \$ ((118,000))

114,000

Highway Safety Fund--State Appropriation \$ ((7,820,000))

12,761,000

Motor Vehicle Fund--State Appropriation \$ ((12,871,000))

21,154,000

Transportation Fund--State Appropriation \$ ((1,302,000))

2,532,000

TOTAL APPROPRIATION \$ ((22,111,000))

36,563,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) ((~~\$15,223,000~~)) \$30,143,000 is for the licensing application migration project (LAMP), of which ((~~\$9,134,000~~)) \$17,240,000 is motor vehicle account--state, ((~~\$6,089,000~~)) \$11,493,000 is highway safety fund--state, and \$1,400,000 is transportation account--state. The increase in this subsection represents the second year funding for the LAMP project in the 1995-97 biennium.

Of the ((~~\$15,223,000~~)) \$30,143,000 LAMP appropriation ((~~\$761,150~~)) \$1,507,150 is provided solely as a contingency amount.

(2) The licensing application migration project (LAMP) shall comply with section 49, chapter 23, Laws of 1993 ex. sess.

(3) The steering committee specified in the licensing application migration project (LAMP) feasibility study, dated July 7, 1992, shall meet monthly. In addition to the existing steering committee membership established in the feasibility study, the LAMP project director, the LAMP contractor's project manager, the LAMP quality assurance consultant, and a representative of the Washington state patrol shall be ex officio members of the LAMP steering committee.

(4) The licensing application migration project (LAMP) quality assurance consultant shall provide the LAMP steering committee with bimonthly reports on the status of the LAMP project. The bimonthly reports shall be on alternate months from the bimonthly reports provided by the department of information services. The reports required in this subsection shall also be delivered to the senate and house of representatives transportation committee chairs.

((~~5~~) No moneys are provided in this act for the inclusion of general fund activities in the LAMP project.)

**Sec. 209.** 1995 2nd sp.s. c 14 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES**

General Fund--Marine Fuel Tax Refund Account--

State Appropriation \$ 26,000

General Fund--Wildlife Account--State

Appropriation \$ 534,000

Motor Vehicle Fund--State Appropriation \$ ((46,554,000))

47,606,000

Department of Licensing Services Account--

State Appropriation \$ ((2,944,000))

3,544,000

TOTAL APPROPRIATION \$ ((50,058,000))

51,710,000

The appropriations in this section are subject to the following conditions and limitations: If any of the following bills are not enacted by June 30, 1996, the amounts specified for those bills from the motor vehicle fund--state appropriation shall lapse:

(1) Substitute House Bill No. 2520: \$20,000;

(2) Substitute Senate Bill No. 6673: \$64,000;

(3) Substitute Senate Bill No. 6271: \$24,000;

(4) Senate Bill No. 6476: \$20,000;

(5) Engrossed Senate Bill No. 6566: \$11,000; and

(6) Substitute Senate Bill No. 5250: \$258,000.

Sec. 210. 1995 2nd sp.s. c 14 s 214 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

Highway Safety Fund--Motorcycle Safety Education  
Account--State Appropriation \$ 1,150,000  
Highway Safety Fund--State Appropriation \$ ((56,759,000))

56,145,000

Transportation Fund--State Appropriation \$ 4,914,000  
TOTAL APPROPRIATION \$ ((62,823,000))

62,209,000

The appropriations in this section are subject to the following conditions and limitations: If the following bills are not enacted by June 30, 1996, the amounts specified from the highway safety fund--state appropriation shall lapse:

- (1) Engrossed Substitute House Bill No. 2150: \$298,000;
- (2) Substitute Senate Bill No. 6487: \$61,000;
- (3) Engrossed Third Substitute Senate Bill No. 6062: \$133,000.

Sec. 211. 1995 2nd sp.s. c 14 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING**

Motor Vehicle Fund--State Appropriation \$ ((24,194,000))

24,394,000

Motor Vehicle Fund--Federal Appropriation \$ 400,000  
Motor Vehicle Fund--Transportation Capital  
Facilities Account--State Appropriation \$ 21,974,000  
TOTAL APPROPRIATION \$ ((46,568,000))

46,768,000

Sec. 212. 1995 2nd sp.s. c 14 s 216 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F**

Transportation Fund--Aeronautics Account--State  
Appropriation \$ 3,780,000  
Transportation Fund--Aeronautics Account--Federal  
Appropriation \$ 500,000  
Transportation Fund--Aircraft Search and Rescue,  
Safety, and Education Account--State  
Appropriation \$ ((132,000))

172,000

TOTAL APPROPRIATION \$ ((4,412,000))

4,452,000

The appropriations in this section are subject to the following conditions and limitations:

The aircraft search and rescue, safety, and education account appropriation includes \$40,000 of additional funding for search and rescue missions and to expand the education program for search and rescue volunteers, flight instructors, mechanics, and the aviation public pursuant to RCW 47.68.233.

Sec. 213. 1995 2nd sp.s. c 14 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

Motor Vehicle Fund--Economic Development Account--  
State Appropriation \$ 2,000,000  
Motor Vehicle Fund--State Appropriation \$ ((235,055,000))

242,900,000

Motor Vehicle Fund--Federal Appropriation \$ ((296,774,000))

300,052,000

Motor Vehicle Fund--Private/Local  
Appropriation \$ ((47,750,000))

49,166,000

Special Category C Account--State Appropriation \$ 177,600,000  
Special Category C Account--Local  
Appropriation \$ 50,000

Transportation Fund--State Appropriation \$ ((60,000,000))

72,220,000

Central Puget Sound Public Transportation Account--

State Appropriation \$ 8,500,000

High Capacity Transportation Account--State

Appropriation \$ 8,680,000

Puyallup Tribal Settlement Account--State

Appropriation \$ ((21,000,000))

21,800,000

Puyallup Tribal Settlement Account--Federal

Appropriation \$ 1,000,000

Puyallup Tribal Settlement Account--Private/Local

Appropriation \$ 2,300,000

TOTAL APPROPRIATION \$ ((853,841,000))

886,268,000

The appropriations in this section are provided for the location, design, right of way acquisition, and construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$32,204,000 of the motor vehicle fund--federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund--state appropriation includes \$7,525,000 in proceeds from the sale of bonds authorized in RCW 47.10.819(1) for the federal match requirements. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. No bond proceeds shall be used to pay for a federal demonstration study project.

(2) The special category C account--state appropriation of \$177,600,000 includes \$160,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.812 through 47.10.817. The appropriation includes \$75,746,000 for the 1st avenue south bridge in Seattle, \$15,254,000 for North-South Corridor/Division street improvements in Spokane, and \$86,600,000 for selected sections of state route 18. However, the transportation commission may revise the allocation of the appropriation for these projects with the concurrence of the legislative transportation committee. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The motor vehicle fund--state appropriation includes ((~~\$8,710,000~~)) \$9,500,000 in proceeds from the sale of bonds authorized by RCW 47.10.761 and 47.10.762. These funds shall be expended for the following projects:

- (a) Sea Tac International Blvd;
- (b) SR 99 to SR 5 - HOV Lanes;
- (c) SR 3 to Bremerton Ferry Terminal;
- (d) Leavenworth Intermodal Improvement;
- (e) Olympic Interchange;
- (f) Sunset Dr. I/C - I/C Modifications;
- (g) 94th Ave. E. Interchange;
- (h) 164th Ave. Interchange; and
- (i) NE 160th I/C Modifications (CN only).

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

(4) ((~~\$44,685,000~~)) \$47,087,000 appropriated in this section, which includes: ((~~\$3,212,000~~)) \$5,614,000 of the motor vehicle fund--state appropriation; \$39,886,000 of the transportation fund--state appropriation; \$1,328,000 of the motor vehicle fund--local appropriation; and \$259,000 of the economic development account--state appropriation, is to be expended on the following projects:

- (a) Spring St. to Johnson Rd;
- (b) W. Lk. Samm. Pkwy. to SR 202;
- (c) Diamond Lake Channelization;
- (d) 15th SW to SR 161 U-Xing;
- (e) Andresen Road to SR 503;
- (f) NE 144th St. to Battleground;
- (g) Steamboat Island Rd I/C;
- (h) Graham Hill Vicinity;
- (i) North of Winslow - Stage 1;
- (j) SR 5 to Blandford Drive;

- (k) North Sumner Interchange; and
- (l) Sunnyslope I/C - Stage 2.

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

(5) ~~(\$69,111,000)~~ \$78,586,000 appropriated in this section, which includes: ~~(\$35,060,000)~~ \$37,935,000 of the motor vehicle fund--state appropriation; ~~(\$18,948,000)~~ \$25,548,000 of the transportation fund--state appropriation; and \$15,103,000 of the motor vehicle fund--federal appropriation, is to be expended on the following projects:

- (a) SO 360th St/Milton Rd SO to SR 18 - Stage 1;
- (b) SR 522 to 228th St. SE - Stage 1;
- (c) 104th Ave NE to 124th Ave NE I/C;
- (d) 124th NE I/C to W. Lake Samm. Pkwy.;
- (e) Lewis Street Interchange;
- (f) SR 202 Interchange;
- (g) SR 82 to Selah;
- (h) O'Brien to Lewis Rd;
- (i) NE 147th to 80th NE - HOV Lanes;
- (j) Old Cascade Hwy - to Deception CR - Stage 1;
- (k) Prophets point to Old Cascade Hwy - Stage 2; and
- (l) Sequim Bypass.

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

(6) ~~(The motor vehicle fund--state appropriation in this section includes)~~ \$47,072,000 appropriated in this section, which includes \$44,772,000 from the motor vehicle fund--state appropriation and \$2,300,000 from the central Puget Sound public transportation account--state appropriation, is for the following high occupancy vehicle lane projects:

- (a) 15th St SW to 84th Ave. SO - Stage 2; and
- (b) Pierce C.L. to Tukwila I/C - Stage 1.

~~((Construction of the projects under this subsection is subject to the availability of revenue from the repeal of the gasohol exemption and credit.))~~

(7) When the projects identified in subsections (4) through (6) of this section are complete, the legislature will have fulfilled the commitments made in 1990 associated with the passage of the 1990 transportation revenue package.

(8) \$5,400,000 appropriated in this section, which includes: \$880,000 of the high capacity transportation account--state and \$4,520,000 of the transportation fund--state is provided for the following economic development projects:

(a) Mill Plain extension provided that the port of Vancouver contributes \$3,600,000 to the project and a written agreement is reached that upon completion of the project, the city of Vancouver will transfer jurisdiction of Mill Plain Boulevard to the department and the department will transfer jurisdiction of Fourth Plain to the city of Vancouver without further obligation; and

(b) NE 40th Street Interchange (SR 520).

(9) The central Puget Sound public transportation account appropriation and the high capacity transportation account appropriation in this section include \$14,000,000 for the following high-occupancy vehicle mobility projects:

- (a) 164th to SR 526 HOV Lanes - NB and SB (SR 5);
- (b) Woodinville Interchange (SR 405); and
- (c) Bothell to Swamp Creek I/C STAGE 1 (SR 405).

(10) The motor vehicle fund appropriation in this section includes \$17,800,000 for new preconstruction activities to include additional projects on SR 18. Up to \$2,100,000 of the appropriation in this subsection is to be expended for preconstruction activities on the following project: 196th Street SW/SR 524 I/C.

~~((9))~~ (11) The department shall report annually to the legislative transportation committee on the status of the projects funded by the special category C appropriations contained in this section. The report shall be submitted by January 1 of each year.

~~((10))~~ (12) If chapter . . . (Substitute House Bill No. 1597), Laws of 1995 is enacted by the 1995 legislature, the department of transportation shall assess the impacts of the bill upon the department of transportation and provide a report on such impacts to the legislative transportation committee by January 1, 1997.

~~((11))~~ (13) The legislature needs to determine all possible causes for changes in a project's cost from the time the cost is identified in the transportation commission's budget recommendation provided to the governor and legislature in support of the proposed highway construction budget, through completion of project construction.

The department shall provide a historical data report showing changes throughout the life of selected projects. The historical data report shall quantify the reasons for project increases or decreases and include department of transportation actions taken to minimize such changes. The department is directed to assess whether construction cost efficiencies can be achieved by ensuring continuity between design efforts and construction administrative activities.

The department shall explicitly identify in its 1997-99 agency budget submittal any project for which funding is being requested as part of two or more budget items or programs. For each such project, the department shall identify the relevant budget items, the programs in which the budget items are contained, the amount being requested for the project in each budget item, and the total amount being requested for the project.

~~((12))~~ (14) The motor vehicle fund--state appropriation in this section includes \$2,700,000 solely for state match for the Blaine border crossing project to be used only if federal demonstration project funding is authorized for this project.

~~((13))~~ (15) The motor vehicle fund--state appropriation in this section includes \$600,000 solely for a rest area and information facility in the Nisqually gateway area to Mt. Rainier, provided that at least forty percent of the total project costs are provided from federal, local, or private sources. The contributions from the nonstate sources may be in the form of in-kind contributions including, but not limited to, donations of property and services.

~~((14))~~ (16) The economic development account--state appropriation in this section includes \$1,000,000 for state highway projects associated with the development of a horse racetrack in western Washington. With the funding of these projects, funding from the economic development account for state highway projects is fully obligated. The community economic revitalization board and the transportation commission shall not select any new projects pursuant to RCW 43.160.074 and 47.01.280, notwithstanding projects selected to fulfill the provisions of this subsection.

~~((15))~~ (17) The motor vehicle fund--state appropriation in this section includes \$2,500,000 solely for the department of transportation match for transportation improvement board projects ready for construction in fiscal year 1996.

~~((16))~~ (18) The motor vehicle fund--state appropriation in this section includes \$6,533,000 solely for additional all-weather highway projects.

~~((18))~~ (19) The motor vehicle fund--state appropriation in this section includes \$4,870,000 to be expended on the following project: SR 82, SR 823 UC to SR 12 UC. This project will complete the Selah project identified in subsection (5) of this section.

~~((19))~~ (20) \$93,000 of the appropriation in this section, including \$74,000 of the motor vehicle fund--federal appropriation and \$19,000 of the motor vehicle fund--state appropriation, is provided solely for the Aurora avenue bicycle/pedestrian overpass at Galer Street. The motor vehicle fund--federal appropriation in this subsection is to be provided from transportation enhancement moneys.

~~((20))~~ (21) The motor vehicle fund--state appropriation in this section includes \$3,300,000 for safety work associated with additional pavement preservation projects.

~~((21))~~ (22) The motor vehicle fund--state appropriation in this section includes \$400,000 for additional fish barrier removal projects on state highways.

~~((22))~~ (23) The motor vehicle fund--state appropriation in this section includes up to \$2,160,000 from the sale of bonds authorized in RCW 47.10.834.

(24) \$924,000 of the motor vehicle fund--state appropriation in this section is provided for the SR 522/SR 527/Main Street project.

(25) \$475,000 of the motor vehicle fund--state appropriation in this section is provided for the SR 305/SR 3 to Bond Road vicinity project.

(26) \$50,000 of the motor vehicle fund--state appropriation in this section is provided for the Belfair Bypass corridor analysis.

(27) \$500,000 of the motor vehicle fund--state appropriation in this section is provided for the I-90 Sunset Interchange modifications project.

(28) \$1,000,000 of the motor vehicle fund--state appropriation in this section is provided for the Sprague Avenue to Argonne Road project.

(29) \$200,000 of the motor vehicle fund--state appropriation in this section is provided for the 192nd Avenue Interchange (Brady Road) project.

(30) \$1,100,000 of the transportation fund--state appropriation in this section is provided for the port of Tacoma Road grade separation project.

(31) \$3,000,000 of the motor vehicle fund--state appropriation is provided for additional safety projects such as SR 12, SR 395, and SR 507.

(32) \$150,000 of the motor vehicle fund--state appropriation is provided solely for implementation of Substitute Senate Bill No. 6322. If the bill is not enacted by June 30, 1996, this amount shall lapse.

**NEW SECTION. Sec. 214.** A new section is added to 1995 2nd sp.s. c 14 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION ECONOMIC PARTNERSHIPS--PROGRAM K**

Transportation Fund--State Appropriation \$ 1,238,000

Motor Vehicle Account--State Appropriation \$ 17,442,000

TOTAL APPROPRIATION \$ 18,680,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$17,442,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or the payment of other costs incident to the location, development, design, right of way, and construction of only the SR 16 corridor improvements and park and ride projects selected under the public-private transportation initiative program authorized under chapter 47.46 RCW; support costs of the public-private transportation initiatives program, including the program and fiscal audit required under RCW 47.46.030(2) and subsection (3) of this section; and development of the replacement project process required under RCW 47.46.030(2). \$2,160,000 of the bond proceeds are to be deposited in the motor vehicle fund--state to pay back the loan recommended by the transportation commission and the legislative transportation committee.

(2) Any additional FTEs required to support the public-private initiatives in the transportation program established under chapter 47.46 RCW shall be funded from program management and administration fees paid by private entities participating in the program.

(3) The department of transportation shall provide quarterly reports to the legislative transportation committee and the office of financial management on the status of the public-private initiatives in the transportation program. The department shall conduct a program and fiscal review of the public-private initiatives in the transportation program, authorized under chapter 47.46 RCW, for the biennium ending June 30, 1997. Such review shall include, at a minimum, the extent to which the program has operated in the public interest and fulfilled its statutory obligation; the extent to which the program is operating in an efficient, effective, and economical manner; and the extent to which continuation of the program maintains, improves, or adversely impacts the transportation system of the state of Washington. The department shall provide a progress report on its program and fiscal review of the public-private initiatives in transportation program by June 30, 1996.

**Sec. 215.** 1995 2nd sp.s. c 14 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**

Motor Vehicle Fund--State Appropriation \$ ~~((221,368,000))~~

222,274,000

Motor Vehicle Fund--Federal Appropriation \$ 461,000

Motor Vehicle Fund--Private/Local Appropriation \$ 3,305,000

TOTAL APPROPRIATION \$ ~~((225,134,000))~~

226,040,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

~~(2) (If projected snow and ice expenditures exceed the plan of \$40,000,000, the department will continue service delivery as planned within the other major maintenance groups, and will request a supplemental appropriation in the following legislative session to fund the additional snow and ice expenditures.~~

~~(3)) The department shall deliver the highway maintenance program according to the plans for each major maintenance group to the extent practical. However, if projected snow and ice expenditures exceed the plan of \$40,000,000, the department will, after prior consultation with the legislative transportation committee, adopt one or both of the following courses of action:~~

~~(a) Reduce planned maintenance activities in other groups to offset the necessary increases for snow and ice control and detail these expenditures; or~~

~~(b) Continue service delivery as planned within the other major maintenance groups and access up to \$2,000,000 in the snow and ice reserve to cover increased snow and ice expenditures provided for in section 505 of this act.~~

~~(3) The department shall provide recommendations to the legislative transportation committee by ~~((December 15, 1995))~~ June 30, 1996, on: (a) The feasibility of developing a maintenance management system; (b) methods for providing a consistent maintenance level of service throughout the state; (c) options for centralized versus decentralized management of the program; (d) improving accountability and oversight of the maintenance program; and (e) improving accountability and oversight of the transportation equipment fund program.~~

(4) The motor vehicle fund--state appropriation in this section includes \$250,000 solely for augmentation of the adopt-a-highway program, under Engrossed Substitute House Bill No. 1512.

(5) The motor vehicle fund--state appropriation in this section includes ~~((906,000))~~ \$1,812,000 for payment of local stormwater assessment fees ~~((for fiscal year 1996. Funding for the remainder of the biennium is withheld pending the results of a legislative transportation committee review of local stormwater assessment fees charged to the department of transportation)).~~

~~(6) The department of transportation shall participate with the Grant county noxious weed board in a demonstration project to examine ways to accomplish weed control in a more cost effective manner.~~

**Sec. 216.** 1995 2nd sp.s. c 14 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

Motor Vehicle Fund--State Appropriation \$ ~~((95,544,000))~~

100,050,000

Motor Vehicle Fund--Federal Appropriation \$ 74,600,000  
 Motor Vehicle Fund--Private/Local Appropriation \$ 8,100,000  
 Transportation Fund--State Appropriation \$ 119,600,000  
 Transportation Fund--Federal Appropriation \$ 143,400,000  
 Transportation Fund--Private/Local Appropriation \$ 3,000,000  
 TOTAL APPROPRIATION \$ ((444,244,000))

448,750,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

- (1) The motor vehicle fund--state appropriation includes \$8,300,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.
- (2) The appropriations in this section include \$10,034,000 for seismic retrofit activities.
- (3) The department shall not reduce its commitment to sexual harassment training and diversity training, notwithstanding the reduction in this section for training.
- (4) \$36,000,000 of the appropriation in this section, including \$21,000,000 of the transportation fund--state appropriation and \$15,000,000 of the motor vehicle fund--state appropriation, is provided for additional pavement preservation projects.
- (5) The appropriations in this section include \$6,879,000 for Washington state's share to replace the deck on the Lewis and Clark bridge. If the Oregon state legislature enacts a public/private partnership program and the Washington state transportation commission, in consultation with the legislative transportation committee, negotiates and enters into an agreement between Washington and Oregon to place the bridge into Oregon's public/private partnership program, up to \$1,000,000 of this amount shall be used for Washington's share of emergency deck repairs to extend the service life of the bridge. The remaining funds may be used as Washington's contribution toward the design of the project pursuant to the agreement between Washington and Oregon. Any additional contributions shall be subject to Washington state legislative appropriations and approvals. The department shall provide a status report on this project to the legislative transportation committee by January 15, 1996.

(6) \$3,700,000 of the motor vehicle fund--state appropriation in this section is provided for the Susie creek bridge (112/38) replacement project.

(7) \$150,000 of the motor vehicle fund--state appropriation is provided solely for implementation of Substitute Senate Bill No. 6322. If the bill is not enacted by June 30, 1996, this amount shall lapse.

**Sec. 217.** 1995 2nd sp.s. c 14 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION SYSTEMS MANAGEMENT--PROGRAM Q**

Motor Vehicle Fund--State Appropriation \$ ((40,241,000))

21,735,000

The appropriations in this section are subject to the following conditions and limitations ((and specified amounts are provided solely for that activity)):

~~((1) The appropriation contained in this section provides funding for fiscal year 1996 only.~~

~~((2))~~ By December 31, 1995, the department shall increase the motorist information sign annual permit fee from ten dollars to fifty dollars, increase the motorist information sign initial application fee from seventy-five dollars to one hundred dollars, and provide recommendations to the legislative transportation committee for making the motorist information sign program and the billboard program fully self-supporting within three years. For the purposes of achieving a self-supporting program, the erection, maintenance, and replacement of backpanels shall not be considered part of the department's program costs.

**Sec. 218.** 1995 2nd sp.s. c 14 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--SALES AND SERVICES TO OTHERS--PROGRAM R**

Motor Vehicle Fund--State Appropriation \$ ((368,000))

490,000

Motor Vehicle Fund--Federal Appropriation \$ 400,000

Motor Vehicle Fund--Private/Local Appropriation \$ ((2,232,000))

7,232,000

TOTAL APPROPRIATION \$ ((3,000,000))

8,122,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

~~((1) By December 1, 1995, the department of transportation is to provide the legislative transportation committee an analysis and recommended policy modifications, where appropriate, regarding the following regional practices:~~

- (a) Recovery of full costs for reimbursable services; and
- (b) Consistency of charging for reimbursable services across the department's regions.

(2)) It is the intent of the legislature to continue the state's partnership with the federal government, local government, and the private sector in transportation construction and operations in the most cost-effective manner. The ~~((program is established))~~ office of financial management, in cooperation with the department of transportation, is directed to establish an efficient and effective process to increase the expenditure and work force authority for this program to allow the department the ability to provide services on nonappropriated, outside requests ~~((through the unanticipated receipt process including both dollar and full-time equivalent staff increases))~~.

Sec. 219. 1995 2nd sp. s. c 14 s 222 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

Motor Vehicle Fund--Puget Sound Capital Construction

Account--State Appropriation \$ 1,109,000

Motor Vehicle Fund--State Appropriation \$ ~~((60,781,000))~~

52,436,000

Motor Vehicle Fund--Puget Sound Ferry Operations

Account--State Appropriation \$ 1,105,000

Transportation Fund--State Appropriation \$ ~~((2,002,000))~~

898,000

TOTAL APPROPRIATION \$ ~~((64,997,000))~~

55,548,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) ~~((The motor vehicle fund--state appropriation includes \$8,370,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or the payment of other costs incident to the location, development, design, right of way, and construction of projects selected under the public-private transportation initiative program. \$2,160,000 of the bond proceeds are to be deposited in the motor vehicle fund--state to pay back the loan recommended by the transportation commission and the legislative transportation committee.~~

(2) ~~Any additional FTEs required to support the public-private initiatives in the transportation program established under chapter 47.46 RCW shall be funded from program management and administration fees paid by private entities participating in the program.~~

(3) ~~The department of transportation shall provide quarterly reports to the legislative transportation committee and the office of financial management on the status of the public-private initiatives in the transportation program. The department shall conduct a program and fiscal review of the public-private initiatives in the transportation program, authorized under chapter 47.46 RCW, for the biennium ending June 30, 1997. Such review shall include, at a minimum, the extent to which the program has operated in the public interest and fulfilled its statutory obligation; the extent to which the program is operating in an efficient, effective, and economical manner; and the extent to which continuation of the program maintains, improves, or adversely impacts the transportation system of the state of Washington. The department shall provide a progress report on its program and fiscal review of the public-private initiatives in transportation program by June 30, 1996.~~

(4)) It is the intent of the legislature that the department reduce the amount of money spent on nonessential training programs for its employees.

~~((5) One of the two full-time employees funded in this section for enhanced public involvement shall be responsible for improving communications between the department and the public. His or her responsibilities shall include: (a) Developing a more efficient and effective system for replying to inquiries from the public and (b) supporting new and existing programs related to public involvement.~~

(6) ~~By December 1, 1995, the department of transportation shall implement: (a) Modifications to the construction administration system that promote prudent project management and standards that ensure state-wide consistency of approach among all departmental regions; and (b) modifications to the preconstruction system that streamline processes, reduce the number of internal reviews, and eliminate duplicative documentation.~~

(7) ~~To assure that maximum resources are available for the construction programs, the finance and administration division shall assess the financial condition of the transportation equipment fund programs and report to the legislative transportation committee and the office of financial management by December 1, 1995. The evaluation should address lower operating cash balances and reductions in the purchase of highway and computer equipment, and where possible, should identify any surplus equipment to match the downsizing of the department's work force.)~~ (2) The department in conjunction with the legislative transportation committee, office of financial management, and the state treasurer is to evaluate the feasibility of implementing a fiduciary fund for processing one hundred percent reimbursable local and federally funded activities and submit recommendations that shall be forwarded to the legislative transportation committee and the governor by August 31, 1996.

(3) \$25,000 of the motor vehicle fund--state appropriation in this section is provided for the implementation of toll-free telecommunications to provide mountain pass reports. The department of transportation shall seek methods to make this service self-supporting.

**Sec. 220.** 1995 2nd sp.s. c 14 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSIT RESEARCH AND INTERMODAL PLANNING--PROGRAM T**

~~((Essential Rail Assistance Account--State~~

~~Appropriation— \$ 1,036,000))~~

~~Motor Vehicle Fund--State Appropriation \$ ((13,653,000))~~

14,395,000

~~Motor Vehicle Fund--Federal Appropriation \$ ((16,198,000))~~

15,647,000

~~((High Capacity Transportation Account--~~

~~State Appropriation— \$ 2,475,000~~

~~Essential Rail Banking Account--State~~

~~Appropriation— \$ 52,000))~~

~~Transportation Fund--State Appropriation \$ ((37,770,000))~~

1,345,000

~~((Transportation Fund--Federal Appropriation— \$ 11,643,000~~

~~Transportation Fund--Private/Local~~

~~Appropriation— \$ 105,000~~

~~Central Puget Sound Public Transportation~~

~~Account--State Appropriation— \$ 11,009,000~~

~~Public Transportation Systems Account--State~~

~~Appropriation— \$ 3,082,000))~~

~~TOTAL APPROPRIATION \$ ((97,023,000))~~

31,387,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

~~((1) Up to \$33,845,000 of the transportation fund--state appropriation and \$700,000 of the transportation fund--federal appropriation is provided for intercity rail passenger service including up to \$12,000,000 for lease purchase of two advanced technology train sets with total purchase costs not to exceed \$20,000,000, subsidies for operating costs not to exceed \$10,000,000, to maintain service of one state contracted round trip between Seattle and Portland and Seattle and Vancouver, British Columbia, and capital projects necessary to provide Seattle-Vancouver, British Columbia, train operating times of under 4 hours. The lease purchase of the train sets is predicated on the condition that the manufacturer of the trains has the obligation of establishing a corporate office in Washington state. The manufacturer is also obligated to spend a minimum of twenty-five percent of the total purchase price of the train sets on the assembly and manufacture of parts of the train sets in Washington state.~~

~~((2)) Up to \$2,400,000 of the motor vehicle fund--state appropriation is provided for regional transportation planning organizations, with allocations for participating counties maintained at the 1993-1995 biennium levels for those counties not having metropolitan planning organizations within their boundaries.~~

~~((3) The appropriations from the central Puget Sound public transportation account and the public transportation systems account are transferred to the transportation improvement board should either chapter . . . (Engrossed Substitute House Bill No. 1107), Laws of 1995 or chapter . . . (Substitute Senate Bill No. 5199), Laws of 1995 be enacted, and contain provisions transferring responsibility for administration of these accounts from the department of transportation to the transportation improvement board, except \$1,000,000 of the appropriation from the public transportation systems account shall be utilized for the rural mobility program and be administered by the department of transportation. Priority for grants provided from these accounts shall be given to projects and programs that can be accomplished in the 1995-1997 biennium and that are not primarily intended for the planning of facilities. Prior to July 1, 1996, no applications for grants from the central Puget Sound public transportation account may be accepted from, nor may funds from that account be granted to, the regional transit authority. The public transportation systems account funds provided to the rural mobility program are for the 1995-97 biennium and are not intended for grants which will have ongoing costs to this program.~~

~~((4) Up to \$700,000 of the high capacity transportation account--state appropriation is reappropriated for regional transit authority grants. However, this amount shall not exceed the amount of unexpended regional transit authority grants in the 1993-95 biennium.~~

~~((5) None of the high capacity transportation account--state appropriation or reappropriation may be used to disseminate information in a manner that attempts to persuade, rather than inform or educate, area residents regarding the adopted system plan. The appropriation and reappropriation also may not be used to lobby or advertise, or distribute free promotional materials.~~

~~(6) The department of transportation may not transfer high capacity transportation account--state funds to a regional transportation authority during the 1995-1997 biennium, unless the authority has provided a detailed report to the department of transportation and the house of representatives and senate transportation committees regarding its use of those funds during preceding biennia and how it proposes to spend additional state funds.~~

~~(7) The motor vehicle fund--state appropriation includes \$558,000 for the office of urban mobility. This appropriation is for fiscal year 1996 only, pending a legislative transportation committee review of the office of urban mobility's activities in relation to the planning functions of the department's regional offices.)~~

**Sec. 221.** 1995 2nd sp.s. c 14 s 225 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U**

(1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT

Motor Vehicle Fund--State Appropriation \$ 4,646,000

(2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR

Motor Vehicle Fund--State Appropriation \$ 832,000

(3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES

Motor Vehicle Fund--State Appropriation \$ 3,374,000

(4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL

Motor Vehicle Fund--State Appropriation \$ 2,240,000

(5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION

Motor Vehicle Fund--State Appropriation \$ ~~((5,049,000))~~

7,749,000

~~((The motor vehicle fund--state appropriation of \$5,049,000 in this subsection is provided for the self-insurance premium and for risk management administrative costs. The department of general administration, the office of financial management, and the department of transportation shall develop funding proposals for: (a) Participation by the department of transportation in the state-wide liability self-insurance program in fiscal year 1997, and (b) alternative methods for funding the department of transportation's tort claim payments, if appropriate. A report shall be made to the legislative transportation committee and the governor no later than October 31, 1995.))~~

(6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION

Motor Vehicle Fund--Puget Sound Ferry Operations

Account--State Appropriation \$ 2,000,000

(7) FOR PAYMENT OF COSTS OF THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Motor Vehicle Fund--State Appropriation \$ 508,000

(8) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL ADMINISTRATION STATE PARKING SERVICES

Motor Vehicle Fund--State Appropriation \$ 95,000

(9) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE

Motor Vehicle Fund--State Appropriation \$ 361,000

(10) FOR ARCHIVES AND RECORDS MANAGEMENT

Motor Vehicle Fund--State Appropriation \$ ~~((230,000))~~

280,000

**Sec. 222.** 1995 2nd sp.s. c 14 s 226 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--MARINE CONSTRUCTION--PROGRAM W**

Motor Vehicle Fund--Puget Sound Capital Construction

Account--State Appropriation \$ 244,659,000

Motor Vehicle Fund--Puget Sound Capital Construction

Account--Federal Appropriation \$ 22,172,000

Transportation Fund--Passenger Ferry Account--State

Appropriation \$ 1,250,000

Motor Vehicle Fund--Puget Sound Capital Construction

Account--Private/Local Appropriation \$ 765,000

TOTAL APPROPRIATION \$ 268,846,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section are provided to carry out only the projects presented to the legislature (version 3) for the 1995-97 budget. The department shall reconcile the 1993-95 capital expenditures within ninety days of the end of the biennium and submit a final report to the legislative transportation committee and office of financial management.

(2) The Puget Sound capital construction account--state appropriation includes \$15,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.560 and \$155,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.800 for construction of new jumbo ferry vessels in accordance with the requirements of RCW 47.60.770 through 47.60.778. However, the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(3) The appropriations contained in this section shall not be expended for the development of park facilities at the Seattle colman dock ferry terminal.

(4) The Washington state ferries shall acquire an appropriate passenger-only vessel. If permissible under regulations governing the procurement of necessary federal funds, construction and assembly of any passenger-only vessels shall take place within Washington state. If the vessel is procured through the use of state funds, the construction and assembly of any passenger-only vessels shall take place within Washington state.

(5) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the capital program authorized in this section.

(6) Washington state ferries is authorized to reimburse up to \$3,000,000 from the Puget Sound capital construction account--state to the city of Bremerton and the port of Bremerton for Washington state ferries' financial participation in the development of a Bremerton multimodal transportation terminal, port of Bremerton passenger-only terminal expansion, and ferry vehicular connections to downtown traffic circulation improvements. The reimbursement shall specifically support the construction of the following components: Appropriate passenger-only ferry terminal linkages to accommodate bow-loading catamaran type vessels and the needed transit connections; and the Washington state ferries' component of the Bremerton multimodal transportation terminal as part of the downtown Bremerton redevelopment project, including appropriate access to the new downtown traffic circulation road network.

**Sec. 223.** 1995 2nd sp.s. c 14 s 227 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

Marine Operating Fund--State Appropriation \$ ((244,187,000))

244,227,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of \$30,297,190 for vessel operating fuel in the 1995-97 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation contained in this section provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1995-97 biennium may not exceed \$159,990,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$305.32 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 1995-97 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 1995, and ~~((thereafter))~~ July 1, 1996, as established in the 1995-97 general fund operating budget and 1996 operating supplemental budget.

(3) The appropriation in this section includes \$614,000 for the automated ticket vending program. These funds shall be expended only in accordance with the implementation of the automated ticket vending program.

(4) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the operating program authorized in this section.

(5) If Second Engrossed House Bill No. 1016 becomes law, as provided in that legislation, \$3,000,000 is appropriated from the Puget Sound ferry operations account to Washington state ferries to reimburse Kitsap county and the port of Bremerton for the construction of facilities supporting the permanent placement of and access to the USS Missouri in the city of Bremerton.

**NEW SECTION. Sec. 224.** A new section is added to 1995 2nd sp.s. c 14 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION AND RAIL--PROGRAM Y**

Essential Rail Assistance Account--State

Appropriation	\$ 1,088,000
Motor Vehicle Account--State Appropriation	\$ 138,000
Motor Vehicle Account--Federal Appropriation	\$ 551,000
High Capacity Transportation Account--State Appropriation	\$ 4,275,000
Air Pollution Control Account--State Appropriation	\$ 3,145,000
Transportation Fund--State Appropriation	\$ 34,480,000
Transportation Fund--Federal Appropriation	\$ 11,643,000
Transportation Fund--Private Local Appropriation	\$ 105,000
Public Transportation Systems Account--State Appropriation	\$ 1,000,000
<b>TOTAL APPROPRIATION</b>	<b>\$ 56,425,000</b>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$31,845,000 of the transportation fund--state appropriation and \$700,000 of the transportation fund--federal appropriation is provided for intercity rail passenger service including up to \$12,000,000 for lease purchase of two advanced technology train sets with total purchase costs not to exceed \$20,000,000, subsidies for operating costs not to exceed \$8,000,000, to maintain service of one state contracted round trip between Seattle and Portland and Seattle and Vancouver, British Columbia, and capital projects necessary to provide Seattle-Vancouver, British Columbia, train operating times of under 4 hours. The lease purchase of the train sets is predicated on the condition that the manufacturer of the trains has the obligation of establishing a corporate office in Washington state. The manufacturer is also obligated to spend a minimum of twenty-five percent of the total purchase price of the train sets on the assembly and manufacture of parts of the train sets in Washington state.

(2) The appropriations from the central Puget Sound public transportation account and the public transportation systems account are transferred to the transportation improvement board should either chapter . . . (Engrossed Substitute House Bill No. 1107), Laws of 1995 or chapter . . . (Substitute Senate Bill No. 5199), Laws of 1995 be enacted, and contain provisions transferring responsibility for administration of these accounts from the department of transportation to the transportation improvement board, except \$1,000,000 of the appropriation from the public transportation systems account shall be utilized for the rural mobility program and be administered by the department of transportation. Priority for grants provided from these accounts shall be given to projects and programs that can be accomplished in the 1995-1997 biennium and that are not primarily intended for the planning of facilities. Prior to July 1, 1996, no applications for grants from the central Puget Sound public transportation account may be accepted from, nor may funds from that account be granted to, the regional transit authority. The public transportation systems account funds provided to the rural mobility program are for the 1995-97 biennium and are not intended for grants which will have ongoing costs to this program.

(3) Up to \$700,000 of the high capacity transportation account--state appropriation is reappropriated for regional transit authority grants. However, this amount shall not exceed the amount of unexpended regional transit authority grants in the 1993-95 biennium.

(4) None of the high capacity transportation account--state appropriation or reappropriation may be used to disseminate information in a manner that attempts to persuade, rather than inform or educate, area residents regarding the adopted system plan. The appropriation and reappropriation also may not be used to lobby or advertise, or distribute free promotional materials.

(5) The department of transportation may not transfer high capacity transportation account--state funds to a regional transportation authority during the 1995-1997 biennium, unless the authority has provided a detailed report to the department of transportation and the house of representatives and senate transportation committees regarding its use of those funds during preceding biennia and how it proposes to spend additional state funds.

(6) \$1,800,000 of the high capacity transportation account--state appropriation is provided for the regional transit authority.

(7) The air pollution control account appropriation is provided solely for operation of the commute trip reduction program created under chapter 70.94 RCW and transferred to the department of transportation by Senate Bill No. 6451 or House Bill No. 2009. If Senate Bill No. 6451 or House Bill No. 2009 is not enacted by June 30, 1996, this subsection is null and void.

(8) If Engrossed Substitute House Bill No. 2832 is not enacted by June 30, 1996, \$189,000 of the transportation fund--state appropriation shall lapse.

**Sec. 225.** 1995 2nd sp.s. c 14 s 228 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z**

General Fund--State Appropriation \$ 1,400,000  
 Motor Vehicle Fund--State Appropriation \$ ((14,567,000))

15,167,000

Motor Vehicle Fund--Federal Appropriation \$ ((168,179,000))

167,879,000

Transportation Fund--State Appropriation \$ 356,000  
 Motor Vehicle Fund--Private/Local Appropriation \$ 5,087,000  
 Transfer Relief Account--State Appropriation \$ 307,000  
 TOTAL APPROPRIATION \$ ((188,140,000))

190,196,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$13,100,000 of the motor vehicle fund--federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund--state appropriation includes \$3,275,000 in proceeds from the sale of bonds authorized in RCW 47.10.819(1) for the federal match requirements. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

~~((3))~~ (2) The motor vehicle fund--state appropriation in this section includes \$1,750,000 solely to fund the state's share of the east marine view drive project. This amount represents a reappropriation of the funding first provided for Everett homeport transportation projects in 1987. With this reappropriation, the legislature has fulfilled its commitment for funding of special transportation projects associated with the Everett homeport.

~~((5))~~ (3) ~~\$(4,000,000)~~ 2,600,000 of the motor vehicle fund--state appropriation and \$1,400,000 of the general fund--state appropriation in this section is provided solely for one-time capital infrastructure investment associated with development of a horse racetrack in western Washington. With this appropriation, the state has fulfilled its commitment to ~~((provide funding for infrastructure associated with development of a horse racetrack in western Washington))~~ this project.

(4) Up to \$1,100,000 of the motor vehicle fund--state appropriation and \$300,000 of the transportation fund--state appropriation contained in this section shall be used for evaluations that mutually benefit the state department of transportation, counties, and cities. The evaluations may include fuel tax evasion; license fraud; and the development of an implementation plan for the financing and construction of state, local, and private transportation improvements in south downtown Seattle. The implementation plan shall address the safety needs of the Spokane street viaduct, but shall not include any projects that would be financed and constructed under the public-private transportation initiatives program established in chapter 47.46 RCW. The evaluations shall include port mobility issues and other issues as determined by the legislative transportation committee.

(5) \$700,000 of the motor vehicle fund--federal appropriation for the surface transportation program enhancements program is provided for storm water control grants as provided for in Second Substitute House Bill No. 2031. If Second Substitute House Bill No. 2031 is not enacted by June 30, 1996, this subsection is null and void.

(6) \$1,000,000 of the motor vehicle fund--federal appropriation for the surface transportation program enhancements program is provided to the state parks and recreation commission to be used for trail development. The amount provided represents partial consideration for cross-state trail development necessitated under Engrossed Substitute House Bill No. 2832.

(7) \$6,000 of the transportation fund--state appropriation is provided as the state match on the Colfax paving project.

(8) \$25,000 of the transportation fund--state appropriation in this section is provided to evaluate and determine which agency or organization should be authorized to manage and operate the aerial search and rescue program.

(9) \$50,000 of the motor vehicle fund--state appropriation and \$25,000 of the transportation fund--state appropriation in this section are provided solely for an evaluation of the impacts of rail transportation through the city of Auburn, to be conducted by the city of Auburn. "Evaluation" for the purpose of this subsection does not include litigation. This evaluation shall be coordinated with the Port of Tacoma, the cities of Tacoma, Federal Way, and Algona, and other affected jurisdictions participating in the Tacoma tideflat truck and rail circulation analysis provided for in subsection (4) of this section. The city of Auburn shall complete its analysis no later than October 31, 1996, and report its findings to the Tacoma tideflat truck and rail circulation study group.

### PART III CAPITAL

**Sec. 301.** 1995 2nd sp.s. c 14 s 301 (uncodified) is amended to read as follows:

In addition to the transfer language in section 303 of this act, the appropriations in this section ((is)) are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) **JOINT PROJECTS**

(a) **FOR THE WASHINGTON STATE PATROL, DEPARTMENT OF LICENSING, AND DEPARTMENT OF TRANSPORTATION--TRANSPORTATION SERVICE CENTER--PARKLAND**

Motor Vehicle Fund--State Patrol Highway Account--  
State Appropriation \$ 486,000  
Motor Vehicle Fund--State Appropriation \$ 71,000  
Highway Safety Fund--State Appropriation \$ 71,000  
TOTAL APPROPRIATION \$ 628,000

**(b) FOR THE WASHINGTON STATE PATROL AND DEPARTMENT OF LICENSING--UNION GAP**

Motor Vehicle Fund--State Patrol Highway Account--  
State Appropriation \$ 789,000

**(c) FOR THE WASHINGTON STATE PATROL AND DEPARTMENT OF TRANSPORTATION--NORTH SPOKANE**

Motor Vehicle Fund--State Patrol Highway Account--  
State Appropriation \$ 215,000

**(d) FOR THE DEPARTMENT OF TRANSPORTATION AND WASHINGTON STATE PATROL--BELLINGHAM**

~~(Motor Vehicle Fund--)~~Transportation Capital  
Facilities Account--State Appropriation \$ ~~((6,480,000))~~

6,080,000

Motor Vehicle Fund--State Patrol Highway Account--  
State Appropriation \$ 1,800,000  
TOTAL APPROPRIATION \$ ~~((8,280,000))~~

7,880,000

(2) The agency listed first in the appropriation in subsection (1) of this section is designated as the lead agency responsible for management of the projects and shall receive the entire appropriation. (3) The state patrol, the department of licensing, and the department of transportation shall coordinate their activities when siting facilities. This coordination shall result in the collocation of driver and vehicle licensing, vehicle inspection service facilities, and other transportation services whenever possible.

The department of licensing, the department of transportation, and the state patrol shall explore alternative state services, such as vehicle emission testing, that would be feasible to collocate in these joint facilities. All services provided at these transportation service facilities shall be provided at cost to the participating agencies.

(4) The department of licensing may lease develop with option to purchase or lease purchase new customer service centers to be paid for from operating revenues. The Washington state patrol shall provide project management for the department of licensing. Alternatively, a financing contract may be entered into on behalf of the department of licensing in the amounts indicated plus financing expenses and reserves pursuant to chapter 39.94 RCW. The locations and amounts for projects covered under this section are as follows:

- (a) A new customer service center in Vancouver for ~~(((\$2,629,700))~~ 3,709,700;
- (b) A new customer service center in West Spokane for ~~(((\$3,083,600))~~ \$3,467,600;
- (c) A new customer service center in Lacey for ~~(((\$3,152,500))~~ \$4,641,200;
- (d) A new customer service center in Union Gap for ~~(((\$3,026,500))~~ \$3,642,000; and
- (e) A new customer service center in Wenatchee for ~~(((\$2,078,800))~~ \$1,987,800.

(5) The Washington state patrol, department of licensing, and department of transportation shall provide bimonthly progress reports on the capital facilities receiving an appropriation in this act.

**Sec. 302.** 1995 2nd sp.s. c 14 s 302 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL--CAPITAL PROJECTS**

The appropriations in this section are provided for the following projects:

**(1) ACADEMY DRIVE COURSE--SHELTON**

Motor Vehicle Fund--State Patrol Highway Account--  
State Appropriation \$ 500,000

**(2) MINOR WORKS: PRESERVATION**

Motor Vehicle Fund--State Patrol Highway Account--  
State Appropriation \$ 890,000

**(3) MINOR WORKS: PROGRAM**

Motor Vehicle Fund--State Patrol Highway Account--  
State Appropriation \$ 506,000

**(4) SOUTH SEATTLE DETACHMENT**

Motor Vehicle Fund--State Patrol Highway Account--  
State Appropriation \$ 151,000

**(5) WASHINGTON STATE PATROL OFFICE--SILVER LAKE REST AREA**

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 197,000

**(6) BELLEVUE COMMUNICATIONS CENTER IMPROVEMENT**

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 358,000

**(7) STATE-WIDE MICROWAVE COMMUNICATIONS REPLACEMENT AND UPGRADE**

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 5,000,000

**Sec. 303.** 1995 2nd sp.s. c 14 s 303 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

All projects in this section are funded from the motor vehicle fund--transportation capital facilities account--state.

**(1) OKANOGAN AREA MAINTENANCE FACILITY**

Motor Vehicle Fund--Transportation Capital

Facilities Account--State Appropriation \$ ~~((2,801,000))~~

3,201,000

**(2) CHEHALIS AREA MAINTENANCE FACILITY**

Motor Vehicle Fund--Transportation Capital

Facilities Account--State Appropriation \$ 4,865,000

**(3) WOODLAND SECTION MAINTENANCE FACILITY**

Motor Vehicle Fund--Transportation Capital

Facilities Account--State Appropriation \$ 1,163,000

**(4) CONNELL SECTION MAINTENANCE FACILITY**

Motor Vehicle Fund--Transportation Capital

Facilities Account--State Appropriation \$ 150,000

**(5) WILBUR SECTION MAINTENANCE FACILITY**

Motor Vehicle Fund--Transportation Capital

Facilities Account--State Appropriation \$ 1,036,000

**(6) MINOR REGIONAL PROJECTS**

Motor Vehicle Fund--Transportation Capital

Facilities Account--State Appropriation \$ 1,525,000

**(7) STATE-WIDE ADMINISTRATION AND SUPPORT**

Motor Vehicle Fund--Transportation Capital

Facilities Account--State Appropriation \$ 1,525,000

(8) The department of transportation shall provide to the legislative transportation committee: (a) Prior notice and the latest project information at least two weeks in advance of the bid process for transportation capital facilities projects going to bid in the 1995-97 biennium, and (b) bimonthly progress reports on all transportation capital facilities projects receiving appropriations in this act.

(9) The office of financial management, following a review and recommendation by the legislative transportation committee, may authorize a transfer of appropriation authority provided for a capital project in sections 301 and 303 of this act that is in excess of the biennial expenditure needs of such project to another capital project funded by an appropriation in these sections for which the biennial appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be made only between appropriations from the transportation capital facilities account for projects included in sections 301 and 303 of this act.

**PART IV  
TRANSFERS AND DISTRIBUTIONS**

**Sec. 401.** 1995 2nd sp.s. c 14 s 401 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE**

Motor Vehicle Fund--Puget Sound Capital Construction Account

Appropriation \$ 4,250,000

Motor Vehicle Fund Appropriation \$ ~~((695,000))~~

903,000

Transportation Improvement Account  
Appropriation \$ 1,250,000  
~~((Transportation Fund Appropriation—\$ 208,000))~~  
Special Category C Account Appropriation \$ 4,000,000  
Highway Bond Retirement Account Appropriation \$ 195,814,000  
Ferry Bond Retirement Account Appropriation \$ 36,788,000  
TOTAL APPROPRIATION \$ 243,005,000

**Sec. 402.** 1995 2nd sp.s. c 14 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Motor Vehicle Fund--Puget Sound Capital Construction  
Account Appropriation \$ 850,000  
Motor Vehicle Fund Appropriation \$ ~~((139,000))~~

181,000

Motor Vehicle Fund--Urban Arterial Trust Account  
Appropriation \$ 5,000  
Motor Vehicle Fund--Transportation Improvement  
Account Appropriation \$ 250,000  
Special Category C Account Appropriation \$ 800,000  
~~((Transportation Fund Appropriation—\$ 42,000))~~  
Transportation Capital Facilities Account  
Appropriation \$ 1,000  
TOTAL APPROPRIATION \$ 2,087,000

**Sec. 403.** 1995 2nd sp.s. c 14 s 403 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Fund Appropriation for motor  
vehicle fuel tax and overload penalties  
distribution \$ 452,180,000  
Transportation Fund Appropriation \$ ~~((2,352,000))~~

2,482,000

TOTAL APPROPRIATION \$ ~~((454,532,000))~~

454,662,000

NEW SECTION. **Sec. 404.** A new section is added to 1995 2nd sp.s. c 14 (uncodified) to read as follows:

**FOR THE STATE TREASURER--DISTRIBUTION FOR CITIES AND TOWNS**

City Hardship Assistance Account--State Appropriation for Distribution to the Cities and Towns \$ 2,600,000

The appropriation in this section is valid only if House Bill No. . . . (Z-1097.1/96) or Senate Bill No. . . . (Z-1097.1/96) is enacted and contains provisions for returning excess funds to cities and towns.

**Sec. 405.** 1995 2nd sp.s. c 14 s 404 (uncodified) is amended to read as follows:

**FOR THE GOVERNOR--COMPENSATION--SALARY AND INSURANCE INCREASE REVOLVING ACCOUNT**

Motor Vehicle Fund--State Patrol Highway Account  
Appropriation \$ ~~((8,947,000))~~

5,433,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1)(a) Commissioned officers, commercial vehicle enforcement officers, and communication officers of the state patrol shall receive a five percent salary increase on July 1, 1995.

(b) Commissioned officers, commercial vehicle enforcement officers, and communication officers of the state patrol shall receive an additional four percent salary increase on July 1, 1996, if the state patrol vehicle inspection program is decommissioned by September 1, 1995.

(2) The salary increases provided for in subsection (1) of this section supersede any salary increases provided for in Engrossed Substitute House Bill No. 1410, the omnibus budget, for commissioned officers, commercial vehicle enforcement officers, and communication officers of the state patrol. The appropriation in this section is not in addition to the salary increases provided for in

Engrossed Substitute House Bill No. 1410; therefore, the appropriation in this section shall be reduced by any amount provided for commissioned officers, commercial vehicle enforcement officers, and communication officers of the state patrol in Engrossed Substitute House Bill No. 1410.

(3) The appropriation in this section includes \$1,350,000 to implement shift differential pay and educational incentive pay for commissioned officers effective July 1, 1996.

**Sec. 406.** 1995 2nd sp.s. c 14 s 408 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--TRANSFERS**

(1) R V Account--State Appropriation:

For transfer to the Motor Vehicle Fund--  
State       \$ ((454,000))

754,000

The transfer in this subsection is subject to the following conditions and limitations: If Substitute Senate Bill No. 6322 is not enacted by June 30, 1996, \$300,000 of the RV account--state appropriation shall lapse.

(2) Transfer Relief Account--State Appropriation:

For transfer to the Motor Vehicle Fund--  
State       \$ 1,329,000

The transfer in this subsection is subject to the following conditions and limitations: The secretary of transportation shall notify the office of the state treasurer to close out the transfer relief account and transfer the cash balance into the motor vehicle fund.

(3) Motor Vehicle Fund--State Appropriation:

For transfer to the Transportation Capital  
Facilities Account--State   \$ ((41,762,000))

40,178,000

(4) Small City Account--State Appropriation:

For transfer to the Urban Arterial Trust  
Account--State   \$ 2,544,000

(5) Small City Account--State Appropriation:

For transfer to the Transportation Improvement  
Account--State   \$ 7,500,000

(6) High Capacity Transportation Account--  
State Appropriation:

For transfer to the Passenger Ferry Account \$ 760,000

(7) Public Transportation Systems Account--  
State Appropriation:

For transfer to the Transportation Fund--State \$ 178,000

(8) Transportation Fund--State Appropriation:

For transfer to the Marine Operating Fund--  
State       \$ 2,500,000

The appropriation in this subsection is subject to the following conditions and limitations: \$1,000,000 of the appropriation in this subsection shall be transferred in fiscal year 1996. \$1,500,000 of the appropriation in this subsection shall be transferred in fiscal year 1997, provided, however, that the transfer for fiscal year 1997 is null and void if Engrossed Substitute House Bill No. 1016 is enacted by July 1, 1996.

(9) Transportation Equipment Fund--State  
Appropriation:

For transfer to the Motor Vehicle Fund--State \$ 3,300,000

(10) Transportation Fund--State Appropriation:

For transfer to the Cross-state Trail Account--  
State       \$ 1,000,000

The transfer in this subsection is subject to the following conditions and limitations: If Engrossed Substitute House Bill No. 2832 is not enacted by June 30, 1996, this appropriation shall lapse.

NEW SECTION. Sec. 407. A new section is added to 1995 2nd sp.s. c 14 (uncodified) to read as follows:

**FOR THE STATE TREASURER--TRANSFERS.** The secretary of transportation shall notify the office of the state treasurer to close out the gasohol holding and exemption account and transfer the cash balance into the motor vehicle account.

**PART V**

## MISCELLANEOUS

NEW SECTION. Sec. 501. 1995 2nd sp.s. c 14 s 224 (uncodified) is repealed.

NEW SECTION. Sec. 502. A new section is added to 1995 2nd sp.s. c 14 (uncodified) to read as follows:

### FOR THE DEPARTMENT OF TRANSPORTATION

Transportation Fund--State Appropriation \$ 2,000,000

The appropriation in this section is subject to the following conditions and limitations:

Savings in passenger rail service operating cost subsidies are to be placed in unallotted status. Upon approval of the legislative transportation committee, the department of transportation may allot up to \$2,000,000 to provide additional expenditure authority for revised estimates of operating cost subsidies, lease purchase costs, capital projects costs, and to secure other funds for the rail program.

NEW SECTION. Sec. 503. A new section is added to 1995 2nd sp.s. c 14 (uncodified) to read as follows:

The department of transportation and the state patrol are appropriated \$150,000 from the state patrol highway account--state and \$150,000 from the motor vehicle fund--state to jointly contract for consultant services to do a feasibility study in cooperation with the department of licensing on the potential to consolidate mainframe computer hardware and software, the maintenance and servicing of data and voice transmissions systems, and the supporting information technology infrastructure of the three transportation agencies. In performing this analysis, the agencies and consultants should consider information and advice from the department of information services as well as the current directions of colocating outlying offices of the three transportation agencies. While the study needs to consider long-term information technology needs of the agencies, the focus should be on technology currently in use by the agencies or anticipated within the next few years. Both the operational and financial aspects of any consolidation will be addressed by the consultant. If the consultants recommend consolidation based on their analysis, a specific time frame for implementation must be provided. The state patrol and the department of transportation, in cooperation with the department of licensing, are to report findings and recommendations to the house of representatives and senate transportation committees by November 15, 1996.

NEW SECTION. Sec. 504. A new section is added to 1995 2nd sp.s. c 14 (uncodified) to read as follows:

Pursuant to the report of the house of representatives subcommittee on state aircraft:

(1) In order to facilitate comparison between agencies, the department of transportation's aviation division, in consultation with the state patrol, department of fish and wildlife, and department of natural resources, shall initiate action to develop standard aircraft activity records for all four state agencies. While the records should continue to meet the mission-specific needs of each agency, to the extent possible, operational, maintenance, inspection, and cost records should be standardized.

(2) Each state agency owning and operating aircraft shall prepare a plan for acquisition and disposition of aircraft. The initial plan shall be submitted to the legislative transportation committee no later than January 1, 1997. The plan shall include, but is not limited to:

- (a) Descriptions of how each agency aircraft fulfills the mission objectives of the agency or college;
- (b) Actual and projected use;
- (c) Target aircraft replacement dates; and
- (d) Proposed funding options for aircraft acquisition, including state surplus.

(3) Until such time as the state patrol has prepared its aircraft acquisition and disposition plan, it shall retain ownership of the beechjet. The plan should document the mission appropriateness of the agency's entire aircraft fleet. Thus, any plans to dispose of the beechjet and/or acquire another plane in lieu of the beechjet should be documented and substantiated in the plan.

NEW SECTION. Sec. 505. A new section is added to 1995 2nd sp.s. c 14 (uncodified) to read as follows:

### FOR THE DEPARTMENT OF TRANSPORTATION--SNOW AND ICE--PROGRAM M

Motor Vehicle Fund--State Appropriation \$ 2,000,000

The appropriation in this section is subject to the following conditions and limitations:

This appropriation is to be placed in reserve status for emergency relief should snow and ice expenditures exceed the \$40,000,000 plan for this activity. The legislative transportation committee shall notify the office of financial management to transfer the appropriation authority from reserve to active status.

**Sec. 506.** RCW 46.16.313 and 1995 3rd sp.s. c 1 s 103 are each amended to read as follows:

(1) The department may establish a fee for each type of special license plates issued under RCW 46.16.301(1) (a), (b), or (c) in an amount calculated to offset the cost of production of the special license plates and the administration of this program. The fee shall not exceed thirty-five dollars and is in addition to all other fees required to register and license the vehicle for which the plates have been requested. All such additional special license plate fees collected by the department shall be deposited in the state treasury and credited to the motor vehicle fund.

(2) In addition to all fees and taxes required to be paid upon application, registration, and renewal registration of a motor vehicle, the holder of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of

plate production, shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

(3) Except as set forth under subsection (4) of this section, in addition to all fees and taxes required to be paid upon application, registration, and renewal registration of a motor vehicle, the holder of a special baseball stadium license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

(4) Until June 30, 1997, in addition to all fees and taxes required to be paid upon application, registration, and renewal registration of a motor vehicle, the holder of a special baseball stadium license plate shall pay a fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for license plate administration and collection expenses incurred by it. The remaining proceeds shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

NEW SECTION. Sec. 507. A new section is added to 1995 2nd sp.s. c 14 (uncodified) to read as follows:

\$5,000,000 from the motor vehicle fund--state and \$1,500,000 from the transportation fund--state are appropriated to the department of transportation for damage resulting from winter storms and floods. This appropriation will be allotted in programs p-preservation, m-maintenance, and y-public transportation and rail as determined by the department of transportation. Priority for use of transportation fund dollars shall be for rail projects. Remaining funds may be used for flood prevention projects along highways prone to flooding.

NEW SECTION. Sec. 508. A new section is added to 1995 2nd sp.s. c 14 (uncodified) to read as follows:

The appropriations contained in sections 201 and 202 of this act include funding to assist cities and counties in providing match for federal emergency funding for winter storm and flood damage as determined by the county road administration board and the transportation improvement board. The county road administration board and the transportation improvement board will report to the legislative transportation committee and the office of financial management by September 30, 1996, on the projects selected to receive match funding.

NEW SECTION. Sec. 509. A new section is added to 1995 2nd sp.s. c 14 (uncodified) to read as follows:

The department of transportation shall develop a plan for considering the accommodation of telecommunication facilities within limited access rights of way. In developing the plan, the department shall include, at a minimum, the legislative transportation committee, the information services board, and telecommunication providers. The plan shall be delivered to the legislative transportation committee on or before December 31, 1996, and shall include recommendations on statutory changes, if applicable, and reasonable consideration for accommodation.

NEW SECTION. Sec. 510. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 511. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

#### PARLIAMENTARY INQUIRY

Senator Heavey: "First, Mr. President, a point of parliamentary inquiry. This striking amendment was not adopted by the Transportation Committee, so I assume that this will be a sixty percent majority vote on the amendment."

#### REPLY BY THE PRESIDENT

President Pritchard: "The transportation budget is not subject to that rule, Senator."

Senator Heavey: "If you review the Senate Rules, I believe it says, 'Budgets out of budget committees can only be amended by a sixty percent vote.' This did not come out of the committee; this came as a striking amendment presented on the floor."

President Pritchard: "All right, Rule No. 53, Senator, 'No amendment to the budget, capital budget or supplemental budget, not incorporated in the bill as reported by the Ways and Means Committee, shall be adopted except by the affirmative vote of sixty percent of the Senators elected.' That is thirty votes, but this does not apply to transportation."

Senator Heavey: "Thank you, Mr. President. Excuse me, I thought that it was all budget committees, including the transportation budget. My apologies."

#### MOTION

Senator Heavey moved that the following amendments by Senators Heavey, Johnson, Schow and Roach to the striking amendment by Senators Owen and Prince be considered simultaneously and be adopted:

On page 34, line 22 of the amendment, strike "15,167,000" and insert "15,117,000"

On page 34, line 25 of the amendment, strike "356,000" and insert "481,000"

On page 34, line 29 of the amendment, strike "190,196,000" and insert "190,271,000"

On page 36, beginning on line 13 of the amendment, strike all of subsection (9) and insert the following:

"(9) \$150,000 of the transportation fund--state appropriation in this section is provided solely for an evaluation of the railroad impacts through the city of Auburn, to be conducted by the city of Auburn. "Evaluation" for the purpose of this subsection does not include litigation. This amount may not be used to supplant existing or future funding for an evaluation or any other purpose."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Heavey, Johnson, Schow and Roach on page 34, lines 22, 25, and 29, to the striking amendment by Senators Owen and Prince to Engrossed Substitute House Bill No. 2343.

The motion by Senator Heavey failed and the amendments to the striking amendment were not adopted.

#### MOTION

Senator Sutherland moved that the following amendment to the striking amendment by Senators Owen and Heavey be adopted:

On page 51, after line 13 of the amendment, insert the following:

**"Sec. 510.** RCW 3.62.020 and 1995 c 301 s 31 and 1995 c 291 s 5 are each reenacted and amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fees, fines, forfeitures and penalties assessed and collected in whole or in part by district courts, except costs, fines, forfeitures and penalties assessed and collected, in whole or in part, because of the violation of city ordinances, shall be remitted by the clerk of the district court to the county treasurer at least monthly, together with a financial statement as required by the state auditor, noting the information necessary for crediting of such funds as required by law.

(2) The county treasurer shall remit thirty-two percent of the noninterest money received under subsection (1) of this section ~~((except certain costs))~~ to the state treasurer for deposit, except as follows:

(a) Under RCW 43.08.250, certain costs shall be deposited with the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state or county in the prosecution of the case, including the fees of defense counsel~~((-- Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250)); and~~

(b) All penalties provided for in RCW 46.44.105(2) shall be deposited with the state treasurer and credited to the motor vehicle fund as provided in RCW 46.44.105(8).

(3) The balance of the noninterest money received by the county treasurer under subsection (1) of this section shall be deposited in the county current expense fund.

(4) All money collected for county parking infractions shall be remitted by the clerk of the district court at least monthly, with the information required under subsection (1) of this section, to the county treasurer for deposit in the county current expense fund.

(5) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(6) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the county current expense fund, and twenty-five percent to the county current expense fund to fund local courts.

**Sec. 511.** RCW 10.82.070 and 1995 c 292 s 3 are each amended to read as follows:

(1) All sums of money derived from costs, fines, penalties, and forfeitures imposed or collected, in whole or in part, by a superior court for violation of orders of injunction, mandamus and other like writs, for contempt of court, or for breach of the penal laws shall be paid in cash by the person collecting the same, within twenty days after the collection, to the county treasurer of the county in which the same have accrued.

(2) The county treasurer shall remit monthly thirty-two percent of the money received under this section ~~((except for certain costs))~~ to the state treasurer for deposit ~~((as provided under RCW 43.08.250))~~ and shall deposit the remainder as provided by law except as follows:

(a) Certain costs as provided under RCW 43.08.250 shall be deposited to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are

specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state or county in the prosecution of the case, including the fees of defense counsel((-));

(b) All penalties provided for in RCW 46.44.105(2) shall be deposited with the state treasurer and credited to the motor vehicle fund as provided under RCW 46.44.105(8); and

(c) Costs or assessments awarded to dedicated accounts, state or local, are not subject to this state allocation or to RCW 7.68.035.

(3) All fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. All fees, fines, forfeitures, and penalties collected or assessed by a superior court in cases on appeal from a lower court shall be remitted to the municipal or district court from which the cases were appealed.

**Sec. 512.** RCW 46.16.070 and 1994 c 262 s 8 are each amended to read as follows:

(1) In lieu of all other vehicle licensing fees, unless specifically exempt, and in addition to the excise tax prescribed in chapter 82.44 RCW and the mileage fees prescribed for buses and stages in RCW 46.16.125, there shall be paid and collected annually for each truck, motor truck, truck tractor, road tractor, tractor, bus, auto stage, or for hire vehicle with seating capacity of more than six, based upon the declared combined gross weight or declared gross weight thereof pursuant to the provisions of chapter 46.44 RCW, the following licensing fees by such gross weight:

DECLARED GROSS WEIGHT SCHEDULE	
A SCHEDULE B	
4,000 lbs.	\$ <del>((37.00))</del> \$ <del>((37.00))</del> <u>74 74</u>
6,000 lbs.	\$ <del>((44.00))</del> \$ <del>((44.00))</del> <u>88 88</u>
8,000 lbs.	\$ <del>((55.00))</del> \$ <del>((55.00))</del> <u>110 110</u>
10,000 lbs.	\$ <del>((62.00))</del> \$ <del>((62.00))</del> <u>124 124</u>
12,000 lbs.	\$ <del>((72.00))</del> \$ <del>((72.00))</del> <u>144 144</u>
14,000 lbs.	\$ <del>((82.00))</del> \$ <del>((82.00))</del> <u>164 164</u>
16,000 lbs.	\$ <del>((92.00))</del> \$ <del>((92.00))</del> <u>184 184</u>
18,000 lbs.	\$ <del>((137.00))</del> \$ <del>((137.00))</del> <u>274 274</u>
20,000 lbs.	\$ <del>((152.00))</del> \$ <del>((152.00))</del> <u>304 304</u>
22,000 lbs.	\$ <del>((164.00))</del> \$ <del>((164.00))</del> <u>328 328</u>
24,000 lbs.	\$ <del>((177.00))</del> \$ <del>((177.00))</del> <u>354 354</u>
26,000 lbs.	\$ <del>((187.00))</del> \$ <del>((187.00))</del> <u>374 374</u>
28,000 lbs.	\$ <del>((220.00))</del> \$ <del>((220.00))</del> <u>440 440</u>
30,000 lbs.	\$ <del>((253.00))</del> \$ <del>((253.00))</del> <u>506 506</u>
32,000 lbs.	\$ <del>((304.00))</del> \$ <del>((304.00))</del> <u>608 608</u>
34,000 lbs.	\$ <del>((323.00))</del> \$ <del>((323.00))</del> <u>646 646</u>
36,000 lbs.	\$ <del>((350.00))</del> \$ <del>((350.00))</del> <u>700 700</u>
38,000 lbs.	\$ <del>((384.00))</del> \$ <del>((384.00))</del> <u>768 768</u>

40,000 lbs. \$ ~~((439.00))~~ \$ ~~((439.00))~~  
878 878  
 42,000 lbs. \$ ~~((456.00))~~ \$ ~~((546.00))~~  
912 1,092  
 44,000 lbs. \$ ~~((466.00))~~ \$ ~~((556.00))~~  
932 1,112  
 46,000 lbs. \$ ~~((501.00))~~ \$ ~~((591.00))~~  
1,002 1,182  
 48,000 lbs. \$ ~~((522.00))~~ \$ ~~((612.00))~~  
1,044 1,224  
 50,000 lbs. \$ ~~((566.00))~~ \$ ~~((656.00))~~  
1,132 1,312  
 52,000 lbs. \$ ~~((595.00))~~ \$ ~~((685.00))~~  
1,190 1,370  
 54,000 lbs. \$ ~~((642.00))~~ \$ ~~((732.00))~~  
1,284 1,464  
 56,000 lbs. \$ ~~((677.00))~~ \$ ~~((767.00))~~  
1,354 1,534  
 58,000 lbs. \$ ~~((704.00))~~ \$ ~~((794.00))~~  
1,408 1,588  
 60,000 lbs. \$ ~~((750.00))~~ \$ ~~((840.00))~~  
1,500 1,680  
 62,000 lbs. \$ ~~((804.00))~~ \$ ~~((894.00))~~  
1,608 1,788  
 64,000 lbs. \$ ~~((822.00))~~ \$ ~~((912.00))~~  
1,644 1,824  
 66,000 lbs. \$ ~~((915.00))~~ \$ ~~((1,005.00))~~  
1,830 2,010  
 68,000 lbs. \$ ~~((954.00))~~ \$ ~~((1,044.00))~~  
1,908 2,088  
 70,000 lbs. \$ ~~((1,027.00))~~ \$ ~~((1,117.00))~~  
2,054 2,234  
 72,000 lbs. \$ ~~((1,098.00))~~ \$ ~~((1,188.00))~~  
2,196 2,376  
 74,000 lbs. \$ ~~((1,193.00))~~ \$ ~~((1,283.00))~~  
2,386 2,566  
 76,000 lbs. \$ ~~((1,289.00))~~ \$ ~~((1,379.00))~~  
2,578 2,758  
 78,000 lbs. \$ ~~((1,407.00))~~ \$ ~~((1,497.00))~~  
2,814 2,994  
 80,000 lbs. \$ ~~((1,518.00))~~ \$ ~~((1,608.00))~~  
3,036 3,216  
 82,000 lbs. \$ ~~((1,623.00))~~ \$ ~~((1,713.00))~~  
3,264 3,426  
 84,000 lbs. \$ ~~((1,728.00))~~ \$ ~~((1,818.00))~~  
3,456 3,636  
 86,000 lbs. \$ ~~((1,833.00))~~ \$ ~~((1,923.00))~~  
3,666 3,846  
 88,000 lbs. \$ ~~((1,938.00))~~ \$ ~~((2,028.00))~~  
3,876 4,056  
 90,000 lbs. \$ ~~((2,043.00))~~ \$ ~~((2,133.00))~~  
4,086 4,266  
 92,000 lbs. \$ ~~((2,148.00))~~ \$ ~~((2,238.00))~~  
4,296 4,476

94,000 lbs.	\$ <del>((2,253.00))</del>	\$ <del>((2,343.00))</del>
	<u>4,506</u>	<u>4,686</u>
96,000 lbs.	\$ <del>((2,358.00))</del>	\$ <del>((2,448.00))</del>
	<u>4,716</u>	<u>4,896</u>
98,000 lbs.	\$ <del>((2,463.00))</del>	\$ <del>((2,553.00))</del>
	<u>4,926</u>	<u>5,106</u>
100,000 lbs.	\$ <del>((2,568.00))</del>	\$ <del>((2,658.00))</del>
	<u>5,138</u>	<u>5,316</u>
102,000 lbs.	\$ <del>((2,673.00))</del>	\$ <del>((2,763.00))</del>
	<u>5,346</u>	<u>5,526</u>
104,000 lbs.	\$ <del>((2,778.00))</del>	\$ <del>((2,868.00))</del>
	<u>5,556</u>	<u>5,736</u>
105,500 lbs.	\$ <del>((2,883.00))</del>	\$ <del>((2,973.00))</del>
	<u>5,766</u>	<u>5,946</u>

Schedule A applies to vehicles either used exclusively for hauling logs or that do not tow trailers. Schedule B applies to vehicles that tow trailers and are not covered under Schedule A.

Every truck, motor truck, truck tractor, and tractor exceeding 6,000 pounds empty scale weight registered under chapter 46.16, 46.87, or 46.88 RCW shall be licensed for not less than one hundred fifty percent of its empty weight unless the amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.041 or 46.44.042, in which event the vehicle shall be licensed for the maximum weight authorized for such a vehicle or unless the vehicle is used only for the purpose of transporting any well drilling machine, air compressor, rock crusher, conveyor, hoist, donkey engine, cook house, tool house, bunk house, or similar machine or structure attached to or made a part of such vehicle.

The following provisions apply when increasing gross or combined gross weight for a vehicle licensed under this section:

(a) The new license fee will be one-twelfth of the fee listed above for the new gross weight, multiplied by the number of months remaining in the period for which licensing fees have been paid, including the month in which the new gross weight is effective.

(b) Upon surrender of the current certificate of registration or cab card, the new licensing fees due shall be reduced by the amount of the licensing fees previously paid for the same period for which new fees are being charged.

(2) The proceeds from the fees collected under subsection (1) of this section shall be distributed in accordance with RCW 46.68.035.

**Sec. 513.** RCW 46.44.0941 and 1995 c 171 s 2 are each amended to read as follows:

The following fees, in addition to the regular license and tonnage fees, shall be paid for all movements under special permit made upon state highways. All funds collected, except the amount retained by authorized agents of the department as provided in RCW 46.44.096, shall be forwarded to the state treasury and shall be deposited in the motor vehicle fund:

- All overlegal loads, except overweight, single trip \$ 10.00
- Continuous operation of overlegal loads having either overwidth or overheight features only, for a period not to exceed thirty days \$ 20.00
- Continuous operations of overlegal loads having overlength features only, for a period not to exceed thirty days \$ 10.00
- Continuous operation of a combination of vehicles having one trailing unit that exceeds fifty-three feet and is not more than fifty-six feet in length, for a period of one year \$ 100.00
- Continuous operation of a combination of vehicles having two trailing units which together exceed sixty-one feet and

are not more than sixty-eight feet in length, for a period of one year \$ 100.00  
Continuous operation of a three-axle fixed load vehicle having less than 65,000 pounds gross weight, for a period not to exceed thirty days \$ ((70.00))

140.00

Continuous operation of a four-axle fixed load vehicle meeting the requirements of RCW 46.44.091(1) and weighing less than 86,000 pounds gross weight, not to exceed thirty days \$ 90.00

Continuous movement of a mobile home or manufactured home having nonreducible features not to exceed eighty-five feet in total length and fourteen feet in width, for a period of one year \$ 150.00

Continuous operation of a two or three-axle collection truck, actually engaged in the collection of solid waste or recyclables, or both, under chapter 81.77 or 35.21 RCW or by contract under RCW 36.58.090, for one year with an additional six thousand pounds more than the weight authorized in RCW 46.16.070 on the rear axle of a two-axle truck or eight thousand pounds for the tandem axles of a three-axle truck. RCW 46.44.041 and 46.44.091 notwithstanding, the tire limits specified in RCW 46.44.042 apply, but none of the excess weight is valid or may be permitted on any part of the federal interstate highway system \$ ((42.00))

84.00

per thousand pounds

The department may issue any of the above-listed permits that involve height, length, or width for an expanded period of consecutive months, not to exceed one year.

Continuous operation of farm implements under a permit issued as authorized by RCW 46.44.140 by:

- (1) Farmers in the course of farming activities, for any three-month period \$ 10.00
- (2) Farmers in the course of farming activities, for a period not to exceed one year \$ 25.00
- (3) Persons engaged in the business of the sale, repair, or maintenance of such farm implements, for any three-month period \$ 25.00
- (4) Persons engaged in the business of the sale, repair, or maintenance of such farm implements, for a period not to exceed one year \$ 100.00

#### Overweight Fee Schedule

Excess weight over legal capacity, Cost per mile.

as provided in RCW 46.44.041.

0 - 9,999 pounds	\$ <del>((-.07))</del> <u>.14</u>
10,000 -14,999 pounds	\$ <del>((-.14))</del> <u>.28</u>
15,000 -19,999 pounds	\$ <del>((-.21))</del> <u>.42</u>
20,000 -24,999 pounds	\$ <del>((-.28))</del> <u>.56</u>
25,000 -29,999 pounds	\$ <del>((-.35))</del> <u>.70</u>
30,000 -34,999 pounds	\$ <del>((-.49))</del> <u>.98</u>
35,000 -39,999 pounds	\$ <del>((-.63))</del> <u>1.26</u>
40,000 -44,999 pounds	\$ <del>((-.79))</del> <u>1.58</u>
45,000 -49,999 pounds	\$ <del>((-.93))</del> <u>1.86</u>
50,000 -54,999 pounds	\$ <del>((1-.14))</del> <u>2.28</u>
55,000 -59,999 pounds	\$ <del>((1-.35))</del> <u>2.70</u>
60,000 -64,999 pounds	\$ <del>((1-.56))</del> <u>3.12</u>
65,000 -69,999 pounds	\$ <del>((1-.77))</del> <u>3.54</u>
70,000 -74,999 pounds	\$ <del>((2-.12))</del> <u>4.24</u>
75,000 -79,999 pounds	\$ <del>((2-.47))</del> <u>4.94</u>
80,000 -84,999 pounds	\$ <del>((2-.82))</del> <u>5.64</u>
85,000 -89,999 pounds	\$ <del>((3-.17))</del> <u>6.34</u>
90,000 -94,999 pounds	\$ <del>((3-.52))</del> <u>7.04</u>
95,000 -99,999 pounds	\$ <del>((3-.87))</del> <u>7.74</u>
100,000 pounds	\$ <del>((4-.25))</del> <u>8.50</u>

The fee for weights in excess of 100,000 pounds is \$ ~~((4-.25))~~ 8.50 plus fifty cents for each 5,000 pound increment or portion thereof exceeding 100,000 pounds.

PROVIDED: (a) The minimum fee for any overweight permit shall be \$ ~~((14.00))~~ 28.00, (b) the fee for issuance of a duplicate permit shall be \$ ~~((14.00))~~ 28.00, (c) when computing overweight fees prescribed in this section or in RCW 46.44.095 that result in an amount less than even dollars the fee shall be carried to the next full dollar if fifty cents or over and shall be reduced to the next full dollar if forty-nine cents or under.

The fees levied in this section and RCW 46.44.095 do not apply to vehicles owned and operated by the state of Washington, a county within the state, a city or town or metropolitan municipal corporation within the state, or the federal government.

**Sec. 514.** RCW 46.44.095 and 1993 c 102 s 5 are each amended to read as follows:

When a combination of vehicles has been licensed to a total gross weight of 80,000 pounds or when a three or more axle single unit vehicle has been licensed to a total gross weight of 40,000 pounds, a temporary additional tonnage permit to haul loads in excess of these limits may be issued. This permit is valid for periods of not less than five days at ~~((two))~~ five dollars and ~~((eighty))~~ sixty cents per day for each two thousand pounds or fraction thereof. The fee may not be prorated. The permits shall authorize the movement of loads not exceeding the weight limits set forth in RCW 46.44.041 and 46.44.042.

**Sec. 515.** RCW 46.44.105 and 1993 c 403 s 4 are each amended to read as follows:

(1) Violation of any of the provisions of ~~((RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, and 46.44.095, or failure to obtain a permit as provided by RCW 46.44.090 and 46.44.095, or misrepresentation of the size or weight of any load or failure to follow the requirements and conditions of a permit issued hereunder))~~ this chapter is a traffic infraction, and upon the first finding thereof shall be assessed a basic penalty of not less than fifty dollars; and upon a second finding thereof shall be assessed a basic penalty of not less than seventy-five dollars; and upon a third or subsequent finding shall be assessed a basic penalty of not less than one hundred dollars.

(2) In addition to the penalties imposed in subsection (1) of this section, any person violating RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 shall be assessed ~~((three cents for each pound of excess weight))~~ a penalty as prescribed in this subsection:

(a) One pound through 1,000 pounds overweight: \$90;

(b) 1,001 pounds through 2,000 pounds overweight: \$180;

(c) 2,001 pounds through 4,000 pounds overweight: \$360;

(d) 4,001 pounds through 15,000 pounds overweight: \$360 plus \$.30 per pound for each additional pound over 4,000 pounds overweight;

(e) 15,001 pounds and over overweight: \$3,000 plus \$.30 per pound for each additional pound over 15,000 pounds overweight. Upon a first violation in any calendar year, the court may suspend the penalty for five hundred pounds of excess weight for each axle on any vehicle or combination of vehicles, not to exceed a two thousand pound suspension. In no case may the basic penalty assessed in subsection (1) of this section or the additional penalty assessed in subsection (2), except as provided for the first violation, be suspended.

(3) Whenever any vehicle or combination of vehicles is involved in two violations of RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 during any twelve-month period, the court may suspend the certificate of license registration of the vehicle or combination of vehicles for not less than thirty days. Upon a third or succeeding violation in any twelve-month period, the court shall suspend the certificate of license registration for not less than thirty days. Whenever the certificate of license registration is suspended, the court shall secure such certificate and immediately forward the same to the director with information concerning the suspension.

(4) Any person found to have violated any posted limitations of a highway or section of highway shall be assessed a monetary penalty of not less than one hundred and fifty dollars, and the court shall in addition thereto upon second violation within a twelve-month period involving the same power unit, suspend the certificate of license registration for not less than thirty days.

(5) It is unlawful for the driver of a vehicle to fail or refuse to stop and submit the vehicle and load to a weighing, or to fail or refuse, when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section. It is unlawful for a driver of a commercial motor vehicle as defined in RCW 46.32.005, other than the driver of a bus as defined in RCW 46.32.005(2), to fail or refuse to stop at a weighing station when proper traffic control signs indicate scales are open.

Any police officer is authorized to require the driver of any vehicle or combination of vehicles to stop and submit to a weighing either by means of a portable or stationary scale and may require that the vehicle be driven to the nearest public scale. Whenever a police officer, upon weighing a vehicle and load, determines that the weight is unlawful, the officer may require the driver to stop the vehicle in a suitable location and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to the limit permitted by law. If the vehicle is loaded with grain or other perishable commodities, the driver shall be permitted to proceed without removing any of the load, unless the gross weight of the vehicle and load exceeds by more than ten percent the limit permitted by this chapter. The owner or operator of the vehicle shall care for all materials unloaded at the risk of the owner or operator.

Any vehicle whose driver or owner represents that the vehicle is disabled or otherwise unable to proceed to a weighing location shall have its load sealed or otherwise marked by any police officer. The owner or driver shall be directed that upon completion of repairs, the vehicle shall submit to weighing with the load and markings and/or seal intact and undisturbed. Failure to report for weighing, appearing for weighing with the seal broken or the markings disturbed, or removal of any cargo prior to weighing is unlawful. Any person so convicted shall be fined ~~((five hundred))~~ one thousand dollars, and in addition the certificate of license registration shall be suspended for not less than thirty days. Half of the monetary penalties provided in this subsection shall be remitted as provided in RCW 3.62.020 or 10.82.070. Half of the penalties shall be remitted to the state treasurer and deposited in the motor vehicle fund.

(6) Any other provision of law to the contrary notwithstanding, district courts having venue have concurrent jurisdiction with the superior courts for the imposition of any penalties authorized under this section.

(7) For the purpose of determining additional penalties as provided by subsection (2) of this section, "excess weight" means the poundage in excess of the maximum allowable gross weight or axle/axle grouping weight prescribed by RCW 46.44.041 ~~((and)),~~ 46.44.042 ~~((plus the weights allowed by RCW)),~~ 46.44.047, 46.44.091, and 46.44.095.

(8) The penalties provided in subsection ~~((s))~~ (1) ~~((and (2)))~~ of this section shall be remitted as provided in chapter 3.62 RCW or RCW 10.82.070. The penalties provided in subsection (2) of this section shall be remitted to the state treasurer and deposited in the motor vehicle fund. For the purpose of computing the basic penalties and additional penalties to be imposed under the provisions of subsections (1) and (2) of this section the convictions shall be on the same vehicle or combination of vehicles within a twelve-month period under the same ownership.

(9) Any state patrol officer or any weight control officer who finds any person operating a vehicle or a combination of vehicles in violation of the conditions of a permit issued under RCW 46.44.047, 46.44.090, and 46.44.095 may confiscate the permit and forward it to the state department of transportation which may return it to the permittee or revoke, cancel, or suspend it without refund. The department of transportation shall keep a record of all action taken upon permits so confiscated, and if a permit is returned to the permittee the action taken by the department of transportation shall be endorsed thereon. Any permittee whose permit is suspended or revoked may upon request receive a hearing before the department of transportation or person designated by that department. After the hearing the department of transportation may reinstate any permit or revise its previous action.

Every permit issued as provided for in this chapter shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any law enforcement officer or authorized agent of any authority granting such a permit.

Upon the third finding within a calendar year of a violation of the requirements and conditions of a permit issued under RCW 46.44.095 as now or hereafter amended, the permit shall be canceled, and the canceled permit shall be immediately transmitted by the court or the arresting officer to the department of transportation. The vehicle covered by the canceled permit is not eligible for a new permit for a period of thirty days.

(10) For the purposes of determining gross weights the actual scale weight taken by the arresting officer is prima facie evidence of the total gross weight.

(11) It is a traffic infraction to direct the loading of a vehicle with knowledge that it violates the requirements in RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 and that it is to be operated on the public highways of this state.

(12) The chief of the state patrol, with the advice of the department, may adopt reasonable rules to aid in the enforcement of this section.

**NEW SECTION. Sec. 516.** The department of transportation, in cooperation with the department of licensing and the department of revenue shall conduct a vehicle cost allocation study examining the feasibility of recovering pavement damage costs through the establishment of a weight-distance tax based on the weight of the vehicle and the distance traveled each year in this state. Periodic reports shall be submitted to the legislative transportation committee and the house and senate standing committees on transportation. A final report and recommendations are due July 1, 1997.

**NEW SECTION. Sec. 517.** Sections 510 through 516 of this act expire June 30, 1997."

Renumber the remaining sections consecutively and correct the title accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sutherland on page 51, after line 13, to the striking amendment by Senator Owen and Prince to Engrossed Substitute House Bill No. 2343.

The motion by Senator Sutherland failed and the amendment to the striking amendment was not adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Owen and Prince to Engrossed Substitute House Bill No. 2343.

The motion by Senator Owen carried and the striking amendment was adopted.

## MOTIONS

On motion of Senator Owen, the following title amendment was adopted:

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 46.16.313; amending 1995 2nd sp.s. c 14 ss 103, 203, 204, 205, 207, 208, 209, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 225, 226, 227, 228, 301, 302, 303, 401, 402, 403, 404, and 408 (uncodified); adding new sections to 1995 2nd sp.s. c 14 (uncodified); repealing 1995 2nd sp.s. c 14 s 224 (uncodified); and declaring an emergency."

On motion of Senator Owen, the rules were suspended, Engrossed Substitute House Bill No. 2343, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2343, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2343, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Voting nay: Senator Fairley - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2343, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 2657, deferred on third reading, before going to the Special Order of Business.

#### POINT OF INQUIRY

Senator Goings: "Senator Haugen, does this bill affect any statutes or laws other than Chapter 43.155 RCW, such as Chapter 39.04 RCW regarding public works, so as to impose additional requirements on local governments?"

Senator Haugen: "No, the sole purpose of this Act is to broaden the definition of the kinds of projects that are eligible to receive technical and financial assistance under Chapter 43.155 RCW. This Act does not modify or impact any other laws, such as Chapter 39.04 RCW, in any way to impose bidding requirements for non-publicly owned solid waste or recycling projects. This Act does not modify or overturn the 1976 court decision in Shaw Disposal v. City of Auburn. What this Act is intended to do, quite simply, is to make life a little easier for the local governments."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2657.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2657 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2657, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 5:31 p.m., on motion of Senator Spanel, the Senate adjourned until 9:00 a.m., Saturday, March 2, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-FOURTH DAY, MARCH 1, 1996

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

FIFTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, March 2, 1996  
The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senator Rinehart. On motion of Senator Thibaudeau, Senator Rinehart was excused.

The Sergeant at Arms Color Guard, consisting of Pages Jennifer Maxson and Kris Schmidt, presented the Colors. Elder James Erlandson, of the Reorganized Church of Jesus Christ of Latter-Day Saints of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 1, 1996

MR. PRESIDENT:

The Speaker has signed:  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1078,  
HOUSE BILL NO. 2389,  
SUBSTITUTE HOUSE BILL NO. 2535,  
HOUSE BILL NO. 2589,  
HOUSE BILL NO. 2628,  
SUBSTITUTE HOUSE BILL NO. 2755,  
HOUSE BILL NO. 2789, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 1, 1996

MR. PRESIDENT:

The Speaker has signed:  
HOUSE BILL NO. 2137,  
SECOND SUBSTITUTE HOUSE BILL NO. 2292,  
SUBSTITUTE HOUSE BILL NO. 2320,  
SUBSTITUTE HOUSE BILL NO. 2388,  
SUBSTITUTE HOUSE BILL NO. 2605,  
SUBSTITUTE HOUSE BILL NO. 2634,  
HOUSE BILL NO. 2652,  
ENGROSSED HOUSE BILL NO. 2735,  
HOUSE BILL NO. 2913, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 1, 1996

MR. PRESIDENT:

The Speaker has signed:  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6146,  
SENATE BILL NO. 6177,  
SUBSTITUTE SENATE BILL NO. 6229,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6284,  
SENATE BILL NO. 6366,  
SENATE BILL NO. 6380,  
SUBSTITUTE SENATE BILL NO. 6422,  
SENATE BILL NO. 6425,  
SENATE BILL NO. 6617,  
SUBSTITUTE SENATE BILL NO. 6673,  
SENATE JOINT MEMORIAL NO. 8028, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1078,  
HOUSE BILL NO. 2389,  
SUBSTITUTE HOUSE BILL NO. 2535,  
HOUSE BILL NO. 2589,  
HOUSE BILL NO. 2628,  
SUBSTITUTE HOUSE BILL NO. 2755,  
HOUSE BILL NO. 2789.

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 2137,  
SECOND SUBSTITUTE HOUSE BILL NO. 2292,  
SUBSTITUTE HOUSE BILL NO. 2320,  
SUBSTITUTE HOUSE BILL NO. 2388,  
SUBSTITUTE HOUSE BILL NO. 2605,  
SUBSTITUTE HOUSE BILL NO. 2634,  
HOUSE BILL NO. 2652,  
ENGROSSED HOUSE BILL NO. 2735,  
HOUSE BILL NO. 2913.

MESSAGE FROM THE HOUSE

March 1, 1996

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED FOURTH SUBSTITUTE HOUSE BILL NO. 1481 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Cooke, Mastin and Brown.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Quigley, the Senate grants the request of the House for a conference on Engrossed Fourth Substitute House Bill No. 1481 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Fourth Substitute House Bill No. 1481 and the Senate amendment(s) thereto: Senators Quigley, Wood and Wojahn.

MOTION

On motion of Senator Snyder, the Conference Committee appointments were confirmed.

MOTION

At 9:11 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 10:36 a.m. by President Pritchard.

MESSAGE FROM THE HOUSE

February 27, 1996

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5053 with the following amendments:  
Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 64.06.010 and 1994 c 200 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, this chapter does not apply to the following transfers of residential real property:

- ((+)) (a) A foreclosure, deed-in-lieu of foreclosure, real estate contract forfeiture, or a sale by a lienholder who acquired the residential real property through foreclosure (~~((#))~~), deed-in-lieu of foreclosure, or real estate contract forfeiture;
- ((2)) (b) A gift or other transfer to a parent, spouse, or child of a transferor or child of any parent or spouse of a transferor;
- ((3)) (c) A transfer between spouses in connection with a marital dissolution;
- ((4)) (d) A transfer where a buyer had an ownership interest in the property within two years of the date of the transfer including, but not limited to, an ownership interest as a partner in a partnership, a limited partner in a limited partnership, a shareholder in a corporation, a leasehold interest, or transfers to and from a facilitator pursuant to a tax deferred exchange;
- ((5)) (e) A transfer of an interest that is less than fee simple, except that the transfer of a vendee's interest under a real estate contract is subject to the requirements of this chapter; (~~and~~)
- ((6)) (f) A transfer made by the personal representative of the estate of the decedent or by a trustee in bankruptcy; and
- (g) A transfer of new residential construction, if the seller is registered under chapter 18.27 RCW, and if the buyer is the first purchaser and occupant.

(2) This chapter shall apply to transfers of residential real property exempt under this section, if the seller provides to the buyer a completed real property transfer disclosure statement in the form described in RCW 64.06.020(1).

Sec. 2. RCW 64.06.020 and 1994 c 200 s 3 are each amended to read as follows:

(1) In a transaction for the sale of residential real property, the seller shall, unless the buyer has expressly waived the right to receive the disclosure statement, or unless the transfer is exempt under RCW 64.06.010, deliver to the buyer a completed real property transfer disclosure statement in the following (~~format~~) format and that contains, at a minimum, the following information:

INSTRUCTIONS TO THE SELLER

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property write "NA". If the answer is "yes" to any \* items, please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and sign each page of this disclosure statement and each attachment. Delivery of the

disclosure statement must occur not later than ~~((---))~~ five business days ~~((or five days if not filled in))~~ of), unless otherwise agreed, after mutual acceptance of a written contract to purchase between a buyer and a seller.

NOTICE TO THE BUYER

THE FOLLOWING DISCLOSURES ARE MADE BY THE SELLER(S), CONCERNING THE CONDITION OF THE PROPERTY LOCATED AT ("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME THIS DISCLOSURE FORM IS COMPLETED BY THE SELLER. YOU HAVE ~~((---))~~ THREE BUSINESS DAYS, ~~((OR THREE BUSINESS DAYS IF NOT FILLED IN))~~ UNLESS OTHERWISE AGREED, FROM THE SELLER'S DELIVERY OF THIS SELLER'S DISCLOSURE STATEMENT TO ~~((REVOKE YOUR OFFER))~~ RESCIND YOUR AGREEMENT BY DELIVERING YOUR SEPARATE SIGNED WRITTEN STATEMENT OF ~~((REVOCATION))~~ RESCISSION TO THE SELLER, UNLESS YOU WAIVE THIS RIGHT AT OR PRIOR TO ENTERING INTO A SALE AGREEMENT. THE FOLLOWING ARE DISCLOSURES MADE BY THE SELLER AND ARE NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY WRITTEN AGREEMENT BETWEEN THE BUYER AND THE SELLER.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF A QUALIFIED SPECIALIST TO INSPECT THE PROPERTY ON YOUR BEHALF, FOR EXAMPLE, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, OR PEST AND DRY ROT INSPECTORS. THE PROSPECTIVE BUYER AND THE OWNER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR WARRANTIES.

Seller . . . . is/ . . . . is not occupying the property.

**I. SELLER'S DISCLOSURES:**

\*If "Yes" attach a copy or explain. If necessary use an attached sheet.

**1. TITLE**

Yes  No  Don't know A. Do you have legal authority to sell the property?

Yes  No  Don't know \*B. Is title to the property subject to any of the following?

- (1) First right of refusal
- (2) Option
- (3) Lease or rental agreement
- (4) Life estate?

Yes  No  Don't know \*C. Are there any encroachments, boundary agreements, or boundary disputes?

Yes  No  Don't know \*D. Are there any rights of way, easements, or access limitations that may affect the owner's use of the property?

Yes  No  Don't know \*E. Are there any written agreements for joint maintenance of an easement or right of way?

Yes  No  Don't know \*F. Is there any study, survey project, or notice that would adversely affect the property?

Yes  No  Don't know \*G. Are there any pending or existing assessments against the property?

Yes  No  Don't know \*H. Are there any zoning violations, nonconforming uses, or any unusual restrictions on the subject property that would affect future construction or remodeling?

Yes  No  Don't know \*I. Is there a boundary survey for the property?

Yes  No  Don't know \*J. Are there any covenants, conditions, or restrictions which affect the property?

**2. WATER**

A. Household Water

(1) The source of the water is  Public  Community  Private

Shared

(2) Water source information:

Yes  No  Don't know \*a. Are there any written agreements for shared water source?

Yes  No  Don't know \*b. Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?

Yes  No  Don't know \*c. Are any known problems or repairs needed?

Yes  No  Don't know \*d. Does the source provide an adequate year round supply of potable water?

Yes  No  Don't know \*(3) Are there any water treatment systems for the property?  Leased  Owned

B. Irrigation

Yes  No  Don't know (1) Are there any water rights for the property?

Yes  No  Don't know \*(2) If they exist, to your knowledge, have the water rights been used during the last five-year period?

Yes  No  Don't know \*(3) If so, is the certificate available?

C. Outdoor Sprinkler System

Yes  No  Don't know (1) Is there an outdoor sprinkler system for the property?

Yes  No  Don't know \*(2) Are there any defects in the outdoor sprinkler system?

**3. SEWER/SEPTIC SYSTEM**

A. The property is served by:  Public sewer main,  Septic tank system  
 Other disposal system (describe)

Yes  No  Don't know B. If the property is served by a public or community sewer main, is the house connected to the main?

C. Is the property currently subject to a sewer capacity charge?

D. If the property is connected to a septic system:

Yes  No  Don't know (1) Was a permit issued for its construction, and was it approved by the city or county following its construction?

(2) When was it last pumped:

, 19. . .

Yes  No  Don't know \*(3) Are there any defects in the operation of the septic system?

Don't know (4) When was it last inspected?

, 19. . .

By Whom:

Don't know (5) How many bedrooms was the system approved for?

bedrooms

Yes  No  Don't know \*(D) E. Do all plumbing fixtures, including laundry drain, go to the septic/sewer system? If no, explain:

Yes  No  Don't know \*(E) E. Are you aware of any changes or repairs to the septic system?

Yes  No  Don't know \*(F) G. Is the septic tank system, including the drainfield, located entirely within the boundaries of the property?

#### 4. STRUCTURAL

Yes  No  Don't know \*A. Has the roof leaked?

Yes  No  Don't know If yes, has it been repaired?

Yes  No  Don't know \*B. Have there been any conversions, additions, or remodeling?

Yes  No  Don't know \*1. If yes, were all building permits obtained?

Yes  No  Don't know \*2. If yes, were all final inspections obtained?

Yes  No  Don't know C. Do you know the age of the house? If yes, year of original construction:

Yes  No  Don't know \*D. Do you know of any settling, slippage, or sliding of either the house or other structures/improvements located on the property? If yes, explain:

Yes  No  Don't know \*E. Do you know of any defects with the following: (Please check applicable items)

- Foundations  Decks  Exterior Walls
- Chimneys  Interior Walls  Fire Alarm
- Doors  Windows  Patio
- Ceilings  Slab Floors  Driveways
- Pools  Hot Tub  Sauna
- Sidewalks  Outbuildings  Fireplaces
- Garage Floors  Walkways
- Other  Wood Stoves

Yes  No  Don't know \*F. Was a pest or dry rot, structural or "whole house" inspection done? When and by whom was the inspection completed?

Yes  No  Don't know \*G. Since assuming ownership, has your property had a problem with wood destroying organisms and/or have there been any problems with pest control, infestations, or vermin?

#### 5. SYSTEMS AND FIXTURES

If the following systems or fixtures are included with the transfer, do they have any existing defects:

Yes  No  Don't know \*A. Electrical system, including wiring, switches, outlets, and service

Yes  No  Don't know \*B. Plumbing system, including pipes, faucets, fixtures, and toilets

Yes  No  Don't know \*C. Hot water tank

Yes  No  Don't know \*D. Garbage disposal

Yes  No  Don't know \*E. Appliances

- Yes  No  Don't know \*F. Sump pump
- Yes  No  Don't know \*G. Heating and cooling systems
- Yes  No  Don't know \*H. Security system  Owned  Leased
- \*I. Other

**6. COMMON INTEREST**

- Yes  No  Don't know A. Is there a Home Owners' Association? Name of Association
- Yes  No  Don't know B. Are there regular periodic assessments:  
  - \$ per  Month  Year
  - Other
- Yes  No  Don't know \*C. Are there any pending special assessments?
- Yes  No  Don't know \*D. Are there any shared "common areas" or any joint maintenance agreements (facilities such as walls, fences, landscaping, pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)?

**7. GENERAL**

- Yes  No  Don't know \*A. Is there any settling, soil, standing water, or drainage problems on the property?
- Yes  No  Don't know \*B. Does the property contain fill material?
- Yes  No  Don't know \*C. Is there any material damage to the property or any of the structure from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?
- Yes  No  Don't know D. Is the property in a designated flood plain?
- Yes  No  Don't know E. Is the property in a designated flood hazard zone?))
- Yes  No  Don't know ((~~\*F.~~) \*E. Are there any substances, materials, or products that may be an environmental hazard such as, but not limited to, asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, and contaminated soil or water on the subject property?
- Yes  No  Don't know ((~~\*G.~~) \*F. Are there any tanks or underground storage tanks (e.g., chemical, fuel, etc.) on the property?
- Yes  No  Don't know ((~~\*H.~~) \*G. Has the property ever been used as an illegal drug manufacturing site?

**8. FULL DISCLOSURE BY SELLERS**

- A. Other conditions or defects:  
 Yes  No  Don't know \*Are there any other material defects affecting this property or its value that a prospective buyer should know about?
- B. Verification:  
 The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy hereof. I/we authorize all of my/our real estate licensees, if any, to deliver a copy of this disclosure statement to other real estate licensees and all prospective buyers of the property.

DATE . . . . . SELLER . . . . . SELLER

**II. BUYER'S ACKNOWLEDGMENT**

- A. As buyer(s), I/we acknowledge the duty to pay diligent attention to any material defects which are known to me/us or can be known to me/us by utilizing diligent attention and observation.
- B. Each buyer acknowledges and understands that the disclosures set forth in this statement and in any amendments to this statement are made only by the seller.
- C. Buyer (which term includes all persons signing the "buyer's acceptance" portion of this disclosure statement below) hereby acknowledges receipt of a copy of this disclosure statement (including attachments, if any) bearing seller's signature.

DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME OF DISCLOSURE. YOU, THE BUYER, HAVE ((~~(---)~~) **THREE** BUSINESS DAYS ((~~OR THREE BUSINESS DAYS IF NOT FILLED IN~~)), UNLESS OTHERWISE AGREED, FROM THE SELLER'S DELIVERY OF THIS SELLER'S DISCLOSURE STATEMENT TO ((~~REVOKE YOUR OFFER~~) **RESCIND YOUR AGREEMENT** BY DELIVERING YOUR SEPARATE SIGNED WRITTEN STATEMENT OF ((~~REVOCATION~~) **RESCISSION** TO THE SELLER UNLESS YOU WAIVE THIS RIGHT OF ((~~REVOCATION~~) **RESCISSION**.

BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS REAL PROPERTY TRANSFER DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY.

DATE . . . . . BUYER . . . . . BUYER

(2) The real property transfer disclosure statement shall be for disclosure only, and shall not be considered part of any written agreement between the buyer and seller of residential real property. The real property transfer disclosure statement shall be only a disclosure made by the seller, and not any real estate licensee involved in the transaction, and shall not be construed as a warranty of any kind by the seller or any real estate licensee involved in the transaction.

**Sec. 3.** RCW 64.06.030 and 1994 c 200 s 4 are each amended to read as follows:

Unless the buyer has expressly waived the right to receive the disclosure statement, ~~((within))~~ not later than five business days or as otherwise agreed to, ~~((of))~~ after mutual acceptance of a written agreement between a buyer and a seller for the purchase and sale of residential real property, the seller shall deliver to the buyer a completed, signed, and dated real property transfer disclosure statement. Within three business days, or as otherwise agreed to, of receipt of the real property transfer disclosure statement, the buyer shall have the right to exercise one of the following two options: (1) Approving and accepting the real property transfer disclosure statement; or (2) rescinding the agreement for the purchase and sale of the property, which decision may be made by the buyer in the buyer's sole discretion. If the buyer elects to rescind the agreement, the buyer must deliver written notice of rescission to the seller within the three-business-day period, or as otherwise agreed to, and upon delivery of the written rescission notice the buyer shall be entitled to immediate return of all deposits and other considerations less any agreed disbursements paid to the seller, or to the seller's agent or an escrow agent for the seller's account, and the agreement for purchase and sale shall be void. If the buyer does not deliver a written rescission notice to [the] seller within the three-business-day period, or as otherwise agreed to, the real property transfer disclosure statement will be deemed approved and accepted by the buyer.

**Sec. 4.** RCW 64.06.040 and 1994 c 200 s 5 are each amended to read as follows:

(1) If, after the date that a seller of residential real property completes a real property transfer disclosure statement, the seller becomes aware of additional information, or an adverse change occurs which makes any of the disclosures made inaccurate, the seller shall amend the real property transfer disclosure statement, and deliver the amendment to the buyer. No amendment shall be required, however, if the seller takes whatever corrective action is necessary so that the accuracy of the disclosure is restored, or the adverse change is corrected, at least three business days prior to the closing date. Unless the ~~((adverse change is corrected or repaired))~~ corrective action is completed by the seller prior to the closing date, the buyer shall have the right to exercise one of the following two options: (a) Approving and accepting the amendment, or (b) rescinding the agreement of purchase and sale of the property within three business days after receiving the amended real property transfer disclosure statement. Acceptance or rescission shall be subject to the same procedures described in RCW 64.06.030. If the closing date provided in the purchase and sale agreement is scheduled to occur within the three-business-day rescission period provided for in this section, the closing date shall be extended until the expiration of the three-business-day rescission period. The buyer shall have no right of rescission if the seller takes whatever action is necessary so that the accuracy of the disclosure is restored at least three business days prior to the closing date.

(2) In the event any act, occurrence, or agreement arising or becoming known after the closing of a residential real property transfer causes a real property transfer disclosure statement to be inaccurate in any way, the seller of such property shall have no obligation to amend the disclosure statement, and the buyer shall not have the right to rescind the transaction under this chapter.

(3) If the seller in a residential real property transfer fails or refuses to provide to the prospective buyer a real property transfer disclosure statement as required under this chapter, the prospective buyer's right of rescission under this section shall apply until the earlier of three business days after receipt of the real property transfer disclosure statement or the date the transfer has closed, unless the buyer has otherwise waived the right of rescission in writing. Closing is deemed to occur when the buyer has paid the purchase price, or down payment, and the conveyance document, including a deed or real estate contract, from the seller has been delivered and recorded. After closing, the seller's obligation to deliver the real property transfer disclosure statement and the buyer's rights and remedies under this chapter shall terminate.

**Sec. 5.** RCW 64.06.050 and 1994 c 200 s 6 are each amended to read as follows:

(1) The seller of residential real property shall not be liable for any error, inaccuracy, or omission in the real property transfer disclosure statement if the seller had no ~~((personal))~~ actual knowledge of the error, inaccuracy, or omission. Unless the seller of residential real property has actual knowledge of an error, inaccuracy, or omission in a real property transfer disclosure statement, the seller shall not be liable for such error, inaccuracy, or omission if the disclosure was based on information provided by public agencies, or by other persons providing information within the scope of their professional license or expertise, including, but not limited to, a report or opinion delivered by a land surveyor, title company, title insurance company, structural inspector, pest inspector, licensed engineer, or contractor.

(2) Any licensed real estate salesperson or broker involved in a residential real property transaction is not liable for any error, inaccuracy, or omission in the real property transfer disclosure statement if the licensee had no ~~((personal))~~ actual knowledge of the error, inaccuracy, or omission. Unless the salesperson or broker has actual knowledge of an error, inaccuracy, or omission in a real property

transfer disclosure statement, the salesperson or broker shall not be liable for such error, inaccuracy, or omission if the disclosure was based on information provided by public agencies, or by other persons providing information within the scope of their professional license or expertise, including, but not limited to, a report or opinion delivered by a land surveyor, title company, title insurance company, structural inspector, pest inspector, licensed engineer, or contractor.

**Sec. 6.** RCW 64.06.070 and 1994 c 200 s 8 are each amended to read as follows:

Except as provided in RCW 64.06.050, nothing in this chapter shall extinguish or impair any rights or remedies of a buyer of real estate against the seller or against any agent acting for the seller otherwise existing pursuant to common law, statute, or contract; nor shall anything in this chapter create any new right or remedy for a buyer of residential real property other than the right of rescission exercised on the basis and within the time limits provided in this chapter.

NEW SECTION. **Sec. 7.** Section 2 of this act shall take effect July 1, 1996."

On page 1, line 1 of the title, after "disclosure;" strike the remainder of the title and insert "amending RCW 64.06.010, 64.06.020, 64.06.030, 64.06.040, 64.06.050, and 64.06.070; and providing an effective date.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Haugen moved that the Senate refuse to concur in the House amendments and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate refuse to concur in the House amendments to Second Substitute Senate Bill No. 5053 and asks the House to recede therefrom.

The motion by Senator Haugen carried and the Senate refuses to concur in the House amendments to Second Substitute Senate Bill No. 5053 and asks the House to recede therefrom.

#### MOTION

On motion of Senator Thibaudeau, Senator Rinehart was excused.

#### MESSAGE FROM THE HOUSE

February 28, 1996

MR. PRESIDENT:

The House has passed FOURTH SUBSTITUTE SENATE BILL NO. 5159 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A warm water game fish enhancement program is created in the department to be funded from the sale of a warm water game fish surcharge. The enhancement program shall be designed to increase the opportunities to fish for and catch warm water game fish including: Largemouth black bass, smallmouth black bass, channel catfish, black crappie, white crappie, walleye, and tiger musky. The program shall be designed to use a practical applied approach to increasing warm water fishing. The department shall use the funds available efficiently to assure the greatest increase in the fishing for warm water fish at the lowest cost. This approach shall involve the minimization of overhead and administrative costs and the maximization of productive in-the-field activities.

NEW SECTION. **Sec. 2.** Unless the context clearly requires otherwise, as used in this chapter, "warm water game fish" includes the following species: Bass, channel catfish, walleye, crappie, and other species as defined by the department.

NEW SECTION. **Sec. 3.** (1) A warm water game fish surcharge allows a person to fish throughout the state for warm water game fish.

(2) The annual fee for a game fish surcharge is five dollars and the surcharge is required in addition to an annual game fishing license, except for those persons under fifteen years of age for which there is no charge. Holders of three-day resident fishing licenses, three-day nonresident fishing licenses, and nonresident annual fishing licenses shall pay a five-dollar surcharge to fish for warm water fish.

(3) The department shall use the most cost-effective format in designing and administering the warm water game fish surcharge.

(4) A warm water game fish surcharge shall only be required to fish for: Largemouth bass, smallmouth bass, walleye, black crappie, white crappie, channel catfish, and tiger musky.

NEW SECTION. **Sec. 4.** The goals of the warm water game fish enhancement program are to improve the fishing for warm water game fish using cost-effective management. Development of new ponds and lakes shall be an important and integral part of the program. The department shall work with the department of natural resources to coordinate the reclamation of surface mines and the development of warm water game fish ponds. Improvement of warm water fishing shall be coordinated with the protection and conservation of cold water fish populations. This shall be accomplished by carefully designing the warm water projects to have minimal adverse effects upon the cold water fish populations. New pond and lake development should have beneficial effects upon wildlife due to the increase in

lacustrine and wetland habitat that will accompany the improvement of warm water fish habitat. The department shall not develop projects that will increase the populations of undesirable or deleterious fish species such as carp, squawfish, walking catfish, and others.

Fish culture programs shall be used in conditions where they will prove to be cost-effective, and may include the purchase of warm water fish from aquatic farmers defined in RCW 15.85.020. Consideration should be made for development of urban area enhancement of fishing opportunity for put-and-take species, such as channel catfish, that are amenable to production by low-cost fish culture methods. Fish culture shall also be used for stocking of high value species, such as walleye, smallmouth bass, and tiger musky. Introduction of special genetic strains that show high potential for recreational fishing improvement, including Florida strain largemouth bass and striped bass, shall be considered.

Transplantation and introduction of exotic warm water fish shall be carefully reviewed to assure that adverse effects to native fish and wildlife populations do not occur. This review shall include an analysis of consequences from disease and parasite introduction.

Population management through the use of fish toxicants, including rotenone or derris root, shall be an integral part of the warm water game fish enhancement program. However, any use of fish toxicants shall be subject to a thorough review to prevent adverse effects to cold water fish, desirable warm water fish, and other biota. Eradication of deleterious fish species shall be a goal of the program.

Habitat improvement shall be a major aspect of the warm water game fish enhancement program. Habitat improvement opportunities shall be defined with scientific investigations, field surveys, and by using the extensive experience of other state management entities. Installation of cover, structure, water flow control structures, screens, spawning substrate, vegetation control, and other management techniques shall be fully used. The department shall work to gain access to privately owned waters that can be developed with habitat improvements to improve the warm water resource for public fishing.

The department shall use the resources of cooperative groups to assist in the planning and implementation of the warm water game fish enhancement program. In the development of the program the department shall actively involve the organized fishing clubs that primarily fish for warm water fish. The warm water fish enhancement program shall be cooperative between the department and private landowners; private landowners shall not be required to alter the uses of their private property to fulfill the purposes of the warm water fish enhancement program. The director shall not impose restrictions on the use of private property, or take private property, for the purpose of the warm water fish enhancement program.

NEW SECTION. Sec. 5. The warm water game fish account is hereby created in the state wildlife fund. Moneys in the account are subject to legislative appropriation and shall be used for the purpose of funding the warm water game fish enhancement program, including the development of warm water pond and lake habitat, culture of warm water game fish, improvement of warm water fish habitat, management of warm water fish populations, and other practical activities that will improve the fishing for warm water fish. Funds from the warm water game fish surcharge shall not serve as replacement funding for department-operated warm water fish projects existing on December 31, 1994. Funds from the warm water game fish account shall not be used for the operation or construction of the warm water fish culture project at Ringold unless specifically authorized by legislation.

Funds from the sale of the warm water game fish surcharges shall be deposited in the warm water game fish account.

NEW SECTION. Sec. 6. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1996, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 7. The department of fish and wildlife shall provide to the natural resource committees of the legislature an operational and management plan for the Ringold warm water fish culture project on or before December 31, 1996.

NEW SECTION. Sec. 8. Sections 1 through 5 of this act shall constitute a new chapter in Title 77 RCW.

NEW SECTION. Sec. 9. (1) Sections 1, 2, and 4 through 7 of this act shall take effect July 1, 1996.

(2) Section 3 of this act shall take effect January 1, 1997."

Correct the title accordingly., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Drew, the Senate refuses to concur in the House amendment to Fourth Substitute Senate Bill No. 5159 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

February 28, 1996

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5700 with the following amendment(s):  
Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.16 RCW to read as follows:

Effective with vehicle registrations due or to become due on January 1, 2000, all vehicle license plates must have a common background except commercial vehicles as defined in RCW 46.32.005, vehicles originally licensed before January 1, 1987, that are currently owned by the original licensee, and vehicles with special plates designated in RCW 46.16.305 (1) and (3).

**Sec. 2.** RCW 46.16.270 and 1990 c 250 s 32 are each amended to read as follows:

Replacement plates issued after January 1, (~~1987, will be centennial plates as described in RCW 46.16.650~~) 2000, must have a common background. The (~~total~~) replacement plate fee including the one dollar per plate centennial plate fee shall be deposited in the motor vehicle fund.

Upon the loss, defacement, or destruction of one or both of the vehicle license number plates issued for any vehicle where more than one plate was originally issued or where one or both have become so illegible or in such a condition as to be difficult to distinguish, or upon the owner's option, the owner of the vehicle shall make application for new vehicle license number plates upon a form furnished by the director. The application shall be filed with the director or the director's authorized agent, accompanied by the certificate of license registration of the vehicle and a fee in the amount of three dollars per plate, whereupon the director, or the director's authorized agent, shall issue new vehicle license number plates to the applicant. It shall be accompanied by a fee of two dollars for a new motorcycle license number plate. In the event the director has issued license period tabs or a windshield emblem instead of vehicle license number plates, and upon the loss, defacement, or destruction of the tabs or windshield emblem, application shall be made on a form provided by the director and in the same manner as above described, and shall be accompanied by a fee of one dollar for each pair of tabs or for each windshield emblem, whereupon the director shall issue to the applicant a duplicate pair of tabs, year tabs, and when necessary month tabs or a windshield emblem to replace those lost, defaced, or destroyed. For vehicles owned, rented, or leased by the state of Washington or by any county, city, town, school district, or other political subdivision of the state of Washington or United States government, or owned or leased by the governing body of an Indian tribe as defined in RCW 46.16.020, a fee shall be charged for replacement of a vehicle license number plate only to the extent required by the provisions of RCW 46.16.020, 46.16.061, 46.16.237, and 46.01.140. For vehicles owned, rented, or leased by foreign countries or international bodies to which the United States government is a signatory by treaty, the payment of any fee for the replacement of a vehicle license number plate shall not be required."

On line 1 of the title, after "plates;" strike the remainder of the title and insert "amending RCW 46.16.270; and adding a new section to chapter 46.16 RCW.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Owen, the Senate refuses to concur in the House amendments to Engrossed Second Substitute Senate Bill No. 5700 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

February 29, 1996

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6211 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 39.34 RCW to read as follows:

(1) Each county, city, and town is responsible for the prosecution, adjudication, sentencing, and incarceration of misdemeanor and gross misdemeanor offenses committed by adults in their respective jurisdictions, and referred from their respective law enforcement agencies, whether filed under state law or city ordinance, and must carry out these responsibilities through the use of their own courts, staff, and facilities, or by entering into contracts or interlocal agreements under this chapter to provide these services. Nothing in this section is intended to alter the statutory responsibilities of each county for the prosecution, adjudication, sentencing, and incarceration for not more than one year of felony offenders, nor shall this section apply to any offense initially filed by the prosecuting attorney as a felony offense or an attempt to commit a felony offense.

(2) The following principles must be followed in negotiating interlocal agreements or contracts: Cities and counties must consider (a) anticipated costs of services; and (b) anticipated and potential revenues to fund the services, including fines and fees, criminal justice funding, and state-authorized sales tax funding levied for criminal justice purposes.

(3) If an agreement as to the levels of compensation within an interlocal agreement or contract for gross misdemeanor and misdemeanor services cannot be reached between a city and county, then either party may invoke binding arbitration on the compensation issued by notice to the other party. In the case of establishing initial compensation, the notice shall request arbitration within thirty days. In the case of nonrenewal of an existing contract or interlocal agreement, the notice must be given one hundred twenty days prior to the expiration of the existing contract or agreement and the existing contract or agreement remains in effect until a new agreement is reached or

until an arbitration award on the matter of fees is made. The city and county each select one arbitrator, and the initial two arbitrators pick a third arbitrator.

(4) For any city or town that has repealed a majority of that portion of its municipal code defining crimes, this section shall apply as of July 1, 1997. For all other cities and towns, this section shall apply as of July 1, 1998.

NEW SECTION. Sec. 2. This act shall take effect January 1, 1997."

On page 1, line 1 of the title, after "costs;" strike the remainder of the title and insert "adding a new section to chapter 39.34 RCW; and providing an effective date.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Haugen, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 6211 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

February 29, 1996

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6257 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of this act to make improvements to the guardian and guardian ad litem systems currently in place for the protection of minors and incapacitated persons.

Sec. 2. RCW 2.56.030 and 1994 c 240 s 1 are each amended to read as follows:

The administrator for the courts shall, under the supervision and direction of the chief justice:

(1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same;

(2) Examine the state of the dockets of the courts and determine the need for assistance by any court;

(3) Make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance;

(4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;

(5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;

(6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;

(7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;

(8) Act as secretary of the judicial conference referred to in RCW 2.56.060;

(9) Formulate and submit to the judicial council of this state recommendations of policies for the improvement of the judicial system;

(10) Submit annually, as of February 1st, to the chief justice and the judicial council, a report of the activities of the administrator's office for the preceding calendar year;

(11) Administer programs and standards for the training and education of judicial personnel;

(12) Examine the need for new superior court and district judge positions under a weighted caseload analysis that takes into account the time required to hear all the cases in a particular court and the amount of time existing judges have available to hear cases in that court. The results of the weighted caseload analysis shall be reviewed by the board for judicial administration and the judicial council, both of which shall make recommendations to the legislature (~~by January 1, 1989~~). It is the intent of the legislature that weighted caseload analysis become the basis for creating additional district court positions, and recommendations should address that objective;

(13) Provide staff to the judicial retirement account plan under chapter 2.14 RCW;

(14) Attend to such other matters as may be assigned by the supreme court of this state;

(15) Within available funds, develop a curriculum for a general understanding of child development, placement, and treatment resources, as well as specific legal skills and knowledge of relevant statutes including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules, interviewing skills, and special needs of the abused or neglected child. This curriculum shall be completed and made available to all

juvenile court judges, court personnel, and service providers ~~((by July 1, 1988. The curriculum shall))~~ and be updated yearly to reflect changes in statutes, court rules, or case law;

(16) Develop, in consultation with the entities set forth in section 3(3) of this act, a comprehensive state-wide curriculum for all persons who act as paid guardians ad litem under Title 13 or 26 RCW. The curriculum shall be made available July 1, 1997, and include specialty sections on child development, child sexual abuse, child physical abuse, child neglect, clinical and forensic investigative and interviewing techniques, family reconciliation and mediation services and techniques, and relevant statutory and legal requirements. The curriculum shall be made available to all superior court judges, court personnel, and all persons who act as guardians ad litem.

(17) Develop a curriculum for a general understanding of crimes of malicious harassment, as well as specific legal skills and knowledge of RCW 9A.36.080, relevant cases, court rules, and the special needs of malicious harassment victims. This curriculum shall be ~~((completed and))~~ made available to all superior court and court of appeals judges and to all justices of the supreme court ~~((by July 1, 1989))~~;

~~((17))~~ (18) Develop, in consultation with the criminal justice training commission and the commissions established under chapters 43.113, 43.115, and 43.117 RCW, a curriculum for a general understanding of ethnic and cultural diversity and its implications for working with youth of color and their families. The curriculum shall be ~~((completed and made))~~ available to all superior court judges and court commissioners assigned to juvenile court, and other court personnel ~~((by October 1, 1993))~~. Ethnic and cultural diversity training shall be provided annually so as to incorporate cultural sensitivity and awareness into the daily operation of juvenile courts state-wide;

~~((18))~~ (19) Authorize the use of closed circuit television and other electronic equipment in judicial proceedings. The administrator shall promulgate necessary standards and procedures and shall provide technical assistance to courts as required.

NEW SECTION. Sec. 3. A new section is added to chapter 2.56 RCW to read as follows:

(1) The administrator for the courts shall review the advisability of the state-wide mandatory use of court-appointed special advocates as described in RCW 26.12.175 to act as guardians ad litem in appropriate cases under Titles 13 and 26 RCW. The review shall include recommendations regarding the increase of court fees or assessments as necessary to fully fund implementation and continuation of the possible state-wide use of court-appointed special advocates.

(2) The administrator shall also conduct a study on the feasibility and desirability of requiring all persons who act as guardians ad litem under Titles 11, 13, and 26 RCW to be certified as qualified guardians ad litem prior to their eligibility for appointment.

(3) In conducting the review and study the administrator shall consult with: (a) The presidents or directors of all public benefit nonprofit corporations that are eligible to receive state funds under RCW 43.330.135; (b) the attorney general, or a designee; (c) the secretary of the department of social and health services, or a designee; (d) the superior court judges association; (e) the Washington state bar association; (f) public defenders who represent children under Title 13 or 26 RCW; (g) private attorneys who represent parents under Title 13 or 26 RCW; (h) professionals who evaluate families for the purposes of determining the custody or placement decisions of children; (i) the office of financial management; (j) persons who act as volunteer or compensated guardians ad litem; and (k) parents who have dealt with guardians ad litem in court cases. For the purposes of studying the feasibility of a certification requirement for guardians ad litem acting under Title 11 RCW the administrator shall consult with the advisory group formed under RCW 11.88.090.

NEW SECTION. Sec. 4. The review and study required under section 3 of this act shall be presented to the governor and to the legislature no later than December 1, 1996.

Sec. 5. RCW 4.08.060 and 1899 c 91 s 1 are each amended to read as follows:

When an ~~((insane))~~ incapacitated person, as defined in RCW 11.88.010, is a party to an action in the superior courts he or she shall appear by guardian, or if he or she has no guardian, or in the opinion of the court the guardian is an improper person, the court shall appoint one to act as guardian ad litem. Said guardian shall be appointed as follows:

(1) When the ~~((insane))~~ incapacitated person is plaintiff, upon the application of a relative or friend of the ~~((insane))~~ incapacitated person.

(2) When the ~~((insane))~~ incapacitated person is defendant, upon the application of a relative or friend of such ~~((insane))~~ incapacitated person, such application shall be made within thirty days after the service of summons if served in the state of Washington, and if served out of the state or service is made by publication, then such application shall be made within sixty days after the first publication of summons or within sixty days after the service out of the state. If no such application be made within the time above limited, application may be made by any party to the action.

Sec. 6. RCW 8.25.270 and 1977 ex.s. c 80 s 12 are each amended to read as follows:

When it ~~((shall))~~ appears in any petition or otherwise at any time during the proceedings for condemnation brought pursuant to chapters 8.04, 8.08, 8.12, 8.16, 8.20, and 8.24 RCW~~((, each as now or hereafter amended,))~~ that any ~~((infant))~~ minor, or ~~((allegedly incompetent or disabled))~~ alleged incapacitated person, as defined in RCW 11.88.010, is interested in any property that is to be taken or damaged, the court shall appoint a guardian ad litem for ~~((such infant))~~ the minor or ~~((allegedly incompetent or disabled))~~ alleged incapacitated person to appear and assist in ~~((his, her or their))~~ the person's defense, unless a guardian or limited guardian has previously been appointed, in which case the duty to appear and assist shall be delegated to the properly qualified guardian or limited guardian. The court shall make such orders or decrees as it shall deem necessary to protect and secure the interest of the ~~((infant))~~ minor or ~~((allegedly~~

~~incompetent or disabled)) alleged incapacitated person ((in the property sought to be condemned or the compensation which shall be awarded therefore)).~~

**Sec. 7.** RCW 11.16.083 and 1977 ex.s. c 234 s 1 are each amended to read as follows:

Notwithstanding any other provision of this title, no notice of any hearing in probate or probate proceeding need be given to any legally competent person who is interested in any hearing in any probate as an heir, legatee, or devisee of the decedent who has in person or by attorney waived in writing notice of such hearing or proceeding. Such waiver of notice may apply to either a specific hearing or proceeding, or to any and all hearings and proceedings to be held during the administration of the estate in which event such waiver of notice shall be of continuing effect unless subsequently revoked by the filing of a written notice of revocation of the waiver and the mailing of a copy thereof to the personal representative and his or her attorney. Unless notice of a hearing is required to be given by publication, if all persons entitled to notice thereof shall have waived such notice, the court may hear the matter forthwith. A guardian of the estate or a guardian ad litem may make such waivers on behalf of ~~((his incompetent))~~ an incapacitated person, as defined in RCW 11.88.010, and a trustee may make such waivers on behalf of any competent or ~~((incompetent))~~ incapacitated beneficiary of his or her trust. A consul or other representative of a foreign government, whose appearance has been entered as provided by law on behalf of any person residing in a foreign country, may make such waiver of notice on behalf of such person. Any person who submits to the jurisdiction of the court in any hearing shall be deemed to have waived notice thereof.

**Sec. 8.** RCW 11.88.030 and 1995 c 297 s 1 are each amended to read as follows:

(1) Any person or entity may petition for the appointment of a qualified person, trust company, national bank, or nonprofit corporation authorized in RCW 11.88.020 ~~((as now or hereafter amended))~~ as the guardian or limited guardian of an incapacitated person. No liability for filing a petition for guardianship or limited guardianship shall attach to a petitioner acting in good faith and upon reasonable basis. A petition for guardianship or limited guardianship shall state:

- (a) The name, age, residence, and post office address of the alleged incapacitated person;
- (b) The nature of the alleged incapacity in accordance with RCW 11.88.010;
- (c) The approximate value and description of property, including any compensation, pension, insurance, or allowance, to which the alleged incapacitated person may be entitled;
- (d) Whether there is, in any state, a guardian or limited guardian, or pending guardianship action for the person or estate of the alleged incapacitated person;
- (e) The residence and post office address of the person whom petitioner asks to be appointed guardian or limited guardian;
- (f) The names and addresses, and nature of the relationship, so far as known or can be reasonably ascertained, of the persons most closely related by blood or marriage to the alleged incapacitated person;
- (g) The name and address of the person or facility having the care and custody of the alleged incapacitated person;
- (h) The reason why the appointment of a guardian or limited guardian is sought and the interest of the petitioner in the appointment, and whether the appointment is sought as guardian or limited guardian of the person, the estate, or both ~~((, and why no alternative to guardianship is appropriate))~~;
- (i) A description of any alternate arrangements previously made by the alleged incapacitated person, such as trusts or powers of attorney, including identifying any guardianship nominations contained in a power of attorney, and why a guardianship is nevertheless necessary;

(j) The nature and degree of the alleged incapacity and the specific areas of protection and assistance requested and the limitation of rights requested to be included in the court's order of appointment;

~~((j))~~ (k) The requested term of the limited guardianship to be included in the court's order of appointment;

~~((k))~~ (l) Whether the petitioner is proposing a specific individual to act as guardian ad litem and, if so, the individual's knowledge of or relationship to any of the parties, and why the individual is proposed.

(2)(a) The attorney general may petition for the appointment of a guardian or limited guardian in any case in which there is cause to believe that a guardianship is necessary and no private party is able and willing to petition.

(b) Prepayment of a filing fee shall not be required in any guardianship or limited guardianship brought by the attorney general. Payment of the filing fee shall be ordered from the estate of the incapacitated person at the hearing on the merits of the petition, unless in the judgment of the court, such payment would impose a hardship upon the incapacitated person, in which case the filing shall be waived.

(3) No filing fee shall be charged by the court for filing either a petition for guardianship or a petition for limited guardianship if the petition alleges that the alleged incapacitated person has total assets of a value of less than three thousand dollars.

(4)(a) Notice that a guardianship proceeding has been commenced shall be personally served upon the alleged incapacitated person and the guardian ad litem along with a copy of the petition for appointment of a guardian. Such notice shall be served not more than five court days after the petition has been filed.

(b) Notice under this subsection shall include a clear and easily readable statement of the legal rights of the alleged incapacitated person that could be restricted or transferred to a guardian by a guardianship order as well as the right to counsel of choice and to a jury trial

on the issue of incapacity. Such notice shall be in substantially the following form and shall be in capital letters, double-spaced, and in a type size not smaller than ten-point type:

IMPORTANT NOTICE  
PLEASE READ CAREFULLY

A PETITION TO HAVE A GUARDIAN APPOINTED FOR YOU HAS BEEN FILED IN THE . . . . . COUNTY SUPERIOR COURT BY . . . . . IF A GUARDIAN IS APPOINTED, YOU COULD LOSE ONE OR MORE OF THE FOLLOWING RIGHTS:

- (1) TO MARRY OR DIVORCE;
- (2) TO VOTE OR HOLD AN ELECTED OFFICE;
- (3) TO ENTER INTO A CONTRACT OR MAKE OR REVOKE A WILL;
- (4) TO APPOINT SOMEONE TO ACT ON YOUR BEHALF;
- (5) TO SUE AND BE SUED OTHER THAN THROUGH A GUARDIAN;
- (6) TO POSSESS A LICENSE TO DRIVE;
- (7) TO BUY, SELL, OWN, MORTGAGE, OR LEASE PROPERTY;
- (8) TO CONSENT TO OR REFUSE MEDICAL TREATMENT;
- (9) TO DECIDE WHO SHALL PROVIDE CARE AND ASSISTANCE;
- (10) TO MAKE DECISIONS REGARDING SOCIAL ASPECTS OF YOUR LIFE.

UNDER THE LAW, YOU HAVE CERTAIN RIGHTS.

YOU HAVE THE RIGHT TO BE REPRESENTED BY A LAWYER OF YOUR OWN CHOOSING. THE COURT WILL APPOINT A LAWYER TO REPRESENT YOU IF YOU ARE UNABLE TO PAY OR PAYMENT WOULD RESULT IN A SUBSTANTIAL HARDSHIP TO YOU.

YOU HAVE THE RIGHT TO ASK FOR A JURY TO DECIDE WHETHER OR NOT YOU NEED A GUARDIAN TO HELP YOU.

YOU HAVE THE RIGHT TO BE PRESENT IN COURT AND TESTIFY WHEN THE HEARING IS HELD TO DECIDE WHETHER OR NOT YOU NEED A GUARDIAN.

(5) All petitions filed under the provisions of this section shall be heard within sixty days unless an extension of time is requested by a party or the guardian ad litem within such sixty day period and granted for good cause shown. If an extension is granted, the court shall set a new hearing date.

**Sec. 9.** RCW 11.88.045 and 1995 c 297 s 3 are each amended to read as follows:

(1)(a) Alleged incapacitated individuals shall have the right to be represented by counsel of their choosing at any stage in guardianship proceedings. The court shall provide counsel to represent any alleged incapacitated person at public expense when either: (i) The individual is unable to afford counsel, or (ii) the expense of counsel would result in substantial hardship to the individual, or (iii) the individual does not have practical access to funds with which to pay counsel. If the individual can afford counsel but lacks practical access to funds, the court shall provide counsel and may impose a reimbursement requirement as part of a final order. When, in the opinion of the court, the rights and interests of an alleged or adjudicated incapacitated person cannot otherwise be adequately protected and represented, the court on its own motion shall appoint an attorney at any time to represent such person. Counsel shall be provided as soon as practicable after a petition is filed and long enough before any final hearing to allow adequate time for consultation and preparation. Absent a convincing showing in the record to the contrary, a period of less than three weeks shall be presumed by a reviewing court to be inadequate time for consultation and preparation.

(b) Counsel for an alleged incapacitated individual shall act as an advocate for the client and shall not substitute counsel's own judgment for that of the client on the subject of what may be in the client's best interests. Counsel's role shall be distinct from that of the guardian ad litem, who is expected to promote the best interest of the alleged incapacitated individual, rather than the alleged incapacitated individual's expressed preferences.

(c) If an alleged incapacitated person is represented by counsel and does not communicate with counsel, counsel may ask the court for leave to withdraw for that reason. If satisfied, after affording the alleged incapacitated person an opportunity for a hearing, that the request is justified, the court may grant the request and allow the case to proceed with the alleged incapacitated person unrepresented.

(2) During the pendency of any guardianship, any attorney purporting to represent a person alleged or adjudicated to be incapacitated shall petition to be appointed to represent the incapacitated or alleged incapacitated person. Fees for representation described in this section shall be subject to approval by the court pursuant to the provisions of RCW 11.92.180.

(3) The alleged incapacitated person is further entitled to testify and present evidence and, upon request, entitled to a jury trial on the issues of his or her alleged incapacity. The standard of proof to be applied in a contested case, whether before a jury or the court, shall be that of clear, cogent, and convincing evidence.

(4) In all proceedings for appointment of a guardian or limited guardian, the court must be presented with a written report from a physician licensed to practice under chapter 18.71 or 18.57 RCW or licensed or certified psychologist selected by the guardian ad litem. If the alleged incapacitated person opposes the health care professional selected by the guardian ad litem to prepare the medical report, then the guardian ad litem must either use the health care professional selected by the alleged incapacitated person or obtain court approval, following a hearing, for the guardian ad litem's selection. The physician or psychologist shall have personally examined and interviewed the alleged incapacitated person within thirty days of preparation of the report to the court and shall have expertise in the type of disorder or incapacity the alleged incapacitated person is believed to have. The report shall contain the following information and shall be set forth in substantially the following format:

- (a) The name and address of the examining physician or psychologist;
- (b) The education and experience of the physician or psychologist pertinent to the case;
- (c) The dates of examinations of the alleged incapacitated person;
- (d) A summary of the relevant medical, functional, neurological, psychological, or psychiatric history of the alleged incapacitated person as known to the examining physician or psychologist;
- (e) The findings of the examining physician or psychologist as to the condition of the alleged incapacitated person;
- (f) Current medications;
- (g) The effect of current medications on the alleged incapacitated person's ability to understand or participate in guardianship proceedings;
- (h) Opinions on the specific assistance the alleged incapacitated person needs;
- (i) Identification of persons with whom the physician or psychologist has met or spoken regarding the alleged incapacitated person.

The court shall not enter an order appointing a guardian or limited guardian until a medical or psychological report meeting the above requirements is filed.

The requirement of filing a medical report is waived if the basis of the guardianship is minority.

(5) During the pendency of an action to establish a guardianship, a petitioner or any person may move for temporary relief under chapter 7.40 RCW, to protect the alleged incapacitated person from abuse, neglect, abandonment, or exploitation, as those terms are defined in RCW 74.34.020, or to address any other emergency needs of the alleged incapacitated person. Any alternative arrangement executed before filing the petition for guardianship shall remain effective unless the court grants the relief requested under chapter 7.40 RCW, or unless, following notice and a hearing at which all parties directly affected by the arrangement are present, the court finds by clear, cogent, and convincing evidence that the alternative arrangement should not remain effective.

**Sec. 10.** RCW 11.88.090 and 1995 c 297 s 4 are each amended to read as follows:

(1) Nothing contained in RCW 11.88.080 through 11.88.120, 11.92.010 through 11.92.040, 11.92.060 through 11.92.120, 11.92.170, and 11.92.180(~~(, as now or hereafter amended,)~~) shall affect or impair the power of any court to appoint a guardian ad litem to defend the interests of any incapacitated person interested in any suit or matter pending therein, or to commence and prosecute any suit in his or her behalf.

(2) Upon receipt of a petition for appointment of guardian or limited guardian, except as provided herein, the court shall appoint a guardian ad litem to represent the best interests of the alleged incapacitated person, who shall be a person found or known by the court to:

- (a) Be free of influence from anyone interested in the result of the proceeding; and
- (b) Have the requisite knowledge, training, or expertise to perform the duties required by this section.

The guardian ad litem shall within five days of receipt of notice of appointment file with the court and serve each party with a statement including: His or her background and qualifications; his or her hourly rate, if compensated; and whether or not he or she is or has been a guardian, a guardian ad litem, or an attorney in another action under Title 11, 13, or 26 RCW in which any of the attorneys for the parties were involved. Upon receipt of such statement, any party or the court may, within three days, move for substitution of the guardian ad litem upon a showing of lack of expertise necessary for the proceeding, an hourly rate higher than what is reasonable for the particular proceeding, or a conflict of interest.

No guardian ad litem need be appointed when a parent is petitioning for a guardian or a limited guardian to be appointed for his or her minor child and the minority of the child, as defined by RCW 11.92.010, is the sole basis of the petition. The order appointing the guardian ad litem shall recite the duties set forth in subsection ~~((5))~~ (4) of this section. The appointment of a guardian ad litem shall have no effect on the legal competency of the alleged incapacitated person and shall not overcome the presumption of competency or full legal and civil rights of the alleged incapacitated person.

(3)(a) The superior court of each county shall develop ~~((by September 1, 1991,))~~ and maintain a registry of persons who are willing and qualified to serve as guardians ad litem in guardianship matters. The court shall choose as guardian~~((s))~~ ad litem ~~((only))~~ a person~~((s))~~ whose name~~((s))~~ appears on the registry in a system of consistent rotation, except in extraordinary circumstances such as the need for

particular expertise. The court shall develop procedures for periodic review of the persons on the registry and for probation, suspension, or removal of persons on the registry for failure to perform properly their duties as guardian ad litem. In the event the court does not select the person next on the list, it shall include in the order of appointment a written reason for its decision.

(b) To be eligible for the registry a person shall:

(i) Present a written statement ~~((ef))~~ outlining his or her background and qualifications ~~((describing))~~. The background statement shall include, but is not limited to, the following information:

(A) Level of formal education;

(B) Training related to the guardian's duties;

(C) Number of years' experience as a guardian ad litem;

(D) Number of appointments as a guardian ad litem and the county or counties of appointment;

(E) Criminal history, as defined in RCW 9.94A.030; and

(F) Evidence of the person's knowledge, training, and experience in each of the following: Needs of impaired elderly people, physical disabilities, mental illness, developmental disabilities, and other areas relevant to the needs of incapacitated persons, legal procedure, and the requirements of chapters 11.88 and 11.92 RCW.

The written statement of qualifications shall include a statement of the number of times the guardian ad litem has been removed for failure to perform his or her duties as guardian ad litem; and

(ii) Complete ~~((a training program adopted by the court, or, in the absence of a locally adopted program, a candidate for inclusion upon the registry shall have completed a))~~ the model training program as described in (d) of this subsection.

~~((The superior court of each county shall approve training programs designed to:~~

~~(i) Train otherwise qualified human service professionals in those aspects of legal procedure and the requirements of chapters 11.88 and 11.92 RCW with which a guardian ad litem should be familiar;~~

~~(ii) Train otherwise qualified legal professionals in those aspects of medicine, social welfare, and social service delivery systems with which a guardian ad litem should be familiar.))~~ The background and qualification information shall be updated annually.

~~((The superior court of each county may approve a guardian ad litem training program on or before June 1, 1991.))~~ The department of social and health services ~~((, aging and adult services administration,))~~ shall convene an advisory group to develop a model guardian ad litem training program and shall update the program biennially. The advisory group shall consist of representatives from consumer, advocacy, and professional groups knowledgeable in developmental disabilities, neurological impairment, physical disabilities, mental illness, aging, legal, court administration, the Washington state bar association, and other interested parties.

~~((Any))~~ The superior court ~~((that has not adopted a guardian ad litem training program by September 1, 1991,))~~ shall require utilization of ~~((a))~~ the model program developed by the advisory group as described in (d) of this subsection, to assure that candidates applying for registration as a qualified guardian ad litem shall have satisfactorily completed training to attain these essential minimum qualifications to act as guardian ad litem.

~~((The guardian ad litem's written statement of qualifications required by RCW 11.88.090(3)(b)(i) shall be made part of the record in each matter in which the person is appointed guardian ad litem.~~

~~((5))~~ The guardian ad litem appointed pursuant to this section shall have the following duties:

(a) To meet and consult with the alleged incapacitated person as soon as practicable following appointment and explain, in language which such person can reasonably be expected to understand, the substance of the petition, the nature of the resultant proceedings, the person's right to contest the petition, the identification of the proposed guardian or limited guardian, the right to a jury trial on the issue of his or her alleged incapacity, the right to independent legal counsel as provided by RCW 11.88.045, and the right to be present in court at the hearing on the petition;

(b) To obtain a written report according to RCW 11.88.045; and such other written or oral reports from other qualified professionals as are necessary to permit the guardian ad litem to complete the report required by this section;

(c) To meet with the person whose appointment is sought as guardian or limited guardian and ascertain:

(i) The proposed guardian's knowledge of the duties, requirements, and limitations of a guardian; and

(ii) The steps the proposed guardian intends to take or has taken to identify and meet the needs of the alleged incapacitated person;

(d) To consult as necessary to complete the investigation and report required by this section with those known relatives, friends, or other persons the guardian ad litem determines have had a significant, continuing interest in the welfare of the alleged incapacitated person;

(e) To investigate alternate arrangements made, or which might be created, by or on behalf of the alleged incapacitated person, such as revocable or irrevocable trusts, or durable powers of attorney; whether good cause exists for any such arrangements to be discontinued; and why such arrangements should not be continued or created in lieu of a guardianship;

(f) To provide the court with a written report which shall include the following:

(i) A description of the nature, cause, and degree of incapacity, and the basis upon which this judgment was made;

(ii) A description of the needs of the incapacitated person for care and treatment, the probable residential requirements of the alleged incapacitated person and the basis upon which these findings were made;

(iii) An evaluation of the appropriateness of the guardian or limited guardian whose appointment is sought and a description of the steps the proposed guardian has taken or intends to take to identify and meet current and emerging needs of the incapacitated person;

(iv) A description of any alternative arrangements previously made by the alleged incapacitated person or which could be made, and whether and to what extent such alternatives should be used in lieu of a guardianship, and if the guardian ad litem is recommending discontinuation of any such arrangements, specific findings as to why such arrangements are contrary to the best interest of the alleged incapacitated person;

(v) A description of the abilities of the alleged incapacitated person and a recommendation as to whether a guardian or limited guardian should be appointed. If appointment of a limited guardian is recommended, the guardian ad litem shall recommend the specific areas of authority the limited guardian should have and the limitations and disabilities to be placed on the incapacitated person;

~~((v))~~ (vi) An evaluation of the person's mental ability to rationally exercise the right to vote and the basis upon which the evaluation is made;

~~((vi))~~ (vii) Any expression of approval or disapproval made by the alleged incapacitated person concerning the proposed guardian or limited guardian or guardianship or limited guardianship;

~~((vii))~~ (viii) Identification of persons with significant interest in the welfare of the alleged incapacitated person who should be advised of their right to request special notice of proceedings pursuant to RCW 11.92.150; and

~~((viii))~~ (ix) Unless independent counsel has appeared for the alleged incapacitated person, an explanation of how the alleged incapacitated person responded to the advice of the right to jury trial, to independent counsel and to be present at the hearing on the petition.

Within forty-five days after notice of commencement of the guardianship proceeding has been served upon the guardian ad litem, and at least ~~((ten))~~ fifteen days before the hearing on the petition, ~~((unless an extension or reduction of time has been granted by the court for good cause,))~~ the guardian ad litem shall file its report and send a copy to the alleged incapacitated person and his or her counsel, spouse, all children not residing with a notified person, those persons described in ~~((e))~~~~(vii))~~ (f)(viii) of this subsection, and persons who have filed a request for special notice pursuant to RCW 11.92.150. If the guardian ad litem needs additional time to finalize his or her report, then the guardian ad litem shall petition the court for a postponement of the hearing or, with the consent of all other parties, an extension or reduction of time for filing the report. If the hearing does not occur within sixty days of filing the petition, then upon the two-month anniversary of filing the petition and on or before the same day of each following month until the hearing, the guardian ad litem shall file interim reports summarizing his or her activities on the proceeding during that time period as well as fees and costs incurred;

~~((f))~~ (g) To advise the court of the need for appointment of counsel for the alleged incapacitated person within five court days after the meeting described in (a) of this subsection unless (i) counsel has appeared, (ii) the alleged incapacitated person affirmatively communicated a wish not to be represented by counsel after being advised of the right to representation and of the conditions under which court-provided counsel may be available, or (iii) the alleged incapacitated person was unable to communicate at all on the subject, and the guardian ad litem is satisfied that the alleged incapacitated person does not affirmatively desire to be represented by counsel.

~~((g))~~ (5) If the petition is brought by an interested person or entity requesting the appointment of some other qualified person or entity and a prospective guardian or limited guardian cannot be found, the court shall order the guardian ad litem to investigate the availability of a possible guardian or limited guardian and to include the findings in a report to the court pursuant to ~~((RCW 11.88.090(5)(e) as now or hereafter amended))~~ subsection (4)(f) of this section.

(6) The parties to the proceeding may file responses to the guardian ad litem report with the court and deliver such responses to the other parties and the guardian ad litem at any time up to the second day prior to the hearing. If a guardian ad litem fails to file his or her report in a timely manner, the hearing shall be continued to give the court and the parties at least fifteen days before the hearing to review the report. At any time during the proceeding upon motion of any party or on the court's own motion, the court may remove the guardian ad litem for failure to perform his or her duties as specified in this chapter, provided that the guardian ad litem shall have five days' notice of any motion to remove before the court enters such order. In addition, the court in its discretion may reduce a guardian ad litem's fee for failure to carry out his or her duties.

(7) The court appointed guardian ad litem shall have the authority, in the event that the alleged incapacitated person is in need of emergency life-saving medical services, and is unable to consent to such medical services due to incapacity pending the hearing on the petition to give consent for such emergency life-saving medical services on behalf of the alleged incapacitated person.

(8) The court appointed guardian ad litem shall have the authority, to move for temporary relief under chapter 7.40 RCW to protect the alleged incapacitated person from abuse, neglect, abandonment, or exploitation, as those terms are defined in RCW 74.34.020, or to address any other emergency needs of the alleged incapacitated person. Any alternative arrangement executed before filing the petition for guardianship shall remain effective unless the court grants the relief requested under chapter 7.40 RCW, or unless, following notice and a hearing at which all parties directly affected by the arrangement are present, the court finds by clear, cogent, and convincing evidence that the alternative arrangement should not remain effective.

(9) The guardian ad litem shall receive a fee determined by the court. The fee shall be charged to the alleged incapacitated person unless the court finds that such payment would result in substantial hardship upon such person, in which case the county shall be responsible for such costs: PROVIDED, That if no guardian or limited guardian is appointed the court may charge such fee to the petitioner or the

alleged incapacitated person, or divide the fee, as it deems just; and if the petition is found to be frivolous or not brought in good faith, the guardian ad litem fee shall be charged to the petitioner. The court shall not be required to provide for the payment of a fee to any salaried employee of a public agency.

~~((9))~~ (10) Upon the presentation of the guardian ad litem report and the entry of an order either dismissing the petition for appointment of guardian or limited guardian or appointing a guardian or limited guardian, the guardian ad litem shall be dismissed and shall have no further duties or obligations unless otherwise ordered by the court. If the court orders the guardian ad litem to perform further duties or obligations, they shall not be performed at county expense.

(11) The guardian ad litem shall appear in person at the final hearing on the petition unless all parties provide a written waiver of the requirement to appear.

(12) At any hearing the court may consider whether or not any person who acts as a fiduciary has breached a statutory or fiduciary duty or is unable to continue.

**Sec. 11.** RCW 11.92.190 and 1977 ex.s. c 309 s 14 are each amended to read as follows:

No residential treatment facility which provides nursing or other care may detain a person within such facility against their will. Any court order, other than an order issued in accordance with the involuntary treatment provisions of chapters 10.77, 71.05, and 72.23 RCW, which purports to authorize such involuntary detention or purports to authorize a guardian or limited guardian to consent to such involuntary detention on behalf of an ~~((incompetent or disabled))~~ incapacitated person shall be void and of no force or effect. This section does not apply to the detention of a minor as provided in chapter 70.96A or 71.34 RCW.

Nothing in this section shall be construed to require a court order authorizing placement of an ~~((incompetent or disabled))~~ incapacitated person in a residential treatment facility if such order is not otherwise required by law: PROVIDED, That notice of any residential placement of an ~~((incompetent or disabled))~~ incapacitated person shall be served, either before or after placement, by the guardian or limited guardian on such person, the guardian ad litem of record, and any attorney of record.

**NEW SECTION. Sec. 12.** A new section is added to chapter 2.08 RCW to read as follows:

In judicial districts with a population of more than six hundred thousand, attorneys may not serve as a superior court judge pro tempore or commissioner pro tempore while appointed to or serving on a case as a guardian ad litem for compensation under Title 11, 13, or 26 RCW.

**Sec. 13.** RCW 13.34.100 and 1994 c 110 s 2 are each amended to read as follows:

(1) The court shall appoint a guardian ad litem for a child who is the subject of an action under this chapter, unless a court for good cause finds the appointment unnecessary. The requirement of a guardian ad litem may be deemed satisfied if the child is represented by independent counsel in the proceedings.

(2) If the court does not have available to it a guardian ad litem program with a sufficient number of volunteers, the court may appoint a suitable person to act as guardian ad litem for the child under this chapter. Another party to the proceeding or the party's employee or representative shall not be so appointed.

(3) Each guardian ad litem program shall maintain a background information record for each guardian ad litem in the program. The background file shall include, but is not limited to, the following information:

- (a) Level of formal education;
- (b) Training related to the guardian's duties;
- (c) Number of years' experience as a guardian ad litem;
- (d) Number of appointments as a guardian ad litem and the county or counties of appointment; and
- (e) Criminal history, as defined in RCW 9.94A.030. The background statement shall not include identifying information that may be used to harm a guardian ad litem, such as home addresses and home telephone numbers, and for volunteer guardians ad litem the court may allow the use of maiden names or pseudonyms as necessary for their safety.

The background information report shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program the person shall provide the background information directly to the court. Paid guardians ad litem also shall immediately provide the background information record to the parties or their attorneys. If a guardian ad litem or court-appointed special advocate is a member of a volunteer program, a party or the party's attorney may file a motion requesting the background information for good cause. The moving party must notify the other parties and the program of the motion and any hearing on the motion according to applicable court rules. Upon a showing of good cause for allowing the moving party access to the background information, the court shall grant the motion.

(4) The appointment of the guardian ad litem shall remain in effect until the court discharges the appointment or no longer has jurisdiction, whichever comes first. The guardian ad litem may also be discharged upon entry of an order of guardianship.

(5) A guardian ad litem through counsel, or as otherwise authorized by the court, shall have the right to present evidence, examine and cross-examine witnesses, and to be present at all hearings. A guardian ad litem shall receive copies of all pleadings and other documents filed or submitted to the court, and notice of all hearings according to court rules. The guardian ad litem shall receive all notice contemplated for a parent or other party in all proceedings under this chapter.

(6) If the child requests legal counsel and is age twelve or older, or if the guardian ad litem or the court determines that the child needs to be independently represented by counsel, the court may appoint an attorney to represent the child's position.

(7) For the purposes of child abuse prevention and treatment act (42 U.S.C. Secs. 5101 et seq.) grants to this state under P.L. 93-247, or any related state or federal legislation, a person appointed pursuant to RCW 13.34.100 shall be deemed a guardian ad litem to represent the best interests of the minor in proceedings before the court.

(8) When a volunteer guardian ad litem or a court-appointed special advocate is ordered on a case, the program shall give the court the name of the person assigned and the assignment shall be effective immediately. Pending the assignment of a volunteer guardian ad litem or court-appointed special advocate, the volunteer guardian ad litem program may serve as the guardian ad litem. If a party reasonably believes the court-appointed special advocate or volunteer guardian ad litem is incompetent, the party may request a review of the appointment by the program upon a showing of good cause. The program shall complete the review within five judicial days. If the party seeking review is not satisfied with the outcome of the review, the party may file a motion with the court for the removal of the court-appointed special advocate or volunteer guardian ad litem.

**Sec. 14.** RCW 13.34.120 and 1994 c 288 s 2 are each amended to read as follows:

(1) To aid the court in its decision on disposition, a social study, consisting of a written evaluation of matters relevant to the disposition of the case, shall be made by the person or agency filing the petition. The study shall include all social records and may also include facts relating to the child's cultural heritage, and shall be made available to the court. The court shall consider the social file, social study, guardian ad litem report, the court-appointed special advocate's report, if any, and any reports filed by a party at the disposition hearing in addition to evidence produced at the fact-finding hearing. At least ten working days before the disposition hearing, the department shall mail to the parent and his or her attorney a copy of the agency's social study and proposed service plan, which shall be in writing or in a form understandable to the parents or custodians. In addition, the department shall provide an opportunity for parents to review and comment on the plan at the community service office. If the parents disagree with the agency's plan or any part thereof, the parents shall submit to the court at least twenty-four hours before the hearing, in writing, or signed oral statement, an alternative plan to correct the problems which led to the finding of dependency. This section shall not interfere with the right of the parents or custodians to submit oral arguments regarding the disposition plan at the hearing.

(2) In addition to the requirements set forth in subsection (1) of this section, a predisposition study to the court in cases of dependency alleged pursuant to RCW ((13.34.030(2))) 13.34.030(4) (b) or (c) shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific programs, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such programs are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs which have been considered and rejected; the preventive services that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal. This section should include an exploration of the nature of the parent-child attachment and the meaning of separation and loss to both the parents and the child;

(e) A description of the steps that will be taken to minimize harm to the child that may result if separation occurs; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

**Sec. 15.** RCW 26.12.175 and 1993 c 289 s 4 are each amended to read as follows:

(1)(a) The court may appoint a guardian ad litem to represent the interests of a minor or dependent child when the court believes the appointment of a guardian ad litem is necessary to protect the best interests of the child in any proceeding under this chapter. The family court services professionals may also make a recommendation to the court regarding whether a guardian ad litem should be appointed for the child. The court may appoint a guardian ad litem from the court-appointed special advocate program, if that program exists in the county.

(b) Unless otherwise ordered, the guardian ad litem's role is to investigate and report to the court concerning parenting arrangements for the child, and to represent the child's best interests. The court may require the guardian ad litem to provide periodic reports to the parties regarding the status of his or her investigation. The guardian ad litem shall file his or her report at least sixty days prior to trial.

(c) The court shall enter an order for costs, fees, and disbursements to cover the costs of the guardian ad litem. The court may order either or both parents to pay for the costs of the guardian ad litem, according to their ability to pay. If both parents are indigent, the county shall bear the cost of the guardian, subject to appropriation for guardians' ad litem services by the county legislative authority. Guardians ad litem who are not volunteers shall provide the parties with an itemized accounting of their time and billing for services each month.

(2)(a) If the guardian ad litem appointed is from the county court-appointed special advocate program, the program shall supervise any guardian ad litem assigned to the case. The court-appointed special advocate program shall be entitled to notice of all proceedings in the case.

(b) The legislative authority of each county may authorize creation of a court-appointed special advocate program. The county legislative authority may adopt rules of eligibility for court-appointed special advocate program services.

(3) Each guardian ad litem program shall maintain a background information record for each guardian ad litem in the program. The background file shall include, but is not limited to, the following information:

- (a) Level of formal education;
- (b) Training related to the guardian's duties;
- (c) Number of years' experience as a guardian ad litem;
- (d) Number of appointments as a guardian ad litem and county or counties of appointment; and
- (e) Criminal history, as defined in RCW 9.94A.030. The background statement shall not include identifying information that may be used to harm a guardian ad litem, such as home addresses and home telephone numbers, and for volunteer guardians ad litem the court may allow the use of maiden names or pseudonyms as necessary for their safety.

The background information report shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program the person shall provide the background information to the court. Paid guardians ad litem also shall immediately provide the background information record to the parties or their attorneys. If a guardian ad litem or court-appointed special advocate is a member of a volunteer program, a party or the party's attorney may file a motion requesting the background information for good cause. The moving party must notify the other parties and the program of the motion and any hearing on the motion according to applicable court rules. Upon a showing of good cause for allowing the moving party access to the background information, the court shall grant the motion.

(4) When a volunteer guardian ad litem or a court-appointed special advocate is ordered on a case, the program shall give the court the name of the person assigned and the assignment shall be effective immediately. Pending the assignment of a volunteer guardian ad litem or court-appointed special advocate, the volunteer guardian ad litem program may serve as the guardian ad litem. If a party reasonably believes the court-appointed special advocate or volunteer guardian ad litem is incompetent, the party may request a review of the appointment by the program upon a showing of good cause. The program shall complete the review within five judicial days. If the party seeking review is not satisfied with the outcome of the review, the party may file a motion with the court for the removal of the court-appointed special advocate or volunteer guardian ad litem.

**Sec. 16.** RCW 26.44.053 and 1994 c 110 s 1 are each amended to read as follows:

(1) In any judicial proceeding under this chapter or chapter 13.34 RCW in which it is alleged that a child has been subjected to child abuse or neglect, the court shall appoint a guardian ad litem for the child as provided in chapter 13.34 RCW. The requirement of a guardian ad litem may be deemed satisfied if the child is represented by counsel in the proceedings.

(2) At any time prior to or during a hearing in such a case, the court may, on its own motion, or the motion of the guardian ad litem, or other parties, order the examination by a physician, psychologist, or psychiatrist, of any parent or child or other person having custody of the child at the time of the alleged child abuse or neglect, if the court finds such an examination is necessary to the proper determination of the case. The hearing may be continued pending the completion of such examination. The physician, psychologist, or psychiatrist conducting such an examination may be required to testify concerning the results of such examination and may be asked to give his or her opinion as to whether the protection of the child requires that he or she not be returned to the custody of his or her parents or other persons having custody of him or her at the time of the alleged child abuse or neglect. Persons so testifying shall be subject to cross-examination as are other witnesses. No information given at any such examination of the parent or any other person having custody of the child may be used against such person in any subsequent criminal proceedings against such person or custodian concerning the abuse or neglect of the child.

(3) A parent or other person having legal custody of a child alleged to be abused or neglected shall be a party to any proceeding that may impair or impede such person's interest in and custody or control of the child.

**NEW SECTION. Sec. 17.** A new section is added to chapter 13.34 RCW to read as follows:

(1) All paid guardians ad litem appointed under this chapter, after January 1, 1998, shall have completed the comprehensive state-wide curriculum developed by the office of the administrator for the courts, under RCW 2.56.030(16), prior to their appointment.

(2)(a) Each guardian ad litem program for compensated guardians ad litem shall establish a rotational registry system for the appointment of guardians ad litem. If a judicial district does not have a program the court shall establish the rotational registry system. Guardians ad litem shall be selected from the registry except in exceptional circumstances as determined and documented by the court. The parties may make a joint recommendation for the appointment of a guardian ad litem from the registry.

(b) In judicial districts with a population over one hundred thousand, a list of three names shall be selected from the registry and given to the parties along with the background information as specified in RCW 13.34.100(3), including their hourly rate for services. Each party may, within three judicial days, strike one name from the list. If more than one name remains on the list, the court shall make the

appointment from the names on the list. In the event all three names are stricken the person whose name appears next on the registry shall be appointed.

(c) If a party reasonably believes that the appointed guardian ad litem lacks the necessary expertise for the proceeding, charges an hourly rate higher than what is reasonable for the particular proceeding, or has a conflict of interest, the party may, within three judicial days from the appointment, move for substitution of the appointed guardian ad litem by filing a motion with the court.

(3) The rotational registry system shall not apply to court-appointed special advocate programs.

NEW SECTION. Sec. 18. A new section is added to chapter 26.12 RCW to read as follows:

(1) All paid guardians ad litem appointed under this chapter, after January 1, 1998, shall have completed the comprehensive state-wide curriculum developed by the office of the administrator for the courts, under RCW 2.56.030(16), prior to their appointment.

(2)(a) Each guardian ad litem program for compensated guardians ad litem shall establish a rotational registry system for the appointment of guardians ad litem. If a judicial district does not have a program the court shall establish the rotational registry system. Guardians ad litem shall be selected from the registry except in exceptional circumstances as determined and documented by the court. The parties may make a joint recommendation for the appointment of a guardian ad litem from the registry.

(b) In judicial districts with a population over one hundred thousand, a list of three names shall be selected from the registry and given to the parties along with the background information as specified in RCW 26.12.175(3), including their hourly rate for services. Each party may, within three judicial days, strike one name from the list. If more than one name remains on the list, the court shall make the appointment from the names on the list. In the event all three names are stricken the person whose name appears next on the registry shall be appointed.

(c) If a party reasonably believes that the appointed guardian ad litem lacks the necessary expertise for the proceeding, charges an hourly rate higher than what is reasonable for the particular proceeding, or has a conflict of interest, the party may, within three judicial days from the appointment, move for substitution of the appointed guardian ad litem by filing a motion with the court.

(3) The rotational registry system shall not apply to court-appointed special advocate programs.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Hargrove moved that the Senate refuse to concur in the House amendment to Engrossed Substitute Senate Bill No. 6257 and requests of the House a conference thereon.

Debate ensued.

#### MOTION

Senator West moved that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 6257.

#### MOTION

On motion of Senator Snyder, further consideration of Engrossed Substitute Senate Bill No. 6257 was deferred.

#### MESSAGE FROM THE HOUSE

February 28, 1996

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6339 with the following amendment(s):

On page 4, line 29, after "program" strike "or the board's alcohol server training program"

On page 4, line 30, after "1993," strike "and prior to January 1, 1997,", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Pelz moved that the Senate refuse to concur in the House amendments to Senate Bill No. 6339 and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Pelz that the Senate refuse to concur in the House amendments to Senate Bill No. 6339 and asks the House to recede therefrom.

The motion by Senator Pelz carried and the Senate refuses to concur in the House amendments to Senate Bill No. 6339 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 1, 1996

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6505 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 35.23 RCW to read as follows:

No person shall be eligible to or hold an elective office in a city unless the person is a resident and registered voter therein.

**Sec. 2.** RCW 35.02.130 and 1994 c 154 s 308 are each amended to read as follows:

The city or town officially shall become incorporated at a date from one hundred eighty days to three hundred sixty days after the date of the election on the question of incorporation. An interim period shall exist between the time the newly elected officials have been elected and qualified and this official date of incorporation. During this interim period, the newly elected officials are authorized to adopt ordinances and resolutions which shall become effective on or after the official date of incorporation, and to enter into contracts and agreements to facilitate the transition to becoming a city or town and to ensure a continuation of governmental services after the official date of incorporation. Periods of time that would be required to elapse between the enactment and effective date of such ordinances, including but not limited to times for publication or for filing referendums, shall commence upon the date of such enactment as though the city or town were officially incorporated.

During this interim period, the city or town governing body may adopt rules establishing policies and procedures under the state environmental policy act, chapter 43.21C RCW, and may use these rules and procedures in making determinations under the state environmental policy act, chapter 43.21C RCW.

During this interim period, the newly formed city or town and its governing body shall be subject to the following as though the city or town were officially incorporated: RCW 4.24.470 relating to immunity; chapter 42.17 RCW relating to open government; chapter 40.14 RCW relating to the preservation and disposition of public records; chapters 42.20 and 42.23 RCW relating to ethics and conflicts of interest; chapters 42.30 and 42.32 RCW relating to open public meetings and minutes; RCW 35.22.288, ~~((35.23.310, 35.24.220))~~ 35.23.221, 35.27.300, 35A.12.160, as appropriate, and chapter 35A.65 RCW relating to the publication of notices and ordinances; RCW 35.21.875 and 35A.21.230 relating to the designation of an official newspaper; RCW 36.16.138 relating to liability insurance; RCW 35.22.620, 35.23.352, and 35A.40.210, as appropriate, and statutes referenced therein relating to public contracts and bidding; and chapter 39.34 RCW relating to interlocal cooperation. Tax anticipation or revenue anticipation notes or warrants and other short-term obligations may be issued and funds may be borrowed on the security of these instruments during this interim period, as provided in chapter 39.50 RCW. Funds also may be borrowed from federal, state, and other governmental agencies in the same manner as if the city or town were officially incorporated.

RCW 84.52.020 and 84.52.070 shall apply to the extent that they may be applicable, and the governing body of such city or town may take appropriate action by ordinance during the interim period to adopt the property tax levy for its first full calendar year following the interim period.

The governing body of the new city or town may acquire needed facilities, supplies, equipment, insurance, and staff during this interim period as if the city or town were in existence. An interim city manager or administrator, who shall have such administrative powers and duties as are delegated by the governing body, may be appointed to serve only until the official date of incorporation. After the official date of incorporation the governing body of such a new city organized under the council manager form of government may extend the appointment of such an interim manager or administrator with such limited powers as the governing body determines, for up to ninety days. This governing body may submit ballot propositions to the voters of the city or town to authorize taxes to be collected on or after the official date of incorporation, or authorize an annexation of the city or town by a fire protection district or library district to be effective immediately upon the effective date of the incorporation as a city or town.

The boundaries of a newly incorporated city or town shall be deemed to be established for purposes of RCW 84.09.030 on the date that the results of the initial election on the question of incorporation are certified or the first day of January following the date of this election if the newly incorporated city or town does not impose property taxes in the same year that the voters approve the incorporation.

The newly elected officials shall take office immediately upon their election and qualification with limited powers during this interim period as provided in this section. They shall acquire their full powers as of the official date of incorporation and shall continue in office until their successors are elected and qualified at the next general municipal election after the official date of incorporation: PROVIDED, That if the date of the next general municipal election is less than twelve months after the date of the first election of councilmembers, those initially elected councilmembers shall serve until their successors are elected and qualified at the next following general municipal election as provided in RCW 29.04.170. For purposes of this section, the general municipal election shall be the date on which city and town general elections are held throughout the state of Washington, pursuant to RCW 29.13.020.

In any newly incorporated city that has adopted the council-manager form of government, the term of office of the mayor, during the interim period only, shall be set by the council, and thereafter shall be as provided by law.

The official date of incorporation shall be on a date from one hundred eighty to three hundred sixty days after the date of the election on the question of incorporation, as specified in a resolution adopted by the governing body during this interim period. A copy of the resolution shall be filed with the county legislative authority of the county in which all or the major portion of the newly incorporated city or town is located. If the governing body fails to adopt such a resolution, the official date of incorporation shall be three hundred sixty days after the date of the election on the question of incorporation. The county legislative authority of the county in which all or the major portion of the newly incorporated city or town is located shall file a notice with the county assessor that the city or town has been authorized to be incorporated immediately after the favorable results of the election on the question of incorporation have been certified. The county legislative authority shall file a notice with the secretary of state that the city or town is incorporated as of the official date of incorporation.

**Sec. 3.** RCW 35.02.180 and 1986 c 234 s 17 are each amended to read as follows:

The ownership of all county roads located within the boundaries of a newly incorporated city or town shall revert to the city or town and become streets as of the official date of incorporation. However, any special assessments attributable to these county roads shall continue to exist and be collected as if the incorporation had not occurred. Property within the newly incorporated city or town shall continue to be subject to any indebtedness attributable to these roads and any related property tax levies.

The territory included within the newly incorporated city or town shall be removed from the road district as of the official date of incorporation. The territory included within the newly incorporated city or town shall be removed from a fire protection district or districts or library district or districts in which it was located, as of the official date of incorporation, unless the fire protection district or districts have annexed the city or town during the interim period as provided in RCW ~~((52.04.160 through 52.04.200))~~ 52.04.061 through 52.04.101, or the library district or districts have annexed the city or town during the interim period as provided in RCW ~~((27.12.260 through 27.12.290))~~ 27.12.360 through 27.12.395.

The governing body of a city or town incorporated after August 1, 1995, may adopt a resolution submitting to the voters of a park and recreation district governed under the provisions of chapter 36.69 RCW and located wholly within the boundaries of a city or town, the question of whether the ownership of all assets and liabilities of the park and recreation district should revert to the city or town. The city or town shall cause the ballot proposition to be submitted to the voters at a state general election. If a majority of the votes cast in the election are in favor of the reversion, the assets and liabilities of the park and recreation district shall revert to the city or town and become assets and liabilities of the city or town on the date the election results are certified.

Any special assessment attributable to the park and recreation district shall continue to exist and be collected as if the incorporation had not occurred. Property that was within the boundaries of the park and recreation district shall continue to be subject to any indebtedness attributable to the park and recreation district and any related property tax levies. Any funds received by the city or town which have been collected for the purposes of paying any bonded or other indebtedness of the district shall be used for the purpose for which they were collected and for no other purpose. All funds of the district on deposit with the county treasurer shall be used by the city or town solely for the purpose for which they were collected and for no other purpose.

**Sec. 4.** RCW 35.07.040 and 1965 c 7 s 35.07.040 are each amended to read as follows:

~~((If the applicable census shows a population of less than four thousand))~~ Upon receipt of a valid petition for disincorporation, the council shall cause an election to be called upon the proposition of disincorporation. If the city or town has any indebtedness or outstanding liabilities, it shall order the election of a receiver at the same time.

**NEW SECTION. Sec. 5.** A new section is added to chapter 35.13A RCW to read as follows:

Whenever the board of commissioners of a water district or sewer district has determined by resolution that it is in the best interests of the district for a city to assume jurisdiction of the district, whether or not any of the territory or assessed valuation of the district is included within the corporate boundaries of the city, and the city legislative body has determined to assume jurisdiction of the district, the district and the city shall enter into a contract pursuant to RCW 35.13A.070, acceptable to both the district and the city, to carry out such assumption. The contract shall provide for the transfer to the city of all real and personal property, franchises, rights, assets, taxes levied but not collected for the district for other than indebtedness, water and sewer lines, and all other facilities and equipment of the district, which transfers shall be subject to all financial, statutory, or contractual obligations of the district for the security or performance of which such property may have been pledged. Such city in addition to its other powers, shall have the power to manage, control, maintain, and operate such property, facilities, and equipment and to fix and collect service and other charges from owners and occupants of properties so served by the city, subject, however, to any outstanding indebtedness, bonded or otherwise, of the district payable from taxes, assessments, or revenues of any kind or nature and to any other contractual obligations of the district including but not limited to the provisions of the contract entered into by such city and the district pursuant to RCW 35.13A.070.

Pursuant to such contract, the city may assume the obligation of paying such district indebtedness and of levying and of collecting or causing to be collected such district taxes, assessments, and utility rates and charges of any kind or nature to pay and secure the payment of such indebtedness, according to all of the terms, conditions, and covenants incident to such indebtedness, and shall assume and perform all other outstanding contractual obligations of the district in accordance with all of its terms, conditions, and covenants. No such assumption

shall be deemed to impair the obligation of any indebtedness or other contractual obligation entered into after the effective date of this act. During the period until the outstanding indebtedness of the district has been discharged, the territory of the district and the owners and occupants of property therein, shall continue to be liable for its and their proportionate share of such indebtedness, including any outstanding assessments levied within any local improvement district or utility local improvement district thereof. The city shall assume the obligation of causing the payment of such indebtedness, collecting such taxes, assessments, and charges, and observing and performing the other district contractual obligations. The legislative body of the city shall act as the officers of the district for the purpose of certifying the amount of any property tax to be levied and collected therein, and causing service and other charges and assessments to be collected from such property or owners or occupants thereof, enforcing such collection, and performing all other acts necessary to ensure performance of the district's contractual obligations.

When a city assumes the obligation of paying the outstanding indebtedness, and if property taxes or assessments have been levied and service and other charges have accrued for such purpose but have not been collected by the district prior to such assumption, the property taxes or assessments when collected shall belong and be paid to the city and be used by such city so far as necessary for payment of the indebtedness of the district existing and unpaid on the date such city elects to assume the indebtedness. Any funds received by the city that have been collected for the purpose of paying any bonded or other indebtedness of the district, shall be used for the purpose for which they were collected and for no other purpose. Any outstanding indebtedness shall be paid as provided in the bond covenants. All funds of the district on deposit with the county treasurer at the time of title transfer shall be used by the city solely for the benefit of the utility and shall not be transferred to or used for the benefit of the city's general fund.

**Sec. 6.** RCW 35.13A.070 and 1971 ex.s. c 95 s 7 are each amended to read as follows:

Notwithstanding any provision of this chapter to the contrary, one or more cities and one or more water districts or sewer districts may, through their legislative authorities, authorize a contract with respect to the rights, powers, duties, and obligation of such cities, or districts with regard to the use and ownership of property, the providing of services, the maintenance and operation of facilities, allocation of cost, financing, and construction of new facilities, application and use of assets, disposition of liabilities and debts, the performance of contractual obligations, and any other matters arising out of the inclusion, in whole or in part, of the district or districts within any city or cities or the assumption by a city of jurisdiction of a district pursuant to section 5 of this act. The contract may provide for the furnishing of services by any party thereto and the use of city or district facilities or real estate for such purpose, and may also provide for the time during which such district or districts may continue to exercise any rights, privileges, powers, and functions provided by law for such district or districts as if the district or districts or portions thereof were not included within a city or subject to an assumption of jurisdiction pursuant to section 5 of this act, including but not by way of limitation, the right to promulgate rules and regulations, to levy and collect special assessments, rates, charges, service charges, and connection fees, ~~((and))~~ to adopt and carry out the provisions of a comprehensive plan, and amendments thereto, for a system of improvements, and to issue general obligation bonds or revenue bonds in the manner provided by law. The contract may provide for the transfer to a city of district facilities, property, rights, and powers as provided in RCW 35.13A.030 ~~((and))~~, 35.13A.050, and section 5 of this act, whether or not sixty percent or any of the area or assessed valuation of real estate lying within the district or districts is included within such city. The contract may provide that any party thereto may authorize, issue, and sell revenue bonds to provide funds for new water or sewer improvements or to refund any water revenue, sewer revenue, or combined water and sewer revenue bonds outstanding of any city~~(s)~~ or district ~~((which))~~ that is a party to such contract if such refunding is deemed necessary, providing such refunding will not increase interest costs. The contract may provide that any party thereto may authorize and issue, in the manner provided by law, general obligation or revenue bonds of like amounts, terms, conditions, and covenants as the outstanding bonds of any other party to the contract, and such new bonds may be substituted or exchanged for such outstanding bonds: PROVIDED, That no such exchange or substitution shall be effected in such a manner as to impair the obligation or security of any such outstanding bonds.

**Sec. 7.** RCW 35.13A.080 and 1971 ex.s. c 95 s 8 are each amended to read as follows:

In any of the cases provided for in RCW 35.13A.020, 35.13A.030, ~~((and))~~ 35.13A.050, and section 5 of this act, and notwithstanding any other method of dissolution provided by law, dissolution proceedings may be initiated by either the city or the district, or both, when the legislative body of the city and the governing body of the district agree to, and petition for, dissolution of the district.

The petition for dissolution shall be signed by the chief administrative officer of the city and the district, upon authorization of the legislative body of the city and the governing body of the district~~(s)~~ respectively, and such petition shall be presented to the superior court of the county in which the city is situated.

If the petition is thus authorized by both the city and district, and title to the property, facilities, and equipment of the district has passed to the city pursuant to action taken under this chapter, all indebtedness and local improvement district or utility local improvement district assessments of the district have been discharged or assumed by and transferred to the city, and the petition contains a statement of the distribution of assets and liabilities mutually agreed upon by the city and the district and a copy of the agreement between such city and the district is attached thereto, a hearing shall not be required and the court shall, if the interests of all interested parties have been protected, enter an order dissolving the district.

In any of the cases provided for in RCW 35.13A.020 ~~((and))~~, 35.13A.030, and section 5 of this act, if the petition for an order of dissolution is signed on behalf of the city alone or the district alone, or there is no mutual agreement on the distribution of assets and

liabilities, the superior court shall enter an order fixing a hearing date not less than sixty days from the day the petition is filed, and the clerk of the court of the county shall give notice of such hearing by publication in a newspaper of general circulation in the district once a week for three successive weeks and by posting in three public places in the district at least twenty-one days before the hearing. The notice shall set forth the filing of the petition, its purposes, and the date and place of hearing thereon.

After the hearing the court shall enter its order with respect to the dissolution of the district. If the court finds that such district should be dissolved and the functions performed by the city, the court shall provide for the transfer of assets and liabilities to the city. The court may provide for the dissolution of the district upon such conditions as the court may deem appropriate. A certified copy of the court order dissolving the district shall be filed with the county auditor. If the court does not dissolve the district, it shall state the reasons for declining to do so.

**Sec. 8.** RCW 35.27.070 and 1993 c 47 s 2 are each amended to read as follows:

The government of a town shall be vested in a mayor and a council consisting of five members and a treasurer, all elective; the mayor shall appoint a clerk and a marshal; and may appoint a town attorney, pound master, street superintendent, a civil engineer, and such police and other subordinate officers and employees as may be provided for by ordinance. All appointive officers and employees shall hold office at the pleasure of the mayor, subject to any applicable law, rule, or regulation relating to civil service, and shall not be subject to confirmation by the town council.

**Sec. 9.** RCW 41.04.190 and 1992 c 146 s 13 are each amended to read as follows:

The cost of a policy or plan to a public agency or body is not additional compensation to the employees or elected officials covered thereby. The elected officials to whom this section applies include but are not limited to commissioners elected under chapters 28A.315, 52.14, 53.12, 54.12, 56.12, 57.12, 70.44, and 87.03 RCW, as well as any county elected officials who are provided insurance coverage under RCW 41.04.180 and those city officials elected under chapters 35.22, 35.23, 35.27, 35A.12, and 35A.13 RCW. Any officer authorized to disburse such funds may pay in whole or in part to an insurance carrier or health care service contractor the amount of the premiums due under the contract.

**NEW SECTION. Sec. 10.** The following acts or parts of acts are each repealed:

- (1) RCW 35.07.030 and 1965 c 7 s 35.07.030;
- (2) RCW 35.17.160 and 1965 c 7 s 35.17.160;
- (3) RCW 35.23.390 and 1965 c 7 s 35.23.390; and
- (4) RCW 35.23.400 and 1965 c 7 s 35.23.400.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Haugen, the Senate refuses to concur in the House amendment to Engrossed Substitute Senate Bill No. 6505 and asks the House to recede therefrom.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 6257, deferred earlier today after Senator Hargrove moved to refuse to concur in the House amendment and requested a conference and Senator West moved that the Senate do concur in the House amendment.

#### MOTION

On motion of Senator West, and there being no objection, the motion to concur in the House amendment to Engrossed Substitute Senate Bill No. 6257 was withdrawn.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate refuse to concur in the House amendment to Engrossed Substitute House Bill No. 6257 and to request of the House a conference thereon.

The motion by Senator Hargrove carried and the Senate refuses to concur in the House amendment to Engrossed Substitute Senate Bill No. 6257 and requests of the House a conference thereon.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 6257 and the House amendment thereto: Senators Hargrove, Long and Franklin.

#### MOTION

On motion of Senator Snyder, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

February 29, 1996

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6666 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Until the department of ecology can assume full financial responsibility to maintain the water quality and treat nuisance weeds and algae in Washington state lakes, shoreline property owners may use any federally approved herbicide following label application requirements for control of nuisance weeds. The treatment of lake waters by licensed pesticide applicators with federally approved herbicides and algicides following federal label application requirements is not considered pollution. The department of ecology using existing department personnel and resources must develop a general long-term plan to maintain lake health and must allow weed algae treatment until a plan is completed, funded, and implemented.

NEW SECTION. Sec. 2. Solutions to lake weed and algae problems must be long term and the use of herbicides is allowed following federal label application requirements for the long-term period of up to ten years while plans and funding for a permanent solution are being secured by the department of ecology.

NEW SECTION. Sec. 3. There is created a committee to develop a Washington state lake health plan. The committee shall submit the plan to the legislature by December 1, 1997. The committee shall consist of the chair and ranking minority member of the senate agriculture and agricultural trade and development, ecology and parks, and government operations committees, and the house of representatives agriculture and ecology, natural resources, and government operations committees.

NEW SECTION. Sec. 4. Sections 1 and 2 of this act are each added to chapter 90.48 RCW.

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

On page 1, line 1 of the title, after "weeds;" strike the remainder of the title and insert "adding new sections to chapter 90.48 RCW; creating a new section; and declaring an emergency.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

Senator Fraser moved that the Senate refuse to concur in the House amendments to Engrossed Substitute Senate Bill No. 6666 and requests of the House a conference thereon.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Fraser that the Senate refuse to concur in the House amendments to Engrossed Substitute Senate Bill No. 6666 and requests of the House a conference thereon.

The motion by Senator Fraser carried and the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 6666 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 6666 and the House amendments thereto: Senators Fraser, Winsley and Fairley.

MOTION

On motion of Senator Heavey, the Conference Committee appointments were confirmed.

EDITOR'S NOTE: See change in conferees to Engrossed Substitute Senate Bill No. 6666 later on in the day.

MESSAGE FROM THE HOUSE

February 27, 1996

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6217 with the following amendment(s):

On page 1, line 9, after "communication" insert ", reading."

On page 1, line 12, after "communication" insert ", reading."

On page 2, line 11, after "section." insert "The rules adopted by the state board of education shall address the needs of applicants who have a documented specific learning disability that may require special consideration when taking the basic skills examination."

On page 2, after line 11, insert:

"NEW SECTION. Sec. 2. (1) As part of the report required by RCW 28A.410.013, the state board of education shall include specific recommendations for establishment of a uniform test of basic skills:

(a) As a requirement for admission to a professional teacher preparation program within Washington state; and

(b) As a requirement for out-of-state teachers applying for Washington state certification.

(2) This section shall expire January 31, 1997."

Correct the title accordingly., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator McAuliffe moved that the Senate refuse to concur in the House amendments and requests of the House a conference thereon.

#### MOTION

Senator Johnson moved that the Senate concur in the House amendments on page 1, lines 9 and 12, and the amendment on page 2, after line 11, inserting a NEW SECTION, and not concur in the House amendment on page 2, after line 11, after "section."

#### MOTION

On motion of Senator McAuliffe, and there being no objection, the motion to not concur in the House amendments to Senate Bill No. 6217 and to request a conference was withdrawn.

The President declared the question before the Senate to be the motion by Senator Johnson that the Senate concur in the House amendments on page 1, lines 9 and 12, and the amendment on page 2, line 11, inserting a NEW SECTION, and not concur in the House amendment on page 2, after line 11, after "section." to Senate Bill No. 6217.

The motion by Senator Johnson to concur in the House amendments on page 1, lines 9 and 12, and the amendment on page 2, line 11, inserting a NEW SECTION, and not concur in the House amendment on page 2, line 11, after "section." to Senate Bill No. 6217 carried.

#### MESSAGE FROM THE HOUSE

February 29, 1996

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6285 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that department of corrections staff and jail staff perform essential public functions that are vital to our communities. The health and safety of these workers is often placed in jeopardy while they perform the responsibilities of their jobs. Therefore, the legislature intends that department of corrections staff and jail staff who have been substantially exposed to the bodily fluids of an offender or detainee shall be entitled to receive the HIV test results of the offender or detainee. However, the legislature recognizes that the mandatory disclosure of the HIV status of individual offenders may cause some corrections and jail staff to use more precautions with those offenders and detained people they know to be HIV positive. The legislature also recognizes the risk exists that some corrections and jail staff may correspondingly use fewer precautions with those offenders and detained people they are not informed are HIV positive. The legislature finds, however, that the system of universal precautions required under federal and state law in all settings where risk of occupational exposure to communicable diseases exists remains the most effective way to reduce the risk of communicable disease transmission. The legislature does not intend to discourage the use of universal precautions but to provide supplemental information for corrections and jail staff to utilize as part of their universal precautions with all offenders and detained people.

(2) The legislature further finds that, through the efforts of health care professionals and corrections staff, offenders in department of corrections facilities and people detained in local jails are being encouraged to take responsibility for their health by requesting voluntary and anonymous pretest counseling, HIV testing, posttest counseling, and AIDS counseling. The legislature does not intend, through this act, to mandate disclosure of the results of voluntary and anonymous tests. The legislature intends to continue to protect the confidential exchange of medical information related to voluntary and anonymous pretest counseling, HIV testing, posttest counseling, and AIDS counseling as provided by chapter 70.24 RCW.

Sec. 2. RCW 70.24.105 and 1994 c 72 s 1 are each amended to read as follows:

(1) No person may disclose or be compelled to disclose the identity of any person who has investigated, considered, or requested a test or treatment for a sexually transmitted disease, except as authorized by this chapter.

(2) No person may disclose or be compelled to disclose the identity of any person upon whom an HIV antibody test is performed, or the results of such a test, nor may the result of a test for any other sexually transmitted disease when it is positive be disclosed. This protection against disclosure of test subject, diagnosis, or treatment also applies to any information relating to diagnosis of or treatment for HIV infection and for any other confirmed sexually transmitted disease. The following persons, however, may receive such information:

(a) The subject of the test or the subject's legal representative for health care decisions in accordance with RCW 7.70.065, with the exception of such a representative of a minor child over fourteen years of age and otherwise competent;

(b) Any person who secures a specific release of test results or information relating to HIV or confirmed diagnosis of or treatment for any other sexually transmitted disease executed by the subject or the subject's legal representative for health care decisions in accordance with RCW 7.70.065, with the exception of such a representative of a minor child over fourteen years of age and otherwise competent;

(c) The state public health officer, a local public health officer, or the centers for disease control of the United States public health service in accordance with reporting requirements for a diagnosed case of a sexually transmitted disease;

(d) A health facility or health care provider that procures, processes, distributes, or uses: (i) A human body part, tissue, or blood from a deceased person with respect to medical information regarding that person; (ii) semen, including that provided prior to March 23, 1988, for the purpose of artificial insemination; or (iii) blood specimens;

(e) Any state or local public health officer conducting an investigation pursuant to RCW 70.24.024, provided that such record was obtained by means of court ordered HIV testing pursuant to RCW 70.24.340 or 70.24.024;

(f) A person allowed access to the record by a court order granted after application showing good cause therefor. In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of the order, the court, in determining the extent to which any disclosure of all or any part of the record of any such test is necessary, shall impose appropriate safeguards against unauthorized disclosure. An order authorizing disclosure shall: (i) Limit disclosure to those parts of the patient's record deemed essential to fulfill the objective for which the order was granted; (ii) limit disclosure to those persons whose need for information is the basis for the order; and (iii) include any other appropriate measures to keep disclosure to a minimum for the protection of the patient, the physician-patient relationship, and the treatment services, including but not limited to the written statement set forth in subsection (5) of this section;

(g) Persons who, because of their behavioral interaction with the infected individual, have been placed at risk for acquisition of a sexually transmitted disease, as provided in RCW 70.24.022, if the health officer or authorized representative believes that the exposed person was unaware that a risk of disease exposure existed and that the disclosure of the identity of the infected person is necessary;

(h) A law enforcement officer, fire fighter, health care provider, health care facility staff person, or other persons as defined by the board in rule pursuant to RCW 70.24.340(4), who has requested a test of a person whose bodily fluids he or she has been substantially exposed to, pursuant to RCW 70.24.340(4), if a state or local public health officer performs the test;

(i) Claims management personnel employed by or associated with an insurer, health care service contractor, health maintenance organization, self-funded health plan, state-administered health care claims payer, or any other payer of health care claims where such disclosure is to be used solely for the prompt and accurate evaluation and payment of medical or related claims. Information released under this subsection shall be confidential and shall not be released or available to persons who are not involved in handling or determining medical claims payment; and

(j) A department of social and health services worker, a child placing agency worker, or a guardian ad litem who is responsible for making or reviewing placement or case-planning decisions or recommendations to the court regarding a child, who is less than fourteen years of age, has a sexually transmitted disease, and is in the custody of the department of social and health services or a licensed child placing agency; this information may also be received by a person responsible for providing residential care for such a child when the department of social and health services or a licensed child placing agency determines that it is necessary for the provision of child care services.

(3) No person to whom the results of a test for a sexually transmitted disease have been disclosed pursuant to subsection (2) of this section may disclose the test results to another person except as authorized by that subsection.

(4) The release of sexually transmitted disease information regarding an offender or detained person, except as provided in subsection (2)(e) of this section, shall be governed as follows:

(a) The sexually transmitted disease status of a department of corrections offender shall be made available by department of corrections health care providers and local public health officers to a department of corrections superintendent or administrator as necessary for disease prevention or control and for protection of the safety and security of the staff, offenders, and the public. The information may be submitted to transporting officers and receiving facilities, including facilities that are not under the department of (~~correction's~~) corrections' jurisdiction.

(b) The sexually transmitted disease status of a person detained in a jail shall be made available by the local public health officer to a jail administrator as necessary for disease prevention or control and for protection of the safety and security of the staff, offenders, detainees, and the public. The information may be submitted to transporting officers and receiving facilities.

(c) Information regarding ~~((a department of corrections offender's))~~ the sexually transmitted disease status of an offender or detained person is confidential and may be disclosed by a correctional superintendent or administrator or local jail administrator only as necessary for disease prevention or control and for protection of the safety and security of the staff, offenders, and the public. Unauthorized disclosure of this information to any person may result in disciplinary action, in addition to any other penalties as may be prescribed by law.

(d) Notwithstanding the limitations on disclosure contained in (a), (b), and (c) of this subsection, whenever any member of jail staff or department of corrections staff has been substantially exposed to the bodily fluids of an offender or detained person, then the results of any tests conducted pursuant to RCW 70.24.340, 70.24.360, or 70.24.370 shall be immediately disclosed to the correctional superintendent or administrator or local jail administrator. The superintendent or administrator is then required to immediately disclose these results to the staff member who was substantially exposed. Disclosure must be accompanied by appropriate counseling for the staff member, including information regarding follow-up testing.

(e) The receipt by any individual of any information disclosed pursuant to this subsection (4) shall be utilized only for disease prevention or control and for protection of the safety and security of the staff, offenders, detainees, and the public. Use of this information for any other purpose, including harassment or discrimination, may result in disciplinary action, in addition to the penalties prescribed in RCW 70.24.080 or any other penalties as may be prescribed by law.

(5) Whenever disclosure is made pursuant to this section, except for subsections (2)(a) and (6) of this section, it shall be accompanied by a statement in writing which includes the following or substantially similar language: "This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by state law. A general authorization for the release of medical or other information is NOT sufficient for this purpose." An oral disclosure shall be accompanied or followed by such a notice within ten days.

(6) The requirements of this section shall not apply to the customary methods utilized for the exchange of medical information among health care providers in order to provide health care services to the patient, nor shall they apply within health care facilities where there is a need for access to confidential medical information to fulfill professional duties.

(7) Upon request of the victim, disclosure of test results under this section to victims of sexual offenses under chapter 9A.44 RCW shall be made if the result is negative or positive. The county prosecuting attorney shall notify the victim of the right to such disclosure. Such disclosure shall be accompanied by appropriate counseling, including information regarding follow-up testing.

NEW SECTION. Sec. 3. The department of health and the department of corrections shall each adopt rules to implement this act. The department of health and the department of corrections shall also report to the legislature by January 1, 1997, on the following: (1) Changes made in rules, policies, and procedures to implement this act; and (2) a summary of the number and circumstances of mandatory test results that were disclosed to department of corrections staff and jail staff pursuant to section 2 of this act."

On page 1, line 2 of the title, after "staff;" strike the remainder of the title and insert "amending RCW 70.24.105; and creating new sections.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Hargrove moved that the Senate refuse to concur in the House amendments to Engrossed Substitute Senate Bill No. 6285 and requests of the House a conference thereon.

#### MOTION

Senator Kohl moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 6285. Debate ensued.

#### MOTION

On motion of Senator Snyder, further consideration of Engrossed Substitute Senate Bill No. 6285 was deferred.

#### CHANGE IN CONFERENCE COMMITTEE APPOINTMENT TO ENGROSSED SUBSTITUTE SENATE BILL NO. 6666

The President appointed Senator Swecker to replace Senator Winsley as a conferee on Engrossed Substitute Senate Bill No. 6666.

#### MOTION

On motion of Senator Heavey, the change of Senator Swecker replacing Senator Winsley as a conferee to Engrossed Substitute Senate Bill No. 6666 was confirmed.

MESSAGES FROM HOUSE

March 1, 1996

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 2953, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 1, 1996

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5500,

SENATE BILL NO. 6171,

SENATE BILL NO. 6222,

SUBSTITUTE SENATE BILL NO. 6267,

SENATE BILL NO. 6292, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5500,

SENATE BILL NO. 6171,

SENATE BILL NO. 6222,

SUBSTITUTE SENATE BILL NO. 6267,

SENATE BILL NO. 6292.

MESSAGE FROM THE HOUSE

February 28, 1996

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6089 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 77.12.720 and 1994 sp.s. c 7 s 443 are each amended to read as follows:

The firearms range account is hereby created in the state general fund. Moneys in the account shall be subject to legislative appropriation and shall be used for purchase and development of land, construction or improvement of range facilities, including fixed structure construction or remodeling, equipment purchase, safety or environmental improvements, noise abatement, and liability protection for public and nonprofit firearm range training and practice facilities.

Grant funds shall not be used for expendable shooting supplies, or normal operating expenses. In making grants, the interagency committee for outdoor recreation shall give priority to projects for noise abatement or safety improvement. Grant funds shall not supplant funds for other organization programs.

The funds will be available to nonprofit shooting organizations, school districts, and state, county, or local governments on a match basis. All entities receiving matching funds must be open on a regular basis and usable by law enforcement personnel or the general public who possess Washington concealed pistol licenses or Washington hunting licenses or who are enrolled in a firearm safety class.

Applicants for a grant from the firearms range account shall provide matching funds in either cash or in-kind contributions. The match must represent one dollar in value for each one dollar of the grant except that in the case of a grant for noise abatement or safety improvements the match must represent one dollar in value for each two dollars of the grant. In-kind contributions include but are not limited to labor, materials, and new property. Existing assets and existing development may not apply to the match.

Applicants other than school districts or local or state government must be registered as a nonprofit or not-for-profit organization with the Washington secretary of state (~~and the United States internal revenue service~~). The organization's articles of incorporation must contain provisions for the organization's structure, officers, legal address, and registered agent.

Organizations requesting grants must provide the hours of range availability for public and law enforcement use. The fee structure will be submitted with the grant application.

Any nonprofit organization or agency accepting a grant under this program will be required to pay back the entire grant amount to the firearms range account if the use of the range facility is discontinued less than ten years after the grant is accepted.

Entities receiving grants must make the facilities for which grant funding is received open for hunter safety education classes and firearm safety classes on a regular basis for no fee.

Government units or school districts applying for grants must open their range facility on a regular basis for hunter safety education classes and firearm safety classes.

The interagency committee for outdoor recreation shall adopt rules to implement chapter 195, Laws of 1990, pursuant to chapter 34.05 RCW.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Drew, the Senate concurred in the House amendment to Senate Bill No. 6089.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6089, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6089, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 47.

Voting nay: Senator Wojahn - 1.

Excused: Senator Rinehart - 1.

SENATE BILL NO. 6089, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 29, 1996

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6090 with the following amendment(s):

On page 4, beginning on line 9, strike "at the discretion of the recording officer", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Haugen the Senate concurred in the House amendment to Senate Bill No. 6090.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6090, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6090, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Rinehart - 1.

SENATE BILL NO. 6090, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

February 27, 1996

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6091 with the following amendment(s):  
Strike everything after the enacting clause and insert the following:

**'PART I - GENERAL PROVISIONS**

NEW SECTION. Sec. 101. A new section is added to chapter 57.02 RCW to read as follows:

Every sewer district and every water district previously created shall be reclassified and shall become a water-sewer district, and shall be known as the ". . . . Water-Sewer District," or "Water-Sewer District No. . . . ." or shall continue to be known as a "sewer district" or a "water district," with the existing name or number inserted, as appropriate. As used in this title, "district" means a water-sewer district, a sewer district, or a water district. All debts, contracts, and obligations previously made or incurred by or in favor of any water district or sewer district, and all bonds or other obligations issued or executed by those districts, and all assessments or levies, and all other things and proceedings done or taken by those districts or by their respective officers, are declared legal and valid and of full force and effect.

**Sec. 102.** RCW 57.02.010 and 1982 1st ex.s. c 17 s 8 are each amended to read as follows:

Wherever in this title (~~(57-RCW)~~) petitions are required to be signed by the owners of property, the following rules shall govern the sufficiency (~~(thereof)~~) of the petitions:

- (1) The signature of a record owner, as determined by the records of the county auditor of the county in which the real property is located, shall be sufficient without the signature of (~~(his or her)~~) the owner's spouse.
- (2) (~~(In the case of)~~) For mortgaged property, the signature of the mortgagor shall be sufficient.
- (3) (~~(In the case of)~~) For property purchased on contract, the signature of the contract purchaser, as shown by the records of the county auditor of the county in which the real property is located, shall be (~~(deemed)~~) sufficient.
- (4) Any officer of a corporation owning land in the district duly authorized to execute deeds or encumbrances on behalf of the corporation may sign on behalf of (~~(such)~~) that corporation (~~(- PROVIDED)~~), except that there shall be attached to the petition a certified excerpt from the bylaws showing such authority.
- (5) If any property in the district stands in the name of a deceased person or any person for whom a guardian has been appointed, the signature of the (~~(executor)~~) personal representative, administrator, or guardian, as the case may be, shall be equivalent to the signature of the owner of the property.

**Sec. 103.** RCW 56.02.110 and 1979 c 35 s 3 are each amended to read as follows:

(~~(1)~~) The board of commissioners of a (~~(sewer)~~) district may notify the owner or reputed owner of any tract, parcel of land, or other property located within the area included in a petition being circulated for a local improvement district (~~(being circulated)~~) or utility local improvement district under chapter (~~(56-24)~~) 57.16 RCW (~~(or in a petition for)~~), an annexation (~~(being circulated)~~) under chapter (~~(56-24)~~) 57.24 RCW, a consolidation under chapter 57.32 RCW, a merger under chapter 57.36 RCW, a withdrawal of territory under chapter 57.28 RCW, or a transfer of territory under RCW 57.32.160.

(~~(2)~~) Upon the request of any person, the board of commissioners of a (~~(sewer)~~) district may:

- (~~(a)~~) (1) Review a proposed petition (~~(to check if the petition is properly drafted)~~) for proper drafting; and
- (~~(b)~~) (2) Provide information regarding the effects of the adoption of any proposed petition.

**Sec. 104.** RCW 57.02.030 and 1959 c 108 s 19 are each amended to read as follows:

The rule of strict construction shall (~~(have no application)~~) not apply to this title, (~~(but the same)~~) which shall be liberally construed to carry out (~~(the)~~) its purposes and objects (~~(for which this title is intended)~~).

**Sec. 105.** RCW 57.02.040 and 1988 c 162 s 7 are each amended to read as follows:

(1) Notwithstanding any provision of law to the contrary, (~~(no water district shall be formed or reorganized under chapter 57.04 RCW, nor shall any water district annex territory under chapter 57.24 RCW, nor shall any water district withdraw territory under chapter 57.28 RCW, nor shall any water district consolidate under chapter 57.32 RCW, nor shall any water district be merged under chapter 57.36 RCW, nor shall any sewer district be merged into a water district under chapter 57.40 RCW, unless such proposed action)) the following proposed actions shall be approved as provided for in RCW 56.02.070 (as recodified by this act):~~

- (a) Formation or reorganization under chapter 57.04 RCW;
- (b) Annexation of territory under chapter 57.24 RCW;
- (c) Withdrawal of territory under chapter 57.28 RCW;
- (d) Transfer of territory under RCW 57.32.160;
- (e) Consolidation under chapter 57.32 RCW; and
- (f) Merger under chapter 57.36 RCW.

~~((The county legislative authority shall within thirty days of the date after receiving))~~ (2) At least one of the districts involved shall give notice of the proposed action~~((, approve such action or hold a hearing on such action. In addition, a copy of such proposed action shall be mailed))~~ to the county legislative authority, state department of ecology, and ~~((to the))~~ state department of ~~((social and))~~ health ~~((services))~~. The county legislative authority shall within thirty days of receiving notice of the proposed action approve the action or hold a hearing on the action.

(3) The county legislative authority shall decide within sixty days of a hearing whether to approve or not approve ~~((such))~~ the proposed action. In approving or not approving the proposed action, the county legislative authority shall consider the following criteria:

~~((+))~~ (a) Whether the proposed action in the area under consideration is in compliance with the development program ~~((which))~~ that is outlined in the county comprehensive plan, or city or town comprehensive plan where appropriate, and its supporting documents; ~~((and/or~~

~~((2))~~ (b) Whether the proposed action in the area under consideration is in compliance with the basinwide water and/or sewage plan as approved by the state department of ecology and the state department of social and health services; ~~((and/or))~~ and

~~((3))~~ (c) Whether the proposed action is in compliance with the policies expressed in the county plan for water and/or sewage facilities.

(4) If the proposed action is inconsistent with subsection~~((s (1), (2), or))~~ (3)(a), (b), or (c) of this section, the county legislative authority shall not approve it. If ~~((such))~~ the proposed action is consistent with ~~((all such))~~ subsection~~((s))~~ (3)(a), (b), and (c) of this section, the county legislative authority shall approve it unless it finds that ~~((utility))~~ water or sewer service in the area under consideration will be most appropriately served by the county itself under the provisions of chapter 36.94 RCW, or by (a) another district, city, town, or municipality~~((, or by another existing special purpose district rather than by the proposed action under consideration))~~. If there has not been adopted for the area under consideration a plan or program under ~~((any one of subsections (1), (2) or))~~ subsection (3)(a), (b), or (c) of this section, the proposed action shall not be found inconsistent with such subsection.

(5) Where a ~~((water))~~ district is proposed to be formed, and where no boundary review board ~~((has been))~~ is established in the county, the petition described in RCW 57.04.030 shall serve as the notice of proposed action under this section, and the hearing provided for in RCW 57.04.030 shall serve as the hearing provided for in this section and in RCW 56.02.070 (as recodified by this act).

**Sec. 106.** RCW 56.02.070 and 1988 c 162 s 6 are each amended to read as follows:

In any county where a boundary review board, as provided in chapter 36.93 RCW, ~~((has))~~ is not ~~((been))~~ established, the approval of the proposed action shall be by the county legislative authority pursuant to RCW ~~((56.02.060 and))~~ 57.02.040~~((,))~~ and shall be final, and the procedures required to adopt such proposed action shall be followed as provided by law.

In any county where a boundary review board, as provided in chapter 36.93 RCW, ~~((has been))~~ is established, a notice of intention of the proposed action shall be filed with the boundary review board as required by RCW 36.93.090 and ~~((a copy thereof))~~ with the county legislative authority. The ~~((latter))~~ county legislative authority shall transmit to the boundary review board a report of its approval or disapproval of the proposed action together with its findings and recommendations ~~((thereon))~~ under ~~((the provisions of RCW 56.02.060 and))~~ 57.02.040. ~~((If))~~ Approval by the county legislative authority ~~((has approved))~~ of the proposed action~~((, such approval))~~ shall be final and the procedures required to adopt ~~((such))~~ the proposal shall be followed as provided by law, unless the boundary review board reviews the action under ~~((the provisions of))~~ RCW 36.93.100 through 36.93.180. If the county legislative authority ~~((has))~~ does not ~~((approved))~~ approve the proposed action, the boundary review board shall review the action under ~~((the provisions of))~~ RCW 36.93.150 through 36.93.180. The action of the boundary review board ~~((after review of the proposed action))~~ shall supersede approval or disapproval by the county legislative authority.

Where a ~~((water or sewer))~~ district is proposed to be formed, and where no boundary review board ~~((has been))~~ is established in the county, the hearings provided for in RCW ~~((56.04.040 and))~~ 57.04.030 shall serve as the hearing provided for in this section~~((, in RCW 56.02.060,))~~ and in RCW 57.02.040.

**Sec. 107.** RCW 56.02.100 and 1977 ex.s. c 208 s 3 are each amended to read as follows:

The procedures and provisions of RCW 85.08.830 through 85.08.890, which are applicable to drainage improvement districts, joint drainage improvement districts, or consolidated drainage improvement districts ~~((which))~~ that desire to merge into ~~((an))~~ irrigation districts, shall also apply to ~~((sewer))~~ districts organized, or reorganized, under this title ~~((which))~~ that desire to merge into irrigation districts.

The authority granted by this section shall be cumulative and in addition to any other power or authority granted by law to any ~~((sewer))~~ district.

**Sec. 108.** RCW 57.02.050 and 1994 c 223 s 66 are each amended to read as follows:

Whenever the boundaries or proposed boundaries of a ~~((water))~~ district include or are proposed to include by means of formation, annexation, transfer, withdrawal, consolidation, or merger ~~((including merger with a sewer district))~~, territory in more than one county~~((,))~~:

(1) All duties delegated by this title ((57-RCW)) to officers of the county in which the district is located shall be delegated to the officers of the county in which the largest land area of the district is located, except that elections shall be conducted pursuant to general election law~~((,))~~

(2) Actions subject to review and approval under RCW 57.02.040 ~~((and 56.02.070))~~ shall be reviewed and approved only by the officers or boundary review board(s) in the county in which such actions are proposed to occur~~((:))~~;

(3) Verification of ~~((electors'))~~ voters' signatures shall be conducted by the county ~~((election officer))~~ auditor of the county in which such signators reside~~((:))~~; and

(4) Comprehensive plan review and approval or rejection by the respective county legislative authorities under RCW 57.16.010 shall be limited to that part of such plans within the respective counties.

NEW SECTION. Sec. 109. A new section is added to chapter 57.02 RCW to read as follows:

Elections in a district shall be conducted under general election laws.

## PART II - FORMATION AND DISSOLUTION

**Sec. 201.** RCW 57.04.001 and 1989 c 84 s 56 are each amended to read as follows:

Actions taken under this chapter ~~((57.04 RCW))~~ may be subject to potential review by a boundary review board under chapter 36.93 RCW.

**Sec. 202.** RCW 57.04.020 and 1982 1st ex.s. c 17 s 9 are each amended to read as follows:

Water-sewer districts ~~((for the acquirement, construction, maintenance, operation, development and regulation of a water supply system and providing for additions and betterments thereto))~~ are authorized to be established for the purposes of chapter 57.08 RCW. Such districts may include within their boundaries one or more ~~((incorporated))~~ counties, cities, and towns, or other political subdivisions. However, no portion or all of any city or town may be included without the consent by resolution of the city or town legislative authority.

**Sec. 203.** RCW 57.04.030 and 1990 c 259 s 27 are each amended to read as follows:

(1) For the purpose of formation of water-sewer districts, a petition shall be presented to the county legislative authority of each county in which the proposed ~~((water))~~ district is located~~((, which))~~. The petition shall set forth the ~~((object))~~ reasons for the creation of the district, ~~((shall))~~ designate the boundaries ~~((thereof and set forth the further fact))~~ of the district, and state that establishment of the district will be conducive to the public health, convenience, and welfare and will be of benefit to the property included in the district. The petition shall state the proposed name of the district, which may be ". . . . . Sewer-Water District," ". . . . . Water District," ". . . . . Sewer District," or may be designated by a number such as ". . . . . County Water-Sewer District No. . . . ." The petition shall specify the proposed property tax levy assessment, if any, which shall not exceed one dollar and twenty-five cents per thousand dollars of assessed value, for general preliminary expenses of the district. The petition shall be signed by at least ten percent of the registered voters who voted in the last ~~((general))~~ municipal general election, who shall be qualified ~~((electors))~~ voters on the date of filing the petition, residing within the district described in the petition.

The petition shall be filed with the county auditor of ~~((each))~~ the county in which all or the largest geographic portion of the proposed district is located, who shall~~((:))~~ within ten days examine and verify the signatures ~~((of the signers residing in the county; and for such purpose the county election official shall have access to all registration books in the possession of the officers of any incorporated city or town in such proposed district))~~ on the petition. No person having signed such a petition shall be allowed to withdraw ~~((his))~~ the person's name from the petition after the filing of the petition with the county ~~((election officer. The petition shall be transmitted to the election officer of the county in which the largest land area of the district is located who shall certify to the sufficiency or insufficiency of the number of signatures))~~ auditor. If the area proposed to be included in the district is located in more than one county, the auditor of the county in which the largest geographic portion of the district is located shall be the lead auditor and shall immediately transfer a copy of the petitions to the auditor of each other county in which the proposed district is located. Within ten days after the lead auditor received the petition, the auditors of these other counties shall certify to the lead auditor: (a) The number of voters of that county residing in the proposed district who voted at the last municipal general election; and (b) the number of valid signatures on the petition of voters of that county residing in the proposed district. The lead auditor shall certify the sufficiency of the petition after receiving this information. If the petition shall be found to contain a sufficient number of signatures, the county ~~((election officer))~~ auditor or lead county auditor shall then transmit ~~((the same))~~ it, together with a certificate of sufficiency attached thereto to the county legislative authority of each county in which the proposed district is located.

(2) If in the opinion of the county health officer the existing water, sewerage, or drainage facilities are inadequate in the district to be created, and creation of the district is necessary for public health and safety, then the legislative authority of the county may declare by resolution that a water-sewer district is a public health and safety necessity, and the district shall be organized under this title, without a petition being required.

(3) Following receipt of a petition certified to contain a sufficient number of signatures, or upon declaring a district to be a public health and safety necessity, at a regular or special meeting the county legislative authority shall cause to be published once a week for at least two weeks in one or more newspapers of general circulation in the proposed district, a notice that such a petition has been presented, stating the time of the meeting at which the petition shall be considered, and setting forth the boundaries of the proposed district. When ~~((such))~~ a petition is presented for hearing, each county legislative authority shall hear the petition or may adjourn the hearing from time to time not exceeding one month in all. Any person, firm, or corporation may appear before the county legislative authority and make objections to the

establishment of the district or the proposed boundary lines thereof. Upon a final hearing each county legislative authority shall make such changes in the proposed boundary lines within the county as it deems to be proper and shall establish and define the boundaries and shall find whether the proposed ~~((water))~~ district will be conducive to the public health, welfare, and convenience and be of special benefit to the land included within the boundaries of the proposed district. No lands ~~((which))~~ that will not, in the judgment of the county legislative authority, be ~~((benefited))~~ benefitted by inclusion therein, shall be included within the boundaries of the district. No change shall be made by the county legislative authority in the boundary lines to include any territory outside of the boundaries described in the petition, except that the boundaries of any proposed district may be extended by the county legislative authority to include other lands in the county upon a petition signed by the owners of all of the land within the proposed extension.

**Sec. 204.** RCW 57.04.050 and 1994 c 292 s 2 are each amended to read as follows:

Upon entry of the findings of the final hearing on the petition if one or more county legislative authorities find that the proposed district will be conducive to the public health, welfare, and convenience and ~~((be of special))~~ will benefit ~~((the))~~ the land therein, they shall call a special election by presenting a resolution to the county auditor at least forty-five days prior to the proposed election date. A special election ~~((will))~~ shall be held on a date decided by the commissioners in accordance with RCW ~~((29.13.010 and))~~ 29.13.020. The commissioners shall cause to be published a notice of the election for four successive weeks in a newspaper of general circulation in the proposed district, which notice shall state the hours during which the polls will be open, the boundaries of the district as finally adopted and the object of the election, and the notice shall also be posted ~~((for))~~ ten days in ten public places in the proposed district. In submitting the proposition to the voters, it shall be expressed on the ballots in the following terms:

~~((Water))~~ . . . . . District YES   
~~((Water))~~ . . . . . District NO

giving the name of the district as provided in the petition. The proposition to be effective must be approved by a majority of the voters voting on the proposition.

At the same election a proposition shall be submitted to the voters, for their approval or rejection, authorizing the ~~((water))~~ district, if formed, to ~~((levy at the earliest time permitted by law))~~ impose on all property located in the district a general tax for one year, in excess of the limitations provided by law, in the amount specified in the petition to create the district, not to exceed one dollar and twenty-five cents per thousand dollars of assessed value, for general preliminary expenses of the district~~((The proposition may not appear at the September or November election. The proposition shall)),~~ that proposition to be expressed on the ballots in the following terms:

One year . . . . . dollars and . . . . . cents per thousand dollars of assessed value tax YES   
~~((One year . . . . . dollars and . . . . . cents per thousand dollars of assessed value tax))~~NO

Such a ballot proposition may only be submitted to voters for their approval or rejection if the special election is held in February, March, April, or May. The proposition to be effective must be approved by at least three-fifths of the voters voting on the proposition in the manner set forth in Article VII, section 2(a) of the state Constitution ((of this state, as amended by Amendment 59 and as thereafter amended)).

**Sec. 205.** RCW 57.04.060 and 1929 c 114 s 5 are each amended to read as follows:

If ~~((such))~~ the election a majority of the voters voting upon ~~((such))~~ the proposition ~~((shall))~~ vote in favor of the formation of ~~((such))~~ the district the ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall so declare in its canvass of the returns of ~~((such))~~ the election to be made within ten days after the date of the election, and ~~((such water))~~ the district shall then be and become a municipal corporation of the state of Washington, and the name of ~~((such water))~~ the district shall be ~~((". . . . . Water District" (inserting the name appearing on the ballot)))~~ the name of the district as provided in the petition and the ballot.

The county's expenses incurred in the formation of the district, including the election costs associated with the ballot proposition authorizing the district, election of the initial commissioners under RCW 57.12.030, and the ballot proposition authorizing the excess levy, shall be repaid to the county if the district is formed.

**Sec. 206.** RCW 57.04.065 and 1984 c 147 s 7 are each amended to read as follows:

Any ~~((water))~~ district ~~((heretofore or hereafter organized and existing))~~ may apply to change its name by filing with the county legislative authority in which was filed the original petition for organization of the district, a certified copy of a resolution of its board of commissioners adopted by majority vote of all of the members of ~~((said))~~ that board at a regular meeting thereof providing for such change of name. After approval of the new name by the county legislative authority, all proceedings for ~~((such))~~ the district~~((s))~~ shall be had under ~~((such))~~ the changed name, but all existing obligations and contracts of the district entered into under its former name shall remain outstanding without change and with the validity thereof unimpaired and unaffected by such change of name~~((, and the))~~. A change of name heretofore made by any existing ((water)) district in this state, substantially in the manner ((above)) approved under this section, is ((hereby)) ratified, confirmed, and validated.

**Sec. 207.** RCW 57.04.070 and 1985 c 141 s 6 are each amended to read as follows:

Whenever two or more petitions for the formation of a ((water)) district shall be filed as provided in this chapter, the petition describing the greater area shall supersede all others and an election shall first be held thereunder, and no lesser ((water)) district shall ever be created within the limits in whole or in part of any ((water)) district, except as provided in RCW ((57.40.150 and)) 36.94.420((, as now or hereafter amended)).

**Sec. 208.** RCW 56.04.080 and 1941 c 210 s 40 are each amended to read as follows:

All elections held pursuant to this title, whether general or special, shall be conducted by the county ((election board)) auditor of the county in which the district is located. Except as provided in RCW 57.04.060, the expense of all such elections shall be paid for out of the funds of ((such sewer)) the district.

**Sec. 209.** RCW 57.04.100 and 1994 c 81 s 80 are each amended to read as follows:

Any ((water)) district ((organized under this title)) may be disincorporated in the same manner (insofar as the same is applicable) as is provided in RCW 35.07.010 through 35.07.220 for the disincorporation of cities and towns, except that the petition for disincorporation shall be signed by not less than twenty-five percent of the voters in the ((water)) district.

**Sec. 210.** RCW 57.04.110 and 1955 c 358 s 1 are each amended to read as follows:

A ((water)) district whose boundaries are identical with, or if the district is located entirely within, the boundaries of ((an incorporated)) a city or town may be dissolved by summary dissolution proceedings if the ((water)) district is free from all debts and liabilities except contractual obligations between the district and the city or town. Summary dissolution shall take place if the board of commissioners of the ((water)) district votes unanimously to dissolve the district and to turn all of its property over to the city or town within which the district lies, and the council of such city or town unanimously passes an ordinance accepting the conveyance of the property and assets of the district tendered to the city or town by the ((water)) district.

**Sec. 211.** RCW 56.04.120 and 1991 c 363 s 136 are each amended to read as follows:

(1) On and after March 16, 1979, any sewerage improvement districts created under Title 85 RCW and located in a county with a population of from forty thousand to less than seventy thousand shall become ((sewer)) districts and shall be operated, maintained, and have the same powers as ((sewer)) districts created under this title ((56 RCW)), upon being so ordered by the county legislative authority of the county in which such district is located after a hearing of which notice is given by publication in a newspaper of general circulation within the district and mailed to any known creditors, holders of contracts, and obligees at least thirty days prior to such hearing. After such hearing if the county legislative authority finds the converting of such district to be in the best interest of that district, it shall order that such sewer improvement district shall become a ((sewer)) district and fix the date of such conversion. All debts, contracts, and obligations created while attempting to organize or operate a sewerage improvement district and all other financial obligations and powers of the district to satisfy such obligations established under Title 85 RCW are legal and valid until they are fully satisfied or discharged under Title 85 RCW.

(2) The board of supervisors of a sewerage improvement district in a county with a population of from forty thousand to less than seventy thousand shall act as the board of commissioners of the ((sewer)) district ((created)) under subsection (1) of this section until other members of the board of commissioners of the ((sewer)) district are elected and qualified. There shall be an election on the same date as the 1979 state general election and the seats of all three members of the governing authority of every entity which was previously known as a sewerage improvement district in a county with a population of from forty thousand to less than seventy thousand shall be up for election. The election shall be held in the manner provided for in RCW ((56.12.020)) 57.12.030 for the election of the first board of commissioners of a ((sewer)) district. Thereafter, the terms of office of the members of the governing body shall be determined under RCW ((56.12.020)) 57.12.030.

**Sec. 212.** RCW 56.04.130 and 1979 c 35 s 2 are each amended to read as follows:

Any sewerage improvement district which has been operating as a sewer district shall be a ((sewer)) district under this title as of March 16, 1979, upon being so ordered by the ((board of)) county ((commissioners)) legislative authority of the county in which such district is located after a hearing of which notice is given by publication in a newspaper of general circulation within the district and mailed to any known creditors, holders of contracts, and obligees at least thirty days prior to such hearing. After such hearing if the ((board of)) county ((commissioners)) legislative authority finds that the sewerage improvement district was operating as a ((sewer)) district and that the converting of such district will be in the best interest of that district, it shall order that such sewer improvement district shall become a ((sewer)) district immediately upon the passage of the resolution containing such order. The debts, contracts, and obligations of any sewerage improvement district which has been erroneously operating as a ((sewer)) district are recognized as legal and binding. The members of the government authority of any sewerage improvement district which has been operating as a ((sewer)) district and who were erroneously elected as sewer district commissioners shall be recognized as the governing authority of a ((sewer)) district. The members of the governing authority shall continue in office for the term for which they were elected.

### PART III - POWERS

NEW SECTION. **Sec. 301.** A district shall have the following powers:

(1) To acquire by purchase or condemnation, or both, all lands, property and property rights, and all water and water rights, both within and without the district, necessary for its purposes. The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities and towns, insofar as consistent with this title, except that all assessment or reassessment rolls to be prepared and filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the district, and the duties devolving upon the city treasurer are imposed upon the county treasurer;

(2) To lease real or personal property necessary for its purposes for a term of years for which that leased property may reasonably be needed;

(3) To construct, condemn and purchase, add to, maintain, and supply waterworks to furnish the district and inhabitants thereof and any other persons, both within and without the district, with an ample supply of water for all uses and purposes public and private with full authority to regulate and control the use, content, distribution, and price thereof in such a manner as is not in conflict with general law and may construct, acquire, or own buildings and other necessary district facilities. Where a customer connected to the district's system uses the water on an intermittent or transient basis, a district may charge for providing water service to such a customer, regardless of the amount of water, if any, used by the customer. District waterworks may include facilities which result in combined water supply and electric generation, if the electricity generated thereby is a byproduct of the water supply system. That electricity may be used by the district or sold to any entity authorized by law to use or distribute electricity. Electricity is deemed a byproduct when the electrical generation is subordinate to the primary purpose of water supply. For such purposes, a district may take, condemn and purchase, acquire, and retain water from any public or navigable lake, river or watercourse, or any underflowing water, and by means of aqueducts or pipeline conduct the same throughout the district and any city or town therein and carry it along and upon public highways, roads, and streets, within and without such district. For the purpose of constructing or laying aqueducts or pipelines, dams, or waterworks or other necessary structures in storing and retaining water or for any other lawful purpose such district may occupy the beds and shores up to the high water mark of any such lake, river, or other watercourse, and may acquire by purchase or condemnation such property or property rights or privileges as may be necessary to protect its water supply from pollution. For the purposes of waterworks which include facilities for the generation of electricity as a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner;

(4) To purchase and take water from any municipal corporation, private person, or entity. A district contiguous to Canada may contract with a Canadian corporation for the purchase of water and for the construction, purchase, maintenance, and supply of waterworks to furnish the district and inhabitants thereof and residents of Canada with an ample supply of water under the terms approved by the board of commissioners;

(5) To construct, condemn and purchase, add to, maintain, and operate systems of sewers for the purpose of furnishing the district, the inhabitants thereof, and persons outside the district with an adequate system of sewers for all uses and purposes, public and private, including but not limited to on-site sewage disposal facilities, approved septic tanks or approved septic tank systems, other facilities and systems for the collection, interception, treatment, and disposal of wastewater, and for the control of pollution from wastewater and for the protection, preservation, and rehabilitation of surface and underground waters, facilities for the drainage and treatment of storm or surface waters, public highways, streets, and roads with full authority to regulate the use and operation thereof and the service rates to be charged. Sewage facilities may include facilities which result in combined sewage disposal, treatment, or drainage and electric generation, except that the electricity generated thereby is a byproduct of the system of sewers. Such electricity may be used by the district or sold to any entity authorized by law to distribute electricity. Electricity is deemed a byproduct when the electrical generation is subordinate to the primary purpose of sewage disposal, treatment, or drainage. For such purposes a district may conduct sewage throughout the district and throughout other political subdivisions within the district, and construct and lay sewer pipe along and upon public highways, roads, and streets, within and without the district, and condemn and purchase or acquire land and rights of way necessary for such sewer pipe. A district may erect sewage treatment plants within or without the district, and may acquire, by purchase or condemnation, properties or privileges necessary to be had to protect any lakes, rivers, or watercourses and also other areas of land from pollution from its sewers or its sewage treatment plant. For the purposes of sewage facilities which include facilities that result in combined sewage disposal, treatment, or drainage and electric generation where the electric generation is a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owners;

(6) To construct, condemn, acquire, and own buildings and other necessary district facilities;

(7) To compel all property owners within the district located within an area served by the district's system of sewers to connect their private drain and sewer systems with the district's system under such penalty as the commissioners shall prescribe by resolution. The district may for such purpose enter upon private property and connect the private drains or sewers with the district system and the cost thereof shall be charged against the property owner and shall be a lien upon property served;

(8) Where a district contains within its borders, abuts, or is located adjacent to any lake, stream, ground water as defined by RCW 90.44.035, or other waterway within the state of Washington, to provide for the reduction, minimization, or elimination of pollutants from those waters in accordance with the district's comprehensive plan, and to issue general obligation bonds, revenue bonds, local improvement

district bonds, or utility local improvement bonds for the purpose of paying all or any part of the cost of reducing, minimizing, or eliminating the pollutants from these waters;

(9) To fix rates and charges for water, sewer, and drain service supplied and to charge property owners seeking to connect to the district's systems, as a condition to granting the right to so connect, in addition to the cost of the connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that those property owners shall bear their equitable share of the cost of the system. For the purposes of calculating a connection charge, the board of commissioners shall determine the pro rata share of the cost of existing facilities and facilities planned for construction within the next ten years and contained in an adopted comprehensive plan and other costs borne by the district which are directly attributable to the improvements required by property owners seeking to connect to the system. The cost of existing facilities shall not include those portions of the system which have been donated or which have been paid for by grants. The connection charge may include interest charges applied from the date of construction of the system until the connection, or for a period not to exceed ten years, whichever is shorter, at a rate commensurate with the rate of interest applicable to the district at the time of construction or major rehabilitation of the system, or at the time of installation of the lines to which the property owner is seeking to connect. A district may permit payment of the cost of connection and the reasonable connection charge to be paid with interest in installments over a period not exceeding fifteen years. The county treasurer may charge and collect a fee of three dollars for each year for the treasurer's services. Those fees shall be a charge to be included as part of each annual installment, and shall be credited to the county current expense fund by the county treasurer. Revenues from connection charges excluding permit fees are to be considered payments in aid of construction as defined by department of revenue rule.

Except as otherwise provided in RCW 90.03.525, any public entity and public property, including the state of Washington and state property, shall be subject to rates and charges for sewer, water, storm water control, drainage, and street lighting facilities to the same extent private persons and private property are subject to those rates and charges that are imposed by districts. In setting those rates and charges, consideration may be made of in-kind services, such as stream improvements or donation of property;

(10) To contract with individuals, associations and corporations, the state of Washington, and the United States;

(11) To employ such persons as are needed to carry out the district's purposes and fix salaries and any bond requirements for those employees;

(12) To contract for the provision of engineering, legal, and other professional services as in the board of commissioner's discretion is necessary in carrying out their duties;

(13) To sue and be sued;

(14) To loan and borrow funds and to issue bonds and instruments evidencing indebtedness under chapter 57.20 RCW and other applicable laws;

(15) To transfer funds, real or personal property, property interests, or services subject to RCW 57.08.015;

(16) To levy taxes in accordance with this chapter and chapters 57.04 and 57.20 RCW;

(17) To provide for making local improvements and to levy and collect special assessments on property benefitted thereby, and for paying for the same or any portion thereof in accordance with chapter 57.16 RCW;

(18) To establish street lighting systems under RCW 57.08.060;

(19) To exercise such other powers as are granted to water-sewer districts by this title or other applicable laws; and

(20) To exercise any of the powers granted to cities and counties with respect to the acquisition, construction, maintenance, operation of, and fixing rates and charges for waterworks and systems of sewerage and drainage.

**NEW SECTION. Sec. 302.** Except upon approval of both districts by resolution, a district may not provide a service within an area in which that service is available from another district or within an area in which that service is planned to be made available under an effective comprehensive plan of another district.

**Sec. 303.** RCW 57.08.011 and 1989 c 308 s 14 are each amended to read as follows:

A ((water)) district may enter into a contract with any person, corporation, or other entity, public or private, that owns a water system located in the ((water)) district to manage, operate, maintain, or repair the water system. Such a contract may be entered into only if the general comprehensive plan of the ((water)) district reflects the water system that is to be so managed, operated, maintained, or repaired.

A ((water)) district shall be liable to provide the services provided in such a contract only if the required contractual payments are made to the district, and such payments shall be secured by a lien on the property served by the water system to the same extent that rates and charges imposed by the ((water)) district constitute liens on the property served by the district. The responsibility for all costs incurred by the water system in complying with water quality laws, regulations, and standards shall be solely that of the water system and not the ((water)) district, except to the extent payments have been made to the district for the costs of such compliance.

A ((water)) district periodically may transfer to another account surplus moneys that may accumulate in an account established by the district to receive payments for the provision of services for such a water system.

**Sec. 304.** RCW 57.08.014 and 1983 c 198 s 2 are each amended to read as follows:

In addition to the authority of a ((water)) district to establish classifications for rates and charges and impose such rates and charges, ((as provided in RCW 57.08.010 and 57.20.020,)) a ((water)) district may adjust((r)) or delay ((such)) those rates and charges for

~~((poor))~~ low-income persons or classes of ~~((poor))~~ low-income persons, including but not limited to, poor handicapped persons and poor senior citizens. Other financial assistance available to ~~((poor))~~ low-income persons shall be considered in determining charges and rates under this section. Notification of special rates or charges established under this section shall be provided to all persons served by the district annually and upon initiating service. Information on cost shifts caused by establishment of the special rates or charges shall be included in the notification. Any reduction in charges and rates granted to ~~((poor))~~ low-income persons in one part of a service area shall be uniformly extended to ~~((poor))~~ low-income persons in all other parts of the service area.

**Sec. 305.** RCW 57.08.015 and 1993 c 198 s 19 are each amended to read as follows:

The board of commissioners of a ~~((water))~~ district may sell, at public or private sale, property belonging to the district if the board determines that the property is not and will not be needed for district purposes and if the board gives notice of intention to sell as in this section provided~~((: PROVIDED, That))~~. However, no such notice of intention shall be required to sell personal property of less than two thousand five hundred dollars in value.

The notice of intention to sell shall be published once a week for two consecutive weeks in a newspaper of general circulation in the district. The notice shall describe the property and state the time and place at which it will be sold or offered for sale, the terms of sale, whether the property is to be sold at public or private sale, and if at public sale the notice shall call for bids, fix the conditions ~~((thereof))~~ of the bids and ~~((shall))~~ reserve the right to reject any and all bids.

**Sec. 306.** RCW 57.08.016 and 1993 c 198 s 20 are each amended to read as follows:

(1) ~~There shall be no private sale of real property where the appraised value exceeds the sum of two thousand five hundred dollars.~~ Subject to the provisions of subsection (2) of this section, no real property ~~((valued at two thousand five hundred dollars or more))~~ of the district shall be sold for less than ninety percent of the value thereof as established by a written appraisal made not more than six months prior to the date of sale by three disinterested real estate brokers licensed under the laws of the state or professionally designated real estate appraisers as defined in RCW 74.46.020. The appraisal shall be signed by the appraisers and filed with the secretary of the board of commissioners of the district, who shall keep it at the office of the district open to public inspection. Any notice of intention to sell real property of the district shall recite the appraised value thereof~~((: PROVIDED, That there shall be no private sale of real property where the appraised value exceeds the sum of two thousand five hundred dollars))~~.

(2) If no purchasers can be obtained for the property at ninety percent or more of its appraised value after one hundred twenty days of offering the property for sale, the board of commissioners of the ~~((water))~~ district may adopt a resolution stating that the district has been unable to sell the property at the ninety percent amount. The ~~((water))~~ district then may sell the property at the highest price it can obtain at public auction. A notice of intention to sell at public auction shall be published once a week for two consecutive weeks in a newspaper of general circulation in the ~~((water))~~ district. The notice shall describe the property, state the time and place at which it will be offered for sale and the terms of sale, and shall call for bids, fix the conditions thereof, and reserve the right to reject any and all bids.

**Sec. 307.** RCW 57.08.030 and 1933 c 142 s 2 are each amended to read as follows:

~~((Should the commissioners of any such water district decide that it would be to the advantage of))~~ (1) Whenever any district shall have installed a distributing system of water mains and laterals, and as a source of supply of water shall be purchasing or intending to purchase water from any city or town, and whenever it appears to be advantageous to the water consumers ~~((of such water district to make the conveyance provided for in RCW 57.08.020, they shall cause the proposition of making such conveyance to be submitted to the electors of the water district at any general election or at a special election to be called for the purpose of voting on the same. If at any such election a majority of the electors voting at such election shall be in favor of making such conveyance, the water district commissioners))~~ in the district that such city or town shall take over the water system of the district and supply water to those water users, the commissioners of the district, when authorized as provided in subsection (2) of this section, shall have the right to convey ~~((to such city or town the mains and laterals belonging to the water district upon such city or town entering into a contract satisfactory to the water commissioners to))~~ the distributing system to that city or town if that city or town is willing to accept, maintain, and repair the same.

(2) Should the commissioners of the district decide that it would be to the advantage of the water consumers of the district to make the conveyance provided for in subsection (1) of this section, they shall cause the proposition of making that conveyance to be submitted to the voters of the district at any general election or at a special election to be called for the purpose of voting on the same. If at the election a majority of the voters voting on the proposition shall be in favor of making the conveyance, the district commissioners shall have the right to convey to the city or town the mains and laterals belonging to the district upon the city or town entering into a contract satisfactory to the commissioners to maintain and repair the same.

(3) Whenever a city or town located wholly or in part within a district shall enter into a contract with the commissioners of a district providing that the city or town shall take over all of the operation of the facilities of the district located within its boundaries, the area of the district located within the city or town shall upon the execution of the contract cease to be served by the district for water service purposes. However, the affected land within that city or town shall remain liable for the payment of all assessments, any lien upon the property at the time of the execution of the agreement, and for any lien of all general obligation bonds due at the date of the contract, and the city shall remain liable for its fair prorated share of the debt of the area for any revenue bonds, outstanding as of the date of contract.

**Sec. 308.** RCW 57.08.040 and 1933 c 142 s 3 are each amended to read as follows:

Whenever any city or town is selling or proposes to sell water to a ~~((water district organized under the laws of the state of Washington and the provisions of RCW 57.08.020 and 57.08.030 have been complied with, any such))~~ district, the city or town may by ordinance accept a conveyance of any ~~((such))~~ distributing system and enter into a contract with the ~~((water))~~ district for the maintenance and repair of the system and the supplying of water to the ~~((water))~~ district consumers.

**Sec. 309.** RCW 56.08.060 and 1981 c 45 s 4 are each amended to read as follows:

A ~~((sewer))~~ district may enter into contracts with any county, city, town, ~~((sewer district, water district,))~~ or any other municipal corporation, or with any private person~~((firm))~~ or corporation, for the acquisition, ownership, use, and operation of any property, facilities, or services, within or without the ~~((sewer))~~ district, and necessary or desirable to carry out the purposes of the ~~((sewer district, and a sewer district or a water district duly authorized to exercise sewer district powers may provide sewer service))~~ district. A district may provide water, sewer, drainage, or street lighting services to property owners in areas within or without the limits of the district~~((PROVIDED, That if any such area)),~~ except that if the area to be served is located within another existing district duly authorized to exercise ~~((sewer))~~ district powers in ~~((such))~~ that area, then water, sewer, drainage, or street lighting service may not be so provided by contract or otherwise without the consent by resolution of the board of commissioners of ~~((such))~~ that other district.

**Sec. 310.** RCW 57.08.047 and 1989 c 84 s 57 are each amended to read as follows:

The provision of water or sewer service beyond the boundaries of a ~~((water))~~ district may be subject to potential review by a boundary review board under chapter 36.93 RCW.

**Sec. 311.** RCW 57.08.050 and 1994 c 31 s 2 are each amended to read as follows:

(1) ~~((The board of water commissioners shall have authority to create and fill such positions and fix salaries and bonds thereof as it may by resolution provide.~~

~~((2))~~ All ~~((materials purchased and))~~ work ordered, the estimated cost of which is in excess of five thousand dollars, shall be let by contract. All contract projects, the estimated cost of which is less than fifty thousand dollars, may be awarded to a contractor using ~~((a))~~ the small works roster process provided in RCW 39.04.155 ~~((or the process provided in RCW 39.04.190 for purchases)).~~ The board of ~~((water))~~ commissioners may set up uniform procedures to prequalify contractors for inclusion on the small works roster. All contract projects equal to or in excess of fifty thousand dollars shall be let by competitive bidding. Before awarding any such contract the board of ~~((water))~~ commissioners shall publish a notice in a newspaper of general circulation where the district is located at least once thirteen days before the last date upon which bids will be received, inviting sealed proposals for such work, plans and specifications which must at the time of publication of such notice be on file in the office of the board of ~~((water))~~ commissioners subject to the public inspection. ~~((Such))~~ The notice shall state generally the work to be done and shall call for proposals for doing the same to be sealed and filed with the board of water commissioners on or before the day and hour named therein.

~~((3))~~ Each bid shall be accompanied by a certified or cashier's check or postal money order payable to the order of the county treasurer for a sum not less than five percent of the amount of the bid, or accompanied by a bid bond in an amount not less than five percent of the bid with a corporate surety licensed to do business in the state, conditioned that the bidder will pay the district as liquidated damages the amount specified in the bond, unless the bidder enters into a contract in accordance with ~~((his or her))~~ the bidder's bid, and no bid shall be considered unless accompanied by such check, cash or bid bond. At the time and place named such bids shall be publicly opened and read and the board of ~~((water))~~ commissioners shall proceed to canvass the bids and may let such contract to the lowest responsible bidder upon plans and specifications on file or to the best bidder submitting ~~((his or her))~~ the bidder's own plans and specifications~~((PROVIDED, That))~~. However, no contract shall be let in excess of the cost of the materials or work. The board of ~~((water))~~ commissioners may reject all bids for good cause and readvertise and in such case all checks, cash or bid bonds shall be returned to the bidders. If ~~((such))~~ the contract ~~((be))~~ is let, then all checks, cash, or bid bonds shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for ~~((the purchase of such materials or))~~ doing ~~((such))~~ the work, and a bond to perform such work furnished with sureties satisfactory to the board of ~~((water))~~ commissioners in the full amount of the contract price between the bidder and the commission in accordance with the bid. If the bidder fails to enter into the contract in accordance with the bid and furnish ~~((such))~~ the bond within ten days from the date at which the bidder is notified that ~~((he or she))~~ the bidder is the successful bidder, the check, cash, or bid bonds and the amount thereof shall be forfeited to the ~~((water))~~ district~~((PROVIDED, That))~~. If the bidder fails to enter into a contract in accordance with ~~((his or her))~~ the bidder's bid, and the board of ~~((water))~~ commissioners deems it necessary to take legal action to collect on any bid bond required ~~((herein))~~ by this section, then the ~~((water))~~ district shall be entitled to collect from the bidder any legal expenses, including reasonable attorneys' fees occasioned thereby.

~~((4))~~ (2) Any purchase of materials, supplies, or equipment, with an estimated cost in excess of ten thousand dollars, shall be by contract. Any purchase of materials, supplies, or equipment, with an estimated cost of from five thousand dollars to less than fifty thousand dollars shall be made using the process provided in RCW 39.04.155 or by competitive bidding following the procedure for letting contracts for projects under subsection (1) of this section. Any purchase of materials, supplies, or equipment with an estimated cost of fifty thousand dollars or more shall be made by competitive bidding following the procedure for letting contracts for projects under subsection (1) of this section.

(3) In the event of an emergency when the public interest or property of the ((water)) district would suffer material injury or damage by delay, upon resolution of the board of ((water)) commissioners, or proclamation of an official designated by the board to act for the board during such emergencies, declaring the existence of such emergency and reciting the facts constituting the same, the board((;)) or official acting for the board((;)) may waive the requirements of this chapter with reference to any purchase or contract. In addition, these requirements may be waived for purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation.

**Sec. 312.** RCW 57.08.060 and 1987 c 449 s 11 are each amended to read as follows:

((+)) In addition to the powers given ((water)) districts by law, ((they)) a district shall also have power to acquire, construct, maintain, operate, and develop street lighting systems.

((2)) To establish a street lighting system, the board of ((water)) commissioners shall adopt a resolution proposing a street lighting system and delineating the boundaries of the area to be served by the proposed street lighting system. The board shall conduct a public hearing on the resolution to create a street lighting system. Notice of the hearing shall be published at least once each week for two consecutive weeks in one or more newspapers of general circulation in the area to be served by the proposed street lighting system. Following the hearing, the board may by resolution establish the street lighting system.

((3)) A street lighting system shall not be established if, within thirty days following the decision of the board, a petition opposing the street lighting system is filed with the board and contains the signatures of at least forty percent of the voters registered in the area to be served by the proposed system.

((4)) The ((water)) district has the same powers of ((collection for)) imposing charges for providing street lighting, collecting delinquent street lighting charges, and financing street lighting systems by issuing general obligation bonds, issuing revenue bonds, and creating improvement districts as ((the water district)) it has for ((collection of)) imposing charges for providing water, collecting delinquent water service charges, and financing water systems by issuing general obligation bonds, issuing revenue bonds, and creating improvement districts.

~~((5) Any street lighting system established by a water district prior to March 31, 1982, is declared to be legal and valid.)~~

**Sec. 313.** RCW 57.08.065 and 1981 c 45 s 11 are each amended to read as follows:

~~((In addition to the powers now given water districts by law, they))~~ (1) A district shall ((also)) have power to establish, maintain, and operate a mutual water ((and)), sewer, drainage, and street lighting system ((or)), a ~~((separate sewer system within their water district area in the same manner as provided by law for the doing thereof in connection with water supply))~~ mutual system of any two or three of the systems, or separate systems.

~~((In addition thereto, a water district constructing, maintaining and operating a sanitary sewer system may exercise all the powers permitted to a sewer district under Title 56 RCW, including, but not limited to, the right to compel connections to the district's system, liens for delinquent sewer connection charges or sewer service charges, and all other powers presently exercised by or which may be hereafter granted to such sewer districts: PROVIDED, That a water district may not exercise sewer district powers in any area within its boundaries which is part of an existing district which previously shall have been duly authorized to exercise sewer district powers in such area without the consent by resolution of the board of commissioners of such other district: PROVIDED FURTHER, That no water district shall proceed to exercise the powers herein granted to establish, maintain, construct and operate any sewer system without first obtaining written approval and certification of necessity so to do from the department of ecology and department of social and health services. Any comprehensive plan for a system of sewers or addition thereto or betterment thereof shall be approved by the same county and state officials as are required to approve such plans adopted by a sewer district.~~

~~A water district shall have the power to issue general obligation bonds for sewer system purposes: PROVIDED, That a proposition to authorize general obligation bonds payable from excess tax levies for sewer system purposes pursuant to chapter 56.16 RCW shall be submitted to all of the qualified voters within that part of the water district which is not contained within another existing district duly authorized to exercise sewer district powers, and the taxes to pay the principal of and interest on the bonds approved by such voters shall be levied only upon all of the taxable property within such part of the water district.)~~

(2) Where any two or more districts include the same territory as of the effective date of this section, none of the overlapping districts may provide any service that was made available by any of the other districts prior to the effective date of this section within the overlapping territory without the consent by resolution of the board of commissioners of the other district or districts.

(3) A district that was a water district prior to the effective date of this section, that did not operate a sewer system prior to the effective date of this section, may not proceed to exercise the powers to establish, maintain, construct, and operate any sewer system without first obtaining written approval and certification of necessity from the department of ecology and department of health. Any comprehensive plan for a system of sewers or addition thereto or betterment thereof proposed by a district that was a water district prior to the effective date of this section shall be approved by the same county and state officials as were required to approve such plans adopted by a sewer district immediately prior to the effective date of this section and as subsequently may be required.

**NEW SECTION. Sec. 314.** The commissioners of any district shall provide for revenues by fixing rates and charges for furnishing sewer and drainage service to those to whom service is available or for providing water, such rates and charges to be fixed as

deemed necessary by the commissioners, so that uniform charges will be made for the same class of customer or service. Rates and charges may be combined for the furnishing of more than one type of sewer service, such as but not limited to storm or surface water and sanitary.

In classifying customers of such water, sewer, or drainage system, the board of commissioners may in its discretion consider any or all of the following factors: The difference in cost of service to various customers; the location of the various customers within and without the district; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the service furnished; the time of its use; the achievement of water conservation goals and the discouragement of wasteful practices; capital contributions made to the system including but not limited to assessments; and any other matters which present a reasonable difference as a ground for distinction. Rates shall be established as deemed proper by the commissioners and as fixed by resolution and shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements, and all other charges necessary for efficient and proper operation of the system.

The commissioners shall enforce collection of connection charges, and rates and charges for water supplied against property owners connecting with the system or receiving such water, and for sewer and drainage services charged against property to which and its owners to whom the service is available, such charges being deemed charges against the property served, by addition of penalties of not more than ten percent thereof in case of failure to pay the charges at times fixed by resolution. The commissioners may provide by resolution that where either connection charges or rates and charges for services supplied are delinquent for any specified period of time, the district shall certify the delinquencies to the treasurer of the county in which the real property is located, and the charges and any penalties added thereto and interest thereon at the rate of not more than the prime lending rate of the district's bank plus four percentage points per year shall be a lien against the property upon which the service was received, subject only to the lien for general taxes.

The district may, at any time after the connection charges or rates and charges for services supplied or available and penalties are delinquent for a period of sixty days, bring suit in foreclosure by civil action in the superior court of the county in which the real property is located. The court may allow, in addition to the costs and disbursements provided by statute, attorneys' fees, title search and report costs, and expenses as it adjudges reasonable. The action shall be in rem, and may be brought in the name of the district against an individual or against all of those who are delinquent in one action. The laws and rules of the court shall control as in other civil actions.

In addition to the right to foreclose provided in this section, the district may also cut off all or part of the service after charges for water or sewer service supplied or available are delinquent for a period of sixty days.

**Sec. 315.** RCW 56.08.012 and 1986 c 278 s 59 are each amended to read as follows:

Except as otherwise provided in RCW 90.03.525, any public entity and public property, including ~~((the))~~ state of Washington ~~((and state))~~ property, shall be subject to rates and charges for storm water control facilities to the same extent as private persons and private property are subject to such rates and charges that are imposed by ~~((sewer))~~ districts pursuant to ~~((RCW 56.08.010 or 56.16.090))~~ section 301 or 314 of this act. In setting ~~((these))~~ those rates and charges, consideration may be ~~((made of))~~ given to in-kind services, such as stream improvements or donation of property.

**Sec. 316.** RCW 57.08.100 and 1991 sp.s. c 30 s 25 are each amended to read as follows:

Subject to chapter 48.62 RCW, a ~~((water))~~ district, by a majority vote of its board of commissioners, may enter into contracts to provide health care services and/or group insurance and/or term life insurance and/or social security insurance for the benefit of its employees and may pay all or any part of the cost thereof. Any two or more ~~((water))~~ districts ~~((or any one or more water districts and one or more sewer districts))~~, by a majority vote of their respective boards of commissioners, may, if deemed expedient, join in the procuring of such health care services and/or group insurance and/or term life insurance, and the board of commissioners of ~~((each))~~ a participating ~~((sewer and/or water))~~ district may by appropriate resolution authorize ~~((their))~~ its respective district to pay all or any portion of the cost thereof.

A ~~((water))~~ district with five thousand or more customers providing health, group, or life insurance to its employees may provide its commissioners with the same coverage~~((: PROVIDED, That))~~. However, the per person amounts for such insurance paid by the district shall not exceed the per person amounts paid by the district for its employees.

**Sec. 317.** RCW 57.08.105 and 1973 c 125 s 7 are each amended to read as follows:

The board of ~~((water))~~ commissioners of each ~~((water))~~ district may purchase liability insurance with such limits as ~~((they))~~ it may deem reasonable for the purpose of protecting ~~((their))~~ its officials and employees against liability for personal or bodily injuries and property damage arising from their acts or omissions while performing or in good faith purporting to perform their official duties.

**Sec. 318.** RCW 57.08.110 and 1995 c 301 s 76 are each amended to read as follows:

To improve the organization and operation of ~~((water))~~ districts, the commissioners of two or more such districts may form an association thereof, for the purpose of securing and disseminating information of value to the members of the association and for the purpose of promoting the more economical and efficient operation of the comprehensive plans of water supply and sewage treatment and disposal in their respective districts. The commissioners of ~~((water))~~ districts so associated shall adopt articles of association, select such officers as they may determine, and employ and discharge such agents and employees as shall be deemed convenient to carry out the purposes of the association. ~~((Water))~~ District commissioners and employees are authorized to attend meetings of the association. The expenses of ~~((the))~~ an association may be paid from the maintenance or general funds of the associated districts in such manner as shall be provided in the articles of

association(~~(= PROVIDED, That)~~). However, the aggregate contributions made to ((the)) an association by ((the)) a district in any calendar year shall not exceed the amount ((which)) that would be raised by a levy of two and one-half cents per thousand dollars of assessed value against the taxable property of the district. The financial records of such an association shall be subject to audit by the state auditor.

**Sec. 319.** RCW 57.08.120 and 1991 c 82 s 6 are each amended to read as follows:

A ((water)) district may lease out real property which it owns or in which it has an interest and which is not immediately necessary for its purposes upon such terms as the board of ((water)) commissioners deems proper(~~(= PROVIDED, That)~~). No such lease shall be made until the ((water)) district has first caused notice thereof to be published twice in a newspaper in general circulation in the ((water)) district, the first publication to be at least fifteen days and the second at least seven days prior to the making of such lease(~~(= which)~~). The notice shall describe the property ((proposed to be leased out, to whom, for what purpose, and the rental to be charged therefor)), the lessee, and the lease payments. A hearing shall be held pursuant to the terms of the ((said)) notice, at which time any and all persons who may be interested shall have the right to appear and to be heard.

No such lease shall be ((for a period longer than twenty-five years, and each lease of real property shall be)) made unless secured by a bond conditioned ((to perform)) on the performance of the terms of ((such)) the lease, with surety satisfactory to the commissioners(~~(= in a penalty not less than the rental for one-sixth of the term: PROVIDED, That the penalty shall not be less than the rental for one year where the term is one year or more. In a lease, the term of which exceeds five years, and when at the option of the commissioners, it is so stipulated in the lease, the commission shall accept, with surety satisfactory to it,)) and with a penalty of not less than one-sixth of the term of the lease or for one year's rental, whichever is greater.~~

No such lease shall be made for a term longer than twenty-five years. In cases involving leases of more than five years, the commissioners may provide for or stipulate to acceptance of a bond conditioned ((to perform the terms of the lease for some part of the term, in no event less than five years (unless the remainder of the unexpired term is less than five years, in which case for the full remainder) and in every such case the commissioners shall require of the lessee, another or other like bond to be delivered within two years, and not)) on the performance of a part of the term for five years or more whenever it is further provided that the lessee must procure and deliver to the commissioners renewal bonds with like terms and conditions no more than two years prior nor less than one year prior to the expiration of ((the period covered by the existing bond, covering an additional part of the term in accordance with the foregoing provisions in respect to the original bond, and so on until the end of the term so that there will always be in force a bond securing the performance of the lease, and the penalty in each bond shall be not less than the rental for one-half the period covered thereby, but no)) such bond during the entire term of the lease. However, no such bond shall be construed to secure the furnishing of any other bond by the same surety or indemnity company. ((However,)) The board of commissioners may require a reasonable security deposit in lieu of a bond on leased ((real)) property owned by a ((water)) district.

The commissioners may accept as surety on any bond required by this section(~~(= either)) an approved surety company ((or one or more persons satisfactory to the commissioners, or in lieu of such bond may accept a deposit as security of such property or collateral or the giving of such other form of security as may be satisfactory to the commissioners)), or may accept in lieu thereof a secured interest in property of a value at least twice the amount of the bond required, conditioned further that in the event the commissioners determine that the value of the bond security has become or is about to become impaired, additional security shall be required from the lessee.~~

The authority granted under this section shall not be exercised by the board of commissioners unless the property is declared by resolution of the board of commissioners to be property for which there is a future need by the district and for the use of which provision is made in the comprehensive plan of the district as the same may be amended from time to time.

**Sec. 320.** RCW 57.08.140 and 1971 ex.s. c 243 s 8 are each amended to read as follows:

The provisions of RCW 57.08.015, 57.08.016, and 57.08.120 ((and 57.08.130)) shall have no application as to the sale or conveyance of real or personal property or any interest or right therein by a ((water)) district to the county or park and recreation district wherein such property is located for park and recreational purposes, but in ((such)) those cases the provisions of RCW 39.33.060 shall govern.

**Sec. 321.** RCW 57.08.017 and 1986 c 244 s 16 are each amended to read as follows:

RCW 57.08.015, 57.08.016, 57.08.050, and 57.08.120 ((and 57.08.130)) shall not apply to agreements entered into under authority of chapter 70.150 RCW ((provided)) if there is compliance with the procurement procedure under RCW 70.150.040.

**Sec. 322.** RCW 57.08.180 and 1995 c 376 s 15 are each amended to read as follows:

It is unlawful and a misdemeanor to make, or cause to be made, or to maintain any connection with any sewer or water system of any ((water)) district, or with any sewer or water system which is connected directly or indirectly with any sewer or water system of any ((water)) district without having permission from the ((water)) district.

**Sec. 323.** RCW 57.08.150 and 1987 c 309 s 4 are each amended to read as follows:

A ((water)) district may not require that a specified engineer prepare plans or designs for extensions to its systems if the extensions are to be financed and constructed by a private party, but may review, and approve or reject, the plans or designs which have been prepared for such a private party based upon standards and requirements established by the ((water)) district.

**Sec. 324.** RCW 57.08.160 and 1989 c 421 s 5 are each amended to read as follows:

Any district is hereby authorized, within limits established by the Constitution of the state of Washington, to assist the owners of structures in financing the acquisition and installation of fixtures, systems, and equipment, for compensation or otherwise, for the conservation or more efficient use of water in the structures under a water conservation plan adopted by the district if the cost per unit of water saved or conserved by the use of the fixtures, systems, and equipment is less than the cost per unit of water supplied by the next least costly new water source available to the district to meet future demand. Except where otherwise authorized, assistance shall be limited to:

(1) Providing an inspection of the structure, either directly or through one or more inspectors under contract, to determine and inform the owner of the estimated cost of purchasing and installing conservation fixtures, systems, and equipment for which financial assistance will be approved and the estimated life cycle savings to the water system and the consumer that are likely to result from the installation of the fixtures, systems, or equipment;

(2) Providing a list of businesses that sell and install the fixtures, systems, and equipment within or in close proximity to the service area of the city or town, each of which businesses shall have requested to be included and shall have the ability to provide the products in a workmanlike manner and to utilize the fixtures, systems, and equipment in accordance with the prevailing national standards;

(3) Arranging to have approved conservation fixtures, systems, and equipment installed by a private contractor whose bid is acceptable to the owner of the structure and verifying the installation; and

(4) Arranging or providing financing for the purchase and installation of approved conservation fixtures, systems, and equipment. The fixtures, systems, and equipment shall be purchased or installed by a private business, the owner, or the utility.

Pay back shall be in the form of incremental additions to the utility bill, billed either together with the use charge or separately. Loans shall not exceed one hundred twenty months in length.

**Sec. 325.** RCW 57.08.170 and 1991 c 82 s 7 are each amended to read as follows:

A ~~((water))~~ district may adopt a water conservation plan and emergency water use restrictions. The district may enforce a water conservation plan and emergency water use restrictions by imposing a fine as provided by resolution for failure to comply with any such plan or restrictions. The commissioners may provide by resolution that if a fine for failure to comply with the water conservation plan or emergency water use restrictions is delinquent for a specified period of time, the district shall certify the delinquency to the treasurer of the county in which the real property is located and serve notice of the delinquency on the subscribing water customer who fails to comply, and the fine is then a separate item for inclusion on the bill of the party failing to comply with the water conservation plan or emergency water use restrictions.

**NEW SECTION. Sec. 326.** Sections 301, 302, and 314 of this act are each added to chapter 57.08 RCW.

#### **PART IV - OFFICERS AND ELECTIONS**

**Sec. 401.** RCW 57.12.010 and 1985 c 330 s 6 are each amended to read as follows:

The governing body of a district shall be a board of ~~((water))~~ commissioners consisting of three members, or five members as provided in RCW 57.12.015, or more, as provided in the event of merger or consolidation. The board shall annually elect one of its members as president and another as secretary.

The board shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings shall be by resolution recorded in a book kept for that purpose which shall be a public record.

A district shall provide by resolution for the payment of compensation to each of its commissioners at a rate of fifty dollars for each day or portion thereof devoted to the business of the district ~~((: PROVIDED, That))~~. However the compensation for each commissioner shall not exceed four thousand eight hundred dollars per year. In addition, the secretary may be paid a reasonable sum for clerical services.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during ~~((his or her))~~ the commissioner's term of office, by a written waiver filed with the district ~~((as provided in this section. The waiver, to be effective, must be filed))~~ at any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

No commissioner shall be employed full time by the district. ~~((Each))~~ A commissioner shall be reimbursed for reasonable expenses actually incurred in connection with ~~((such))~~ district business, including ~~((his))~~ subsistence and lodging~~((,))~~ while away from the commissioner's place of residence and mileage for use of a privately-owned vehicle at the mileage rate authorized in RCW 43.03.060 ~~((as now existing or hereafter amended))~~.

~~((The date for holding elections and taking office as herein provided shall be subject to the provisions of any consolidated election laws that may be made applicable thereto although previously enacted.))~~

**Sec. 402.** RCW 57.12.015 and 1994 c 223 s 67 are each amended to read as follows:

(1) In the event a three-member board of commissioners of any ~~((water))~~ district with any number of customers determines by resolution that it would be in the best interest of the district to increase the number of commissioners from three to five, or ~~((in the event))~~ if the board of a district with any number of customers is presented with a petition signed by ten percent of the registered voters resident within the district who voted in the last general municipal election calling for an increase in the number of commissioners of the district, the board

shall submit a resolution to the county auditor requesting that an election be held. Upon receipt of the resolution, the county auditor shall call a special election to be held within the ((water)) district ((in accordance with RCW 29.13.010 and 29.13.020)), at which election a proposition in substantially the following language shall be submitted to the voters:

Shall the Board of Commissioners of (name and/or ((No.)) number of ((water)) district) be increased from three to five members?

Yes . . . . .

No . . . . .

If the proposition receives a majority approval at the election the board of commissioners of the ((water)) district shall be increased to five members.

(2) In any ((water)) district with more than ten thousand customers, if a three-member board of commissioners determines by resolution that it would be in the best interest of the district to increase the number of commissioners from three to five, the number of commissioners shall be so increased without an election, unless within ninety days of adoption of that resolution a petition requesting an election and signed by at least ten percent of the registered voters who voted in the last ((general)) municipal general election is filed with the board. If such a petition is received, the board shall submit the resolution and the petition to the county auditor, who shall call a special election in the manner described in this section ((and in accordance with the provisions of RCW 29.13.010 and 29.13.020)).

(3) The two additional positions created on boards of ((water)) commissioners by this section shall be filled initially ((either)) as for a vacancy ((or by nomination under RCW 57.12.039)), except that the appointees ((or newly elected commissioners)) shall draw lots, one appointee to serve until the next ((general water)) district general election after the appointment, at which two commissioners shall be elected for six-year terms, and the other appointee to serve until the second ((general water)) district general election after the appointment, at which two commissioners shall be elected for six-year terms.

**Sec. 403.** RCW 57.12.030 and 1994 c 223 s 69 are each amended to read as follows:

~~((Water district elections shall be held in accordance with the general election laws of this state.))~~

Except as in this section otherwise provided, the term of office of each ((water)) district commissioner shall be six years, such term to be computed from the first day of January following the election, and commissioners shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170.

Three ((water)) initial district commissioners shall be elected at the same election at which the proposition is submitted to the voters as to whether such ((water)) district shall be formed. The election of ((water)) initial district commissioners shall be null and void if the ballot proposition to form the ((water)) district is not approved. Each candidate shall run for one of three separate commissioner positions. A special filing period shall be opened as provided in RCW 29.15.170 and 29.15.180. The person receiving the greatest number of votes for each position shall be elected to that position.

The ~~((newly elected water))~~ initial district commissioners shall assume office immediately when they are elected and qualified. Staggering of the terms of office for the ~~((new water))~~ initial district commissioners shall be accomplished as follows: (1) The person who is elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or a five-year term of office if the election is held in an even-numbered year; (2) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an odd-numbered year or a three-year term of office if the election is held in an even-numbered year; and (3) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The terms of office shall be calculated from the first day of January after the election.

Thereafter, commissioners shall be elected to six-year terms of office. Commissioners shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170.

**Sec. 404.** RCW 57.12.039 and 1994 c 223 s 70 are each amended to read as follows:

(1) Notwithstanding RCW 57.12.020 and 57.12.030, the board of commissioners may provide by majority vote that subsequent commissioners be elected from commissioner districts within the district. If the board exercises this option, it shall divide the district into three, or five if the number of commissioners has been increased under RCW 57.12.015, commissioner districts of approximately equal population following current precinct and district boundaries.

(2) Commissioner districts shall be used as follows: (a) Only a registered voter who resides in a commissioner district may be a candidate for, or serve as, a commissioner of the commissioner district; and (b) only voters of a commissioner district may vote at a primary to nominate candidates for a commissioner of the commissioner district. Voters of the entire ((water)) district may vote at a general election to elect a person as a commissioner of the commissioner district. Commissioner districts shall be redrawn as provided in chapter 29.70 RCW.

(3) In ((water)) districts in which commissioners are nominated from commissioner districts, at the inception of a five-member board of commissioners, the new commissioner districts shall be numbered one through five and the three incumbent commissioners shall represent commissioner districts one through three. If, as a result of redrawing the district boundaries two or three of the incumbent commissioners reside in one of the new commissioner districts, the commissioners who reside in the same commissioner district shall

determine by lot which of the first three numbered commissioner districts they shall represent for the remainder of their respective terms. A primary shall be held to nominate candidates from districts four and five where necessary and commissioners shall be elected at large at the general election. The persons elected as commissioners from commissioner districts four and five shall take office immediately after qualification as defined under RCW 29.01.135.

**Sec. 405.** RCW 57.12.020 and 1994 c 223 s 68 are each amended to read as follows:

A vacancy on the board shall occur and shall be filled as provided in chapter 42.12 RCW. In addition, if a commissioner is absent from three consecutive scheduled meetings unless by permission of the board, the office may be declared vacant. However, such an action shall not be taken unless the commissioner is notified by mail after two consecutive unexcused absences that the position will be declared vacant if the commissioner is absent without being excused from the next regularly scheduled meeting.

## PART V - COMPREHENSIVE PLANS

**Sec. 501.** RCW 57.16.010 and 1990 1st ex.s. c 17 s 35 are each amended to read as follows:

~~((The water district commissioners))~~ Before ordering any improvements ~~((hereunder))~~ or submitting to vote any proposition for incurring any indebtedness, the district commissioners shall adopt a general comprehensive plan ((of water supply for the district. They)) for the type or types of facilities the district proposes to provide. A district may prepare a separate general comprehensive plan for each of these services and other services that districts are permitted to provide, or the district may combine any or all of its comprehensive plans into a single general comprehensive plan.

(1) For a general comprehensive plan of a water supply system, the commissioners shall investigate the several portions and sections of the district for the purpose of determining the present and reasonably foreseeable future needs thereof; shall examine and investigate, determine, and select a water supply or water supplies for such district suitable and adequate for present and reasonably foreseeable future needs thereof; and shall consider and determine a general system or plan for acquiring such water supply or water supplies((:)), and the lands, waters, and water rights and easements necessary therefor, and for retaining and storing any such waters, and erecting dams, reservoirs, aqueducts, and pipe lines to convey the same throughout such district. There may be included as part of the system the installation of fire hydrants at suitable places throughout the district((, and the purchase and maintenance of necessary fire fighting equipment and apparatus, together with facilities for housing same)). The ((water district)) commissioners shall determine a general comprehensive plan for distributing such water throughout such portion of the district as may then reasonably be served by means of subsidiary aqueducts and pipe lines, and a long-term plan for financing the planned projects and the method of distributing the cost and expense thereof ((against such water district and against local improvement districts or utility local improvement districts within such water district for any lawful purpose, and)), including ((any such)) the creation of local improvement districts or utility local improvement districts ((lying wholly or partially within the limits of any city or town in such district)), and shall determine whether the whole or part of the cost and expenses shall be paid from ((water)) revenue or general obligation bonds. ((After July 23, 1989, when the district adopts a general comprehensive plan or plans for an area annexed as provided for in RCW 57.16.010, the district shall include a long-term plan for financing the planned projects. The commissioners may employ such engineering and legal service as in their discretion is necessary in carrying out their duties.

~~The))~~ (2) For a general comprehensive plan for a sewer system, the commissioners shall investigate all portions and sections of the district and select a general comprehensive plan for a sewer system for the district suitable and adequate for present and reasonably foreseeable future needs thereof. The general comprehensive plan shall provide for treatment plants and other methods for the disposal of sewage and industrial and other liquid wastes now produced or which may reasonably be expected to be produced within the district and shall, for such portions of the district as may then reasonably be served, provide for the acquisition or construction and installation of laterals, trunk sewers, intercepting sewers, syphons, pumping stations or other sewage collection facilities, septic tanks, septic tank systems or drainfields, and systems for the transmission and treatment of wastewater. The general comprehensive plan shall provide a long-term plan for financing the planned projects and the method of distributing the cost and expense of the sewer system, including the creation of local improvement districts or utility local improvement districts; and provide whether the whole or some part of the cost and expenses shall be paid from revenue or general obligation bonds.

(3) For a general comprehensive plan for a drainage system, the commissioners shall investigate all portions and sections of the district and adopt a general comprehensive plan for a drainage system for the district suitable and adequate for present and future needs thereof. The general comprehensive plan shall provide for a system to collect, treat, and dispose of storm water or surface waters, including use of natural systems and the construction or provision of culverts, storm water pipes, ponds, and other systems. The general comprehensive plan shall provide for a long-term plan for financing the planned projects and provide for a method of distributing the cost and expense of the drainage system, including local improvement districts or utility local improvement districts, and provide whether the whole or some part of the cost and expenses shall be paid from revenue or general obligation bonds.

(4) For a general comprehensive plan for street lighting, the commissioners shall investigate all portions and sections of the district and adopt a general comprehensive plan for street lighting for the district suitable and adequate for present and future needs thereof. The

general comprehensive plan shall provide for a system or systems of street lighting, provide for a long-term plan for financing the planned projects, and provide for a method of distributing the cost and expense of the street lighting system, including local improvement districts or utility local improvement districts, and provide whether the whole or some part of the cost and expenses shall be paid from revenue or general obligation bonds.

(5) The commissioners may employ such engineering and legal service as in their discretion is necessary in carrying out their duties.

(6) Any general comprehensive plan or plans shall be adopted by resolution and submitted to an engineer designated by the legislative authority of the county in which fifty-one percent or more of the area of the district is located, and to the director of health of the county in which the district or any portion thereof is located, and must be approved in writing by the engineer and director of health, except that a comprehensive plan relating to street lighting shall not be submitted to or approved by the director of health. The general comprehensive plan shall be approved, conditionally approved, or rejected by the director of health ~~((within sixty days of the plan's receipt))~~ and by the designated engineer within sixty days of ~~((the plan's receipt))~~ their respective receipt of the plan. However, this sixty-day time limitation may be extended by the director of health or engineer for up to an additional sixty days if sufficient time is not available to review adequately the general comprehensive plans.

Before becoming effective, the general comprehensive plan shall also be submitted to, and approved by resolution of, the legislative authority of every county within whose boundaries all or a portion of the ~~((water))~~ district lies. The general comprehensive plan shall be approved, conditionally approved, or rejected by each of ~~((these))~~ the county legislative authorities pursuant to the criteria in RCW 57.02.040 for approving the formation, reorganization, annexation, consolidation, or merger of ~~((water))~~ districts~~((, and))~~. The resolution, ordinance, or motion of the legislative body ~~((which))~~ that rejects the comprehensive plan or a part thereof shall specifically state in what particular the comprehensive plan or part thereof rejected fails to meet these criteria. The general comprehensive plan shall not provide for the extension or location of facilities that are inconsistent with the requirements of RCW 36.70A.110. Nothing in this chapter shall preclude a county from rejecting a proposed plan because it is in conflict with the criteria in RCW 57.02.040. Each general comprehensive plan shall be deemed approved if the county legislative authority fails to reject or conditionally approve the plan within ninety days of the plan's submission to the county legislative authority or within thirty days of a hearing on the plan when the hearing is held within ninety days of submission to the county legislative authority. However, a county legislative authority may extend this ninety-day time limitation by up to an additional ninety days where a finding is made that ninety days is insufficient to review adequately the general comprehensive plan. In addition, the ~~((water))~~ commissioners and the county legislative authority may mutually agree to an extension of the deadlines in this section.

If the district includes portions or all of one or more cities or towns, the general comprehensive plan shall be submitted also to, and approved by resolution of, the ~~((governing bodies of such))~~ legislative authorities of the cities and towns before becoming effective. The general comprehensive plan shall be deemed approved by the city or town ~~((governing body))~~ legislative authority if the city or town ~~((governing body))~~ legislative authority fails to reject or conditionally approve the plan within ninety days of the plan's submission to the city or town or within thirty days of a hearing on the plan when the hearing is held within ninety days of submission to the county legislative authority. However, a city or town ~~((governing body))~~ legislative authority may extend this time limitation by up to an additional ninety days where a finding is made that insufficient time exists to adequately review the general comprehensive plan within these time limitations. In addition, the ~~((sewer [water]))~~ commissioners and the city or town ~~((governing body))~~ legislative authority may mutually agree to an extension of the deadlines in this section.

Before becoming effective, the general comprehensive plan shall be approved by any state agency whose approval may be required by applicable law. Before becoming effective, any amendment to, alteration of, or addition to, a general comprehensive plan shall also be subject to such approval as if it were a new general comprehensive plan~~((: PROVIDED, That))~~. However, only if the amendment, alteration, or addition affects a particular city or town, shall the amendment, alteration, or addition be subject to approval by such particular city or town governing body.

**Sec. 502.** RCW 56.08.030 and 1953 c 250 s 5 are each amended to read as follows:

No expenditure for carrying on any part of ~~((such))~~ a general comprehensive plan shall be made other than the necessary salaries of engineers, clerical, ~~((and))~~ office expenses, and other professional expenses of the district, and the cost of engineering, surveying, preparation, and collection of data necessary for making and adopting a general plan of improvements in the district, until the general comprehensive plan of improvements has been adopted by the commissioners and approved as provided in RCW ~~((56.08.020))~~ 57.16.010.

**NEW SECTION. Sec. 503.** A new section is added to Title 57 RCW to read as follows:

Whenever an area has been annexed to a district after the adoption of a general comprehensive plan, the commissioners shall adopt by resolution a plan for additions and betterments to the original comprehensive plan to provide for the needs of the area annexed.

**Sec. 504.** RCW 57.16.140 and 1982 c 213 s 4 are each amended to read as follows:

The construction of or existence of sewer capacity or water supply ~~((capacity))~~ in excess of the needs of the density allowed by zoning shall not be grounds for any legal challenge to any zoning decision by the county.

## PART VI - IMPROVEMENT DISTRICTS

**Sec. 601.** RCW 57.16.050 and 1987 c 169 s 2 are each amended to read as follows:

(1) A district may establish local improvement districts within its territory; levy special assessments ~~((under the mode of))~~ and allow annual installments on the special assessments, together with interest thereon, extending over a period not exceeding twenty years, on all property specially benefited by a local improvement, on the basis of special benefits to pay in whole or in part the damage or costs of any improvements ordered in the district; and issue local improvement bonds in the local improvement district to be repaid by the collection of special assessments. ~~((Such))~~ The bonds may be of any form, including bearer bonds or registered bonds as provided in RCW 39.46.030. The levying, collection, and enforcement of ~~((such))~~ special assessments and the issuance of bonds shall be as provided for the levying, collection, and enforcement of special assessments and the issuance of local improvement district bonds by cities and towns insofar as is consistent ~~((herewith))~~ with this title. The duties devolving upon the city or town treasurer are ~~((hereby))~~ imposed upon the county treasurer of the county in which the real property is located for the purposes hereof. The mode of assessment shall be determined by the ~~((water))~~ commissioners by resolution.

~~((When in))~~ (2) A district may establish a utility local improvement district, in lieu of a local improvement district, if the petition or resolution for ~~((the establishment of a))~~ establishing the local improvement district, and ~~((in))~~ the approved comprehensive plan or approved amendment thereto or plan providing for additions and betterments to the original plan, previously adopted, ~~((it is provided))~~ provides that, except as set forth in this section, the special assessments shall be for the ~~((sole))~~ purpose of payment of improvements and payment into the revenue bond fund for the payment of revenue bonds~~((, then the local improvement district shall be designated as a "utility local improvement district."))~~. No warrants or bonds shall be issued in a utility local improvement district, but the collection of interest and principal on all special assessments in the utility local improvement district shall be paid into the revenue bond fund, except that special assessments paid before the issuance and sale of bonds may be deposited in a fund for the payment of costs of improvements in the utility local improvement district. Revenue bonds shall be issued using the procedures by which cities and towns issue revenue bonds, insofar as is consistent with this title.

~~((2))~~ Such revenue bonds may also be issued and sold in accordance with chapter 39.46 RCW.

**Sec. 602.** RCW 57.16.060 and 1991 c 190 s 7 are each amended to read as follows:

Local improvement districts or utility local improvement districts to carry out the whole or any portion of the general comprehensive plan of improvements or plan providing for additions and betterments to ~~((the))~~ an original general comprehensive plan previously adopted may be initiated either by resolution of the board of ~~((water))~~ commissioners or by petition signed by the owners according to the records of the office of the applicable county auditor of at least fifty-one percent of the area of the land within the limits of the ~~((local))~~ improvement district to be created.

In case the board of ~~((water))~~ commissioners desires to initiate the formation of ~~((a local improvement district or a utility local))~~ an improvement district by resolution, it first shall ~~((first))~~ pass a resolution declaring its intention to order ~~((such))~~ the improvement, setting forth the nature and territorial extent of such proposed improvement, designating the number of the proposed ~~((local improvement district or utility local))~~ improvement district, and describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed improvement district, and fixing a date, time, and place for a public hearing on the formation of the proposed ~~((local))~~ improvement district.

In case any such ~~((local improvement district or utility local))~~ improvement district is initiated by petition, ~~((such))~~ the petition shall set forth the nature and territorial extent of the proposed improvement requested to be ordered and the fact that the signers thereof are the owners according to the records of the applicable county auditor of at least fifty-one percent of the area of land within the limits of the ~~((local improvement district or utility local))~~ improvement district to be created. Upon the filing of such petition the board shall determine whether the petition is sufficient, and the board's determination thereof shall be conclusive upon all persons. No person may withdraw his or her name from the petition after it has been filed with the board of ~~((water))~~ commissioners. If the board finds the petition to be sufficient, it shall proceed to adopt a resolution declaring its intention to order the improvement petitioned for, setting forth the nature and territorial extent of the improvement, designating the number of the proposed ~~((local))~~ improvement district and describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed ~~((local))~~ improvement district, and fixing a date, time, and place for a public hearing on the formation of the proposed ~~((local))~~ improvement district.

Notice of the adoption of the resolution of intention, whether the resolution was adopted on the initiative of the board or pursuant to a petition of the property owners, shall be published in at least two consecutive issues of a newspaper of general circulation in the proposed ~~((local))~~ improvement district, the date of the first publication to be at least fifteen days prior to the date fixed by such resolution for hearing before the board of ~~((water))~~ commissioners. Notice of the adoption of the resolution of intention shall also be given each owner or reputed owner of any lot, tract, parcel of land, or other property within the proposed improvement district by mailing the notice at least fifteen days before the date fixed for the public hearing to the owner or reputed owner of the property as shown on the tax rolls of the county ~~((treasurer))~~ auditor of the county in which the real property is located at the address shown thereon. Whenever such notices are mailed, the ~~((water))~~ commissioners shall maintain a list of ~~((such))~~ the reputed property owners, which list shall be kept on file at a location within the ~~((water))~~ district and shall be made available for public perusal. The notices shall refer to the resolution of intention and designate the proposed

improvement district by number. The notices also shall ~~((also))~~ set forth the nature of the proposed improvement, the total estimated cost, the proportion of total cost to be borne by assessments, and the date, time, and place of the hearing before the board of ~~((water))~~ commissioners. In the case of improvements initiated by resolution, the notice also shall ~~((also))~~: (1) State that all persons desiring to object to the formation of the proposed district must file their written protests with the secretary of the board of ~~((water))~~ commissioners no later than ten days after the public hearing; (2) state that if owners of at least forty percent of the area of land within the proposed improvement district file written protests with the secretary of the board, the power of the ~~((water))~~ commissioners to proceed with the creation of the proposed improvement district shall be divested; (3) provide the name and address of the secretary of the board; and (4) state the hours and location within the ~~((water))~~ district where the names of the property owners within the proposed improvement district are kept available for public perusal. In the case of the notice given each owner or reputed owner by mail, the notice shall set forth the estimated amount of the cost and expense of such improvement to be borne by the particular lot, tract, parcel of land, or other property.

~~((Whether the improvement is initiated by petition or resolution, the board shall conduct a public hearing at the time and place designated in the notice to property owners. At this hearing the board shall hear objections from any person affected by the formation of the local district and may make such changes in the boundaries of the district or such modifications in the plans for the proposed improvement as shall be deemed necessary. The board may not change the boundaries of the district to include property not previously included in it without first passing a new resolution of intention and giving a new notice to property owners in the manner and form and within the time provided in this chapter for the original notice.~~

~~After the hearing and the expiration of the ten day period for filing written protests, the commissioners shall have jurisdiction to overrule protests and proceed with any such improvement initiated by petition or resolution. The jurisdiction of the commissioners to proceed with any improvement initiated by resolution shall be divested by protests filed with the secretary of the board no later than ten days after the hearing, signed by the owners, according to the records of the applicable county auditor, of at least forty percent of the area of land within the proposed local district.~~

~~If the commissioners find that the district should be formed, they shall by resolution form the district and order the improvement. After execution of the resolution forming the district, the secretary of the board of commissioners shall publish, in a legal publication that serves the area subject to the district, a notice setting forth that a resolution has been passed forming the district and that a lawsuit challenging the jurisdiction or authority of the water district to proceed with the improvement and creating the district must be filed, and notice to the water district served, within thirty days of the publication of the notice. The notice shall set forth the nature of the appeal. Property owners bringing the appeal shall follow the procedures as set forth under appeal under RCW 57.16.090. Whenever a resolution forming a district has been adopted, the formation is conclusive in all things upon all parties, and cannot be contested or questioned in any manner in any proceeding whatsoever by any person not commencing a lawsuit in the manner and within the time provided in this section, except for lawsuits made under RCW 57.16.090.~~

~~Following an appeal, if it is unsuccessful or if no appeal is made under RCW 57.16.090, the commissioners may proceed with the improvement and provide the general funds of the water district to be applied thereto, adopt detailed plans of the local improvement district or utility local improvement district and declare the estimated cost thereof, acquire all necessary land therefor, pay all damages caused thereby, and commence in the name of the water district such eminent domain proceedings as may be necessary to entitle the district to proceed with the work. The board shall thereupon proceed with the work and file with the county treasurer of the county in which the real property is located its roll levying special assessments in the amount to be paid by special assessment against the property situated within the improvement district in proportion to the special benefits to be derived by the property therein from the improvement.))~~

**Sec. 603.** RCW 57.16.073 and 1987 c 315 s 6 are each amended to read as follows:

Whenever it is proposed that ~~((a local improvement district or utility local))~~ an improvement district finance sanitary sewer or potable water facilities, additional notice of the public hearing on the proposed improvement district shall be mailed to the owners of any property located outside of the proposed improvement district that would be required as a condition of federal housing administration loan qualification, at the time of notice, to be connected to the specific sewer or water facilities installed by the ~~((local))~~ improvement district. The notice shall include information about this restriction.

**Sec. 604.** RCW 57.16.065 and 1989 c 243 s 11 are each amended to read as follows:

~~((Any))~~ Notice given to the public or to the owners of specific lots, tracts, or parcels of land relating to the formation of ~~((a local improvement district or utility local))~~ an improvement district shall contain a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

**Sec. 605.** RCW 56.20.030 and 1991 c 190 s 3 are each amended to read as follows:

Whether ~~((the))~~ an improvement district is initiated by petition or resolution, the board shall conduct a public hearing at the time and place designated in the notice to property owners. At this hearing the board shall hear objections from any person affected by the formation of the ~~((local))~~ improvement district and may make such changes in the boundaries of the improvement district or such modifications in the plans for the proposed improvement as shall be deemed necessary. The board may not change the boundaries of the improvement district to include property not previously included in it without first passing a new resolution of intention and giving a new notice to property owners in the manner and form and within the time provided in this chapter for the original notice.

After the hearing and the expiration of the ten-day period for filing ~~((written))~~ protests, the commissioners shall have jurisdiction to overrule protests and proceed with any such improvement district initiated by petition or resolution. The jurisdiction of the commissioners to proceed with any improvement district initiated by resolution shall be divested~~((--(a)))~~ by protests filed with the secretary of the board ~~((no later than))~~ within ten days after the public hearing, signed by the owners, according to the records of the applicable county auditor, of at least forty percent of the area of land within the proposed ~~((local))~~ improvement district ~~((or (b) by the commissioners not adopting a resolution ordering the improvement at a public hearing held not more than ninety days from the day the resolution of intention was adopted, unless the commissioners file with the county auditor a copy of the notice required by RCW 56.20.020, and in no event at a hearing held more than two years from the day the resolution of intention was adopted))~~.

If the commissioners find that the improvement district should be formed, they shall by resolution form the improvement district and order the improvement. After execution of the resolution forming the improvement district, the secretary of the board of commissioners shall publish, in a legal publication that serves the area subject to the improvement district, a notice setting forth that a resolution has been passed forming the improvement district and that a lawsuit challenging the jurisdiction or authority of the ~~((sewer))~~ district to proceed with the improvement and creating the improvement district must be filed, and notice to the ~~((sewer))~~ district served, within thirty days of the publication of the notice. The notice shall set forth the nature of the appeal. Property owners bringing the appeal shall follow the procedures ~~((as))~~ set forth under ~~((appeal under RCW 56.20.080))~~ RCW 57.16.090. Whenever a resolution forming ~~((a))~~ an improvement district has been adopted, the formation is conclusive in all things upon all parties, and cannot be contested or questioned in any manner in any proceeding whatsoever by any person not commencing a lawsuit in the manner and within the time provided in this section, except for lawsuits made under RCW ~~((56.20.080))~~ 57.16.090.

Following an appeal, if it is unsuccessful or if no appeal is made under RCW ~~((56.20.080))~~ 57.16.090, the commissioners may proceed with creating the improvement district, provide the improvement and provide the general funds of the ~~((sewer))~~ district to be applied thereto, adopt detailed plans of the ~~((utility local))~~ improvement district and declare the estimated cost thereof, acquire all necessary land therefor, pay all damages caused thereby, and commence in the name of the ~~((sewer))~~ district such eminent domain proceedings ~~((and supplemental assessment or reassessment proceedings to pay all eminent domain awards))~~ as may be necessary to entitle the district to proceed with the ~~((work))~~ improvements. The board ~~((of sewer commissioners))~~ shall thereupon proceed with the work and file with the county treasurer of ~~((each))~~ the county in which the real property is ~~((to be assessed))~~ located its roll levying special assessments in the amount to be paid by special assessment against the property situated within the ~~((local))~~ improvement district in proportion to the special benefits to be derived by the property therein from the improvements.

**Sec. 606.** RCW 57.16.070 and 1982 1st ex.s. c 17 s 17 are each amended to read as follows:

Before approval of the roll a notice shall be published once a week for two consecutive weeks in a newspaper of general circulation in the ~~((local))~~ improvement district, stating that the roll is on file and open to inspection in the office of the secretary, and fixing the time, not less than fifteen or more than thirty days from the date of the first publication of the notice, within which protests must be filed with the secretary against any assessments shown thereon, and fixing a time when a hearing will be held by the commissioners on the protests. Notice shall also be given by mailing, at least fifteen days before the hearing, a similar notice to the owners or reputed owners of the land in the ~~((local))~~ improvement district as they appear on the books of the treasurer of the county in which the real property is located. At the hearing, or any adjournment thereof, the commissioners may correct, change, or modify the roll, or any part thereof, or set aside the roll and order a new assessment, and may then by resolution approve it. If an assessment is raised a new notice similar to the first shall be given, after which final approval of the roll may be made. When property has been entered originally upon the roll and the assessment thereon is not raised, no objection thereto shall be considered by the commissioners or by any court on appeal unless the objection is made in writing at, or prior~~((s))~~ to, the date fixed for the original hearing upon the roll.

**Sec. 607.** RCW 57.16.080 and 1959 c 18 s 13 are each amended to read as follows:

~~((In the event that))~~ If any portion of the system after its installation is not adequate for the purpose for which it was intended, or ~~((that))~~ if for any reason changes, alterations, or betterments are necessary in any portion of the system after its installation, then ~~((a local))~~ an improvement district with boundaries which may include one or more existing ~~((local))~~ improvement districts may be created in the ~~((water))~~ district in the same manner as is provided herein for the creation of ~~((local))~~ improvement districts~~((; that))~~. Upon the organization of such ~~((a local))~~ an improvement district ~~((as provided for in this paragraph))~~, the plan of the improvement and the payment of the cost of the improvement shall be carried out in the same manner as is provided herein for the carrying out of and the paying for the improvement in the ~~((local))~~ improvement districts previously provided for in this ~~((act))~~ title.

**Sec. 608.** RCW 57.16.100 and 1929 c 114 s 14 are each amended to read as follows:

(1) Whenever any assessment roll for local improvements shall have been confirmed by the ~~((water district commission of such water district as herein provided))~~ district board of commissioners, the regularity, validity, and correctness of the proceedings relating to ~~((such))~~ the improvements, and to the assessment therefor, including the action of the ~~((water))~~ district ~~((commission))~~ commissioners upon ~~((such))~~ the assessment roll and the confirmation thereof, shall be conclusive in all things upon all parties, and cannot in any manner be contested or questioned in any proceeding whatsoever by any person not filing written objections to such roll in the manner and within the time provided in this ~~((act))~~ chapter, and not appealing from the action of the ~~((water district commission))~~ commissioners in confirming such

assessment roll in the manner and within the time in this ~~((aet))~~ chapter provided. No proceedings of any kind shall be commenced or prosecuted for the purpose of defeating or contesting any such assessment, or the sale of ~~((any))~~ property to pay such assessment, or any certificate of delinquency issued therefor, or the foreclosure of any lien issued therefor~~((: PROVIDED, That))~~. However, this section shall not be construed as prohibiting the bringing of injunction proceedings to prevent the sale of any real estate upon the grounds ~~((+))~~ (a) that the property about to be sold does not appear upon the assessment roll, or ~~((2))~~ (b) that ~~((said))~~ the assessment had been paid.

(2) This section also shall not prohibit the correction of clerical errors and errors in the computation of assessments in assessment rolls by the following procedure:

(a) The board of commissioners may file a petition with the superior court of the county wherein the real property is located, asking that the court enter an order correcting such errors and directing that the county treasurer pay a portion or all of the incorrect assessment by the transfer of funds from the district's maintenance fund, if such relief be necessary.

(b) Upon the filing of the petition, the court shall set a date for hearing and upon the hearing may enter an order as provided in (a) of this subsection. However, neither the correcting order nor the corrected assessment roll shall result in an increased assessment to the property owner.

**Sec. 609.** RCW 57.16.090 and 1991 c 190 s 8 are each amended to read as follows:

The decision of the ~~((water))~~ district ~~((commission))~~ board of commissioners upon any objections made within the time and in the manner herein prescribed~~((:))~~ may be reviewed by the superior court upon an appeal thereto taken in the following manner. ~~((Such))~~ The appeal shall be made by filing written notice of appeal with the secretary of ~~((said water district commission))~~ the board of commissioners and with the clerk of the superior court in the county in which the real property is situated within ten days after publication of a notice that the resolution confirming such assessment roll has been adopted, and such notice of appeal shall describe the property and set forth the objections of such appellant to such assessment~~((: and))~~. Within ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of the court((:)) a transcript consisting of the assessment roll and the appellant's objections thereto, together with the resolution confirming ((such)) the assessment roll and the record of the ((water)) district ((commission)) commissioners with reference to the assessment((: which)). The transcript, upon payment of the necessary fees therefor, shall be furnished by the secretary of the ((water district commission)) board of commissioners and shall be certified by the secretary to contain full, true, and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court or the court of appeals in civil actions. At the time of the filing of the notice of appeal with the clerk of the superior court, the appellant shall file a sufficient bond in the penal sum of two hundred dollars, with at least two sureties, to be approved by the judge of ~~((said))~~ the court, conditioned to prosecute such appeal without delay, and if unsuccessful to pay all costs to which the ~~((water))~~ district is put by reason of such appeal. The court may order the appellant, upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require. Within three days after such transcript is filed in the superior court, the appellant shall give written notice to the secretary of ~~((such water))~~ the district~~((:))~~ that such transcript is filed. The notice shall state a time, not less than three days from the service thereof, when the appellant will call up the cause for hearing~~((: and))~~. The superior court shall, at ~~((said))~~ such time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury~~((: and such cause))~~. The appeal shall have preference over all civil causes pending in the court, except ~~((proceedings under an act relating to))~~ eminent domain proceedings and actions of forcible entry and detainer. The judgment of the court shall confirm, unless the court shall find from the evidence that such assessment is either founded upon ~~((the))~~ a fundamentally wrong basis or a decision of the ~~((council or other legislative body))~~ board of commissioners thereon was arbitrary or capricious, or both~~((:))~~, in which event the judgment of the court shall correct, modify, or annul the assessment insofar as ~~((the same))~~ it affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer who shall have custody of the assessment roll, who shall modify and correct ~~((such))~~ the assessment roll in accordance with such decision. Appellate review of the judgment of the superior court may be sought as in other civil cases. However, the ~~((review))~~ appeal must be sought within fifteen days after the date of the entry of the judgment of such superior court. A certified copy of the order of the supreme court or the court of appeals upon such appeal shall be filed with the officer having custody of ~~((such))~~ the assessment roll, who shall thereupon modify and correct ~~((such))~~ the assessment roll in accordance with ~~((such))~~ the decision.

**Sec. 610.** RCW 57.16.110 and 1982 1st ex.s. c 17 s 19 are each amended to read as follows:

Whenever any land against which there has been levied any special assessment by any ~~((water))~~ district shall have been sold in part or subdivided, the board of ~~((water))~~ commissioners of ~~((such))~~ the district shall have the power to order a segregation of the assessment.

Any person desiring to have ~~((such))~~ a special assessment against a tract of land segregated to apply to smaller parts thereof shall apply to the board of commissioners of the ~~((water))~~ district ~~((which))~~ that levied the assessment. If the ~~((water))~~ commissioners determine that a segregation should be made, they shall by resolution order the treasurer of the county in which the real property is located to make segregation on the original assessment roll as directed in the resolution. The segregation shall be made as nearly as possible on the same basis as the original assessment was levied, and the total of the segregated parts of the assessment shall equal the assessment before segregation. The resolution shall describe the original tract~~((:))~~ and the amount and date of the original assessment, and shall define the boundaries of the divided parts and the amount of the assessment chargeable to each part. A certified copy of the resolution shall be delivered to the treasurer of the county in which the real property is located who shall proceed to make the segregation ordered upon being tendered a fee of three

dollars for each tract of land for which a segregation is to be made. In addition to ~~((such))~~ the charge the board of ~~((water))~~ commissioners may require as a condition to the order of segregation that the person seeking it pay the district the reasonable engineering and clerical costs incident to making the segregation.

**Sec. 611.** RCW 57.16.150 and 1987 c 449 s 16 are each amended to read as follows:

Judgments foreclosing ~~((local improvement))~~ special assessments pursuant to RCW 35.50.260 may also allow to ~~((water))~~ districts, in addition to delinquent installments, interest, penalties, and costs, such attorneys' fees as the court may adjudge reasonable.

## PART VII - FINANCES

**Sec. 701.** RCW 57.16.020 and 1984 c 186 s 51 are each amended to read as follows:

The commissioners may submit to the voters of the district at any general or special election, a proposition that the district incur a general indebtedness payable from annual tax levies to be made in excess of the constitutional ~~((and/or statutory))~~ tax limitation~~((s))~~ for the construction of any part or all of the improvements described in its general comprehensive plan or plans. Elections shall be held as provided in RCW 39.36.050. The proposition authorizing both the bond issue and imposition of excess bond retirement levies ~~((shall))~~ must be adopted by three-fifths of the voters voting thereon, at which election the total number of persons voting on the proposition shall constitute not less than forty percent of the total number of votes cast in the ~~((water))~~ district at the last preceding general election. ~~((Such))~~ The bonds shall not be issued to run for a period longer than ~~((twenty))~~ thirty years from the date of the issue. ~~((Such))~~ The bonds shall be issued and sold in accordance with chapter 39.46 RCW. ~~((When the general comprehensive plan has been adopted the commissioners shall carry it out to the extent specified in the proposition to incur general indebtedness.))~~

Whenever the proposition to issue general obligation bonds and impose such excess bond retirement levies has been approved, there shall be levied by the officers or governing body charged with the duty of levying taxes, annual levies in excess of the constitutional tax limitation sufficient to meet the annual or semiannual payments of principal and interest on the bonds upon all taxable property within the district.

**Sec. 702.** RCW 57.20.015 and 1984 c 186 s 54 are each amended to read as follows:

(1) The board of ~~((water))~~ commissioners of any ~~((water))~~ district may by resolution, without submitting the matter to the voters of the district, provide for the issuance of refunding general obligation bonds to refund any outstanding general obligation bonds, or any part thereof, at maturity thereof, or before the maturity thereof if they are subject to call for prior redemption or all of the owners thereof consent thereto. Refunding bonds may be combined with an issue of bonds for other district purposes, as long as those other bonds are approved in accordance with applicable law.

(2) The total cost to the district over the life of the refunding bonds or refunding portion of an issue of bonds shall not exceed the total cost to the district which the district would have incurred but for such refunding over the remainder of the life of the bonds to be refunded thereby.

(3) The refunding bonds may be exchanged for the bonds to be refunded thereby, or may be sold in such manner as the board of ~~((water))~~ commissioners deems to be for the best interest of the district, and the proceeds of such sale used exclusively for the purpose of paying, retiring, and canceling the bonds to be refunded and interest thereon. Such bonds may be of any form, including bearer bonds or registered bonds as provided in RCW 39.46.030.

~~((4) The provisions of RCW 57.20.010, concerning the issuance and sale of general obligation bonds and providing for annual tax levies in excess of the constitutional and/or statutory tax limitations shall apply to the refunding general obligation bonds issued under this section.))~~

**Sec. 703.** RCW 57.16.030 and 1987 c 449 s 14 are each amended to read as follows:

(1) The commissioners may, without submitting a proposition to the voters, authorize by resolution the district to issue revenue bonds for the construction costs, interest during the period of construction and six months thereafter, working capital or other costs of the improvements described in any part or all of ~~((the))~~ a general comprehensive plan or plans, or for other purposes or functions of a ~~((water))~~ district authorized by statute. The amount of the bonds to be issued shall be included in the resolution ~~((submitted))~~.

(2) Any resolution authorizing the issuance of revenue bonds may include provision for refunding any local improvement district bonds of a district, out of the proceeds of sale of revenue bonds, and a district may pay off any outstanding local improvement bonds with such funds either by purchase in the open market below their par value and accrued interest or by call at par value and accrued interest at the next succeeding interest payment date. The bonds may be in any form, including bearer bonds or registered bonds as provided by RCW 39.46.030.

~~((When a resolution authorizing revenue bonds has been adopted the commissioners may forthwith carry out the general comprehensive plan to the extent specified.))~~

~~((2))~~ (3) Notwithstanding subsection (1) of this section, ~~((such))~~ district revenue bonds may be issued and sold in accordance with chapter 39.46 RCW.

**Sec. 704.** RCW 57.16.035 and 1977 ex.s. c 299 s 5 are each amended to read as follows:

Whenever a ~~((water))~~ district shall have adopted a general comprehensive plan and bonds to defray the cost thereof shall have been authorized by resolution of the board of ~~((water))~~ commissioners, and before the completion of the improvements the board of ~~((water))~~ commissioners shall find by resolution that the authorized bonds are not sufficient to defray the cost of such improvements due to the increase of costs of construction subsequent to the adoption of ~~((said))~~ the plan, the board of ~~((water))~~ commissioners may by resolution authorize the issuance and sale of additional ~~((water))~~ revenue bonds for such purpose in excess of those previously issued.

**Sec. 705.** RCW 57.16.040 and 1984 c 186 s 52 are each amended to read as follows:

In the same manner as provided for the adoption of ~~((the))~~ an original general comprehensive plan, a plan providing for additions and betterments to the original general comprehensive plan may be adopted. Without limiting its generality "additions and betterments" shall include any necessary change in, amendment of, or addition to the general comprehensive plan.

The district may incur a general indebtedness payable from annual tax levies to be made in excess of the constitutional ~~((and/or-statutory))~~ tax limitation~~(s)~~ for the construction of the additions and betterments in the same way that general indebtedness may be incurred for the construction of the original general comprehensive plan after submission to the voters of the entire district in the manner the original proposition to incur indebtedness was submitted as provided in RCW 57.16.020 (as recodified by this act). Upon ratification the additions and betterments may be carried out by the commissioners to the extent specified or referred to in the proposition to incur the general indebtedness.

The district may issue revenue bonds to pay for the construction of the additions and the betterments pursuant to resolution of the board of ~~((water))~~ commissioners.

**Sec. 706.** RCW 57.20.020 and 1991 c 347 s 20 are each amended to read as follows:

(1) ~~((Whenever any issue or issues of water revenue bonds have been authorized in compliance with the provisions of RCW 57.16.010 through 57.16.040, said bonds shall be in bearer form or registered as to principal or interest or both, as provided in RCW 39.46.030, and may provide for conversion between registered and coupon bonds; shall be in such denominations, shall be numbered, shall bear such date, and shall be payable at such time or times up to a maximum period of not to exceed thirty years as shall be determined by the board of water commissioners of the district; shall bear interest at such rate or rates payable at such time or times as authorized by the board; shall be payable at the office of the county treasurer of the county in which the water district is located and may also be payable at such other place or places as the board of water commissioners may determine; shall be executed by the president of the board of water commissioners and attested and sealed by the secretary thereof, one of which signatures may, with the written permission of the signator whose facsimile signature is being used, be a facsimile; and may have facsimile signatures of said president or secretary imprinted on any interest coupons in lieu of original signatures.))~~

The ~~((water district))~~ commissioners shall have power and are required to create a special fund or funds for the sole purpose of paying the interest and principal of ~~((such))~~ revenue bonds into which special fund or funds the ~~((said water district))~~ commissioners shall obligate and bind the ~~((water))~~ district to set aside and pay a fixed proportion of the gross revenues of the water supply, sewer, or drainage system or any fixed amount out of and not exceeding a fixed proportion of such revenues, or a fixed amount or amounts without regard to any fixed proportion, and such bonds and the interest thereof shall be payable only out of such special fund or funds, ~~((but))~~ and shall be a lien and charge against all revenues and payments received from any utility local improvement district or districts pledged to secure such bonds, subject only to operating and maintenance expenses.

In creating any such special fund or funds the ~~((water district))~~ commissioners ~~((of such water district))~~ shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to and to any proportion or part of the revenue previously pledged as a fund for the payment of bonds, warrants, or other indebtedness, and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. Any such bonds and interest thereon issued against any such fund as ~~((herein))~~ provided in this section shall be a valid claim of the owner thereof only as against the ~~((said))~~ special fund and its fixed proportion or amount of the revenue pledged to such fund, and shall not constitute an indebtedness of ~~((such water))~~ the district within the meaning of the constitutional provisions and limitations. Each such bond shall state upon its face that it is payable from a special fund, naming the ~~((said))~~ fund and the resolution creating it. ~~((Said))~~ Such bonds shall be sold in such manner, at such price, and at such rate or rates of interest as the ~~((water district))~~ commissioners shall deem for the best interests of the ~~((water))~~ district, either at public or private sale, and the ~~((said))~~ commissioners may provide in any contract for the construction and acquirement of the proposed improvement (and for the refunding of outstanding local improvement district obligations, if any) that payment therefor shall be made in such bonds at par value thereof.

When any such special fund shall have been heretofore or shall be hereafter created and any such bonds shall have been heretofore or shall hereafter be issued against the same a fixed proportion or a fixed amount out of and not to exceed such fixed proportion, or a fixed amount or amounts without regard to any fixed proportion, of revenue shall be set aside and paid into ~~((said))~~ the special fund as provided in the resolution creating such fund or authorizing such bonds~~((, and))~~. In case any ~~((water))~~ district shall fail thus to set aside and pay ~~((said))~~ the fixed proportion or amount ~~((as aforesaid))~~, the owner of any bond payable from such special fund may bring suit or action against the ~~((water))~~ district and compel such setting aside and payment.

(2) ~~((Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.))~~

~~(3) The water district commissioners of any water district, in the event that such water revenue bonds are issued, shall provide for revenues by fixing rates and charges for the furnishing of water supply to those receiving such service, such rates and charges to be fixed as deemed necessary by such water district commissioners, so that uniform charges will be made for the same class of customer or service.~~

~~In classifying customers served or service furnished by such water supply system, the board of water commissioners may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the district; the difference in cost of maintenance, operation, repair and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the water furnished; the time of its use; the achievement of water conservation goals and the discouragement of wasteful practices; capital contributions made to the system including but not limited to assessments; and any other matters which present a reasonable difference as a ground for distinction. Such rates shall be made on a monthly basis as may be deemed proper by such commissioners and as fixed by resolution and shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements and all other charges necessary for efficient and proper operation of the system.)~~ Revenue bonds payable from a special fund may be issued and sold in accordance with chapter 39.46 RCW.

**Sec. 707.** RCW 57.20.023 and 1959 c 108 s 12 are each amended to read as follows:

The board of ~~((water))~~ commissioners may make such covenants as it may deem necessary to secure and guarantee the payment of the principal of and interest on ~~((water))~~ revenue bonds of the district, including but not being limited to covenants for the establishment and maintenance of adequate reserves to secure or guarantee the payment of such principal and interest; the protection and disposition of the proceeds of sale of such bonds; the use and disposition of the gross revenues of the water supply system, sewer system, or drainage system of the district and any additions or betterments thereto or extensions thereof; the use and disposition of any utility local improvement district assessments; the creation and maintenance of funds for renewals and replacements of the system; the establishment and maintenance of rates and charges adequate to pay principal and interest of such bonds and to maintain adequate coverage over debt service; the maintenance, operation and management of the system and the accounting, insuring and auditing of the business in connection therewith; the terms upon which such bonds or any of them may be redeemed at the election of the district; limitations upon the right of the district to dispose of its system or any part thereof; the appointment of trustees, depositories and paying agents to receive, hold, disburse, invest and reinvest all or any part of the proceeds of sale of the bonds and all or any part of the income, revenue and receipts of the district, and the ~~((board of water))~~ commissioners may make such other covenants as it may deem necessary to accomplish the most advantageous sale of such bonds. The board of ~~((water))~~ commissioners may also provide that revenue bonds payable out of the same source or sources may later be issued on a parity with any revenue bonds being issued and sold.

**Sec. 708.** RCW 57.20.025 and 1977 ex.s. c 299 s 8 are each amended to read as follows:

The board of ~~((water))~~ commissioners of any ~~((water))~~ district may by resolution provide for the issuance of refunding revenue bonds to refund outstanding general obligation bonds and/or revenue bonds, or any part thereof, and/or all outstanding local improvement district bonds, at maturity thereof, or before maturity thereof if they are subject to call for prior redemption or all of the holders thereof consent thereto. The total interest cost to the district over the life of the refunding bonds shall not exceed the total cost to the district which the district would have incurred but for such refunding over the remainder of the life of the bonds to be refunded thereby. The refunding bonds may be exchanged for the bonds to be refunded thereby, or may be sold in such manner as the board of ~~((water))~~ commissioners deems to be for the best interest of the district, and the proceeds used, except as hereinafter provided, exclusively for the purpose of paying, retiring, and canceling the bonds to be refunded and interest thereon.

All unpaid utility local improvement district assessments payable into the revenue bond redemption fund established for payment of the bonds to be refunded shall thereafter when collected be paid into the revenue bond redemption fund established for payment of the refunding revenue bonds.

Whenever local improvement district bonds have been refunded as provided by RCW 57.16.030 ~~((as now or hereafter amended))~~ (as recodified by this act), or pursuant to this section, all local improvement district assessments remaining unpaid shall thereafter when collected be paid into the revenue bond redemption fund established for payment of the refunding revenue bonds, and the cash balance, if any, in the local improvement guaranty fund of the district and the proceeds received from any other assets owned by such fund shall be used in whole or in part as a reserve fund for the refunding revenue bonds or be transferred in whole or in part to any other funds of the district as the board of ~~((water))~~ commissioners may determine. ~~((In the event that))~~ If any warrants are outstanding against the local improvement guaranty fund of the district at the time of the issuance of such refunding revenue bonds, ~~((said))~~ the bonds shall be issued in an amount sufficient also to fund and pay such outstanding warrants.

The provisions of RCW 57.20.020 shall apply to the refunding revenue bonds issued under this title.

**Sec. 709.** RCW 57.20.027 and 1975 1st ex.s. c 25 s 5 are each amended to read as follows:

~~((Water))~~ Districts may also issue revenue warrants and revenue bond anticipation warrants for the same purposes for which such districts may issue revenue bonds. The provisions of this chapter relating to the authorization, terms, conditions, covenants, issuance and sale of revenue bonds (exclusive of provisions relating to refunding) shall be applicable to such warrants. ~~((Water))~~ Districts issuing revenue bond

anticipation warrants may make covenants relative to the issuance of revenue bonds to provide funds for the redemption of part or all of such warrants and may contract for the sale of such bonds and warrants.

**Sec. 710.** RCW 57.20.030 and 1982 1st ex.s. c 17 s 20 are each amended to read as follows:

Every ((water)) district in the state is ((hereby)) authorized to create a fund for the purpose of guaranteeing, to the extent of such fund, and in the manner hereinafter provided, the payment of all of its local improvement bonds issued(~~(subsequent to June 9, 1937)~~) to pay for any local improvement within its confines. Such fund shall be designated "Local Improvement Guaranty Fund(~~(s)~~) of the ".....Water-Sewer District," ".....Water District," ".....Sewer District," or ".....District No. ....," and shall be established by resolution of the board of ((water)) commissioners. For the purpose of maintaining such fund, every ((water)) district, after the establishment thereof, shall at all times set aside and pay into such a fund such proportion of the monthly gross revenues of the water supply, sewer, or drainage system of such ((water)) district as the commissioners thereof may direct by resolution. This proportion may be varied from time to time as the commissioners deem expedient or necessary(~~(PROVIDED, HOWEVER, That)~~). However, under the existence of the conditions set forth in subsections (1) and (2) (~~next hereunder~~) of this section, then the proportion must be as ((therein)) specified(~~(to wit)~~) in subsections (1) and (2) of this section:

(1) Whenever any bonds of any local improvement district have been guaranteed under this ((aet)) section and RCW 57.20.080 and 57.20.090 and the guaranty fund does not have a cash balance equal to twenty percent of all bonds originally guaranteed under this ((aet)) section and RCW 57.20.080 and 57.20.090 (excluding issues which have been retired in full), then twenty percent of the gross monthly revenues derived from ((all)) water ((users)), sewer, and drainage systems in the territory included in ((said)) the local improvement district (but not necessarily from users in other parts of the ((water)) district as a whole) shall be set aside and paid into the guaranty fund(~~(PROVIDED, HOWEVER)~~), except that whenever(~~(s)~~) under the requirements of this subsection, ((said)) the cash balance accumulates so that it is equal to twenty percent of all bonds guaranteed, or to the full amount of all bonds guaranteed, outstanding and unpaid (which amount might be less than twenty percent of the original total guaranteed), then no further money(~~(s)~~) need be set aside and paid into ((said)) the guaranty fund so long as ((said)) the condition shall continue.

(2) Whenever any warrants issued against the guaranty fund, as ((hereinbelow)) provided in this section, remain outstanding and uncalled for lack of funds for six months from the date of issuance thereof; or whenever any coupons or bonds guaranteed under this ((aet)) section and RCW 57.20.080 and 57.20.090 have been matured for six months and have not been redeemed either in cash or by issuance and delivery of warrants upon the guaranty fund, then twenty percent of the gross monthly revenues (or such portion thereof as the commissioners of the ((water)) district determine will be sufficient to retire ((said)) the warrants or redeem ((said)) the coupons or bonds in the ensuing six months) derived from all water, sewer, and drainage system users in the ((water)) district shall be set aside and paid into the guaranty fund(~~(PROVIDED, HOWEVER, That)~~). However, whenever under the requirements of this subsection all warrants, coupons, or bonds specified in this subsection ((above)) have been redeemed, no further income needs to be set aside and paid into ((said)) the guaranty fund under the requirements of this subsection until and unless other warrants remain outstanding and unpaid for six months or other coupons or bonds default.

(3) For the purposes of complying with the requirements of setting aside and paying into the local improvement guaranty fund a proportion of the monthly gross revenues of the water supply, sewer, or drainage system of any ((water)) district, as ((hereinabove)) provided in subsections (1) and (2) of this section, ((said-water)) that district shall bind and obligate itself to maintain and operate ((said)) the applicable system and further bind and obligate itself to establish, maintain, and collect such rates for water, sewer, or drainage as will produce gross revenues sufficient to maintain and operate ((said-water-supply)) that system and to make necessary provision for the local improvement guaranty fund as specified by this section and RCW 57.20.080 and 57.20.090. (~~And said-water~~) The district shall alter its rates for water, sewer, and drainage service from time to time and shall vary the same in different portions of its territory to comply with ((the-said)) those requirements.

(4) Whenever any coupon or bond guaranteed by this ((aet)) section shall mature and there shall not be sufficient funds in the appropriate local improvement district bond redemption fund to pay the same, then the applicable county treasurer shall pay same from the local improvement guaranty fund of the ((water)) district; if there shall not be sufficient funds in the ((said)) guaranty fund to pay same, then the same may be paid by issuance and delivery of a warrant upon the local improvement guaranty fund.

(5) Whenever the cash balance in the local improvement guaranty fund is insufficient for the required purposes, warrants drawing interest at a rate determined by the commissioners may be issued by the applicable county auditor, against the ((said)) fund to meet any liability accrued against it and must be issued upon demand of the holders of any maturing coupons and/or bonds guaranteed by this section, or to pay for any certificates of delinquency for delinquent installments of assessments as provided in subsection (6) of this section. Guaranty fund warrants shall be a first lien in their order of issuance upon the gross revenues set aside and paid into ((said)) that fund.

(6) Within twenty days after the date of delinquency of any annual installment of assessments levied for the purpose of paying the local improvement bonds of any ((water)) district guaranteed under the provisions of this ((aet)) section, it shall be mandatory for the county treasurer of the county in which the real property is located to compile a statement of all installments delinquent, together with the amount of accrued interest and penalty appurtenant to each of ((said)) the installments. Thereupon the applicable county treasurer shall forthwith purchase (for the ((water)) district) certificates of delinquency for all such delinquent installments. Payment for all such certificates of

delinquency shall be made from the local improvement guaranty fund and if there shall not be sufficient money~~(\*)~~ in ~~(the said)~~ the fund to pay for such certificates of delinquency, the applicable county treasurer shall accept ~~(the said)~~ the local improvement guaranty fund warrants in payment therefor. All ~~(such)~~ of those certificates of delinquency shall be issued in the name of the local improvement guaranty fund and all guaranty fund warrants issued in payment therefor shall be issued in the name of the appropriate local improvement district fund. Whenever any market is available and the commissioners of the ~~(water)~~ district so direct, the applicable county treasurer shall sell any certificates of delinquency belonging to the local improvement guaranty fund~~(-PROVIDED, That)~~. However, any such sale must not be for less than face value thereof plus accrued interest from date of issuance to date of sale.

~~(Such)~~ (7) Certificates of delinquency, as ~~(above)~~ provided in subsection (6) of this section, shall be issued by the county treasurer of the county in which the real property is located, shall bear interest at the rate of ten percent per annum, shall be in each instance for the face value of the delinquent installment, plus accrued interest to date of issuance of certificate of delinquency, plus a penalty of five percent of such face value, and shall set forth:

- (a) Description of property assessed;
- (b) Date installment of assessment became delinquent;
- (c) Name of owner or reputed owner, if known.

~~(Such)~~ The certificates of delinquency may be redeemed by the owner of the property assessed at any time up to two years from the date of foreclosure of such certificate of delinquency. If any such certificate of delinquency ~~(be)~~ is not redeemed on the second occurring first day of January subsequent to its issuance, the county treasurer who issued the certificate of delinquency shall then proceed to foreclose such certificate of delinquency in the manner specified for the foreclosure of the lien of local improvement assessments, pursuant to chapter 35.50 RCW and if no redemption be made within the succeeding two years shall execute and deliver a deed conveying fee simple title to the property described in the foreclosed certificate of delinquency.

**Sec. 711.** RCW 57.20.080 and 1983 c 167 s 165 are each amended to read as follows:

Whenever there shall be paid out of a guaranty fund any sum on account of principal or interest upon a local improvement bond, or on account of purchase of certificates of delinquency, the ~~(water)~~ district, as trustee for the fund, shall be subrogated to all rights of the owner of the bonds, or any interest, or delinquent assessment installments, so paid; and the proceeds thereof, or of the assessment or assessments underlying the same, shall become a part of the guaranty fund. There shall also be paid into ~~(each)~~ such guaranty fund the interest received from the bank deposits of the fund, as well as any surplus remaining in the local improvement funds guaranteed by the guaranty fund, after the payment of all outstanding bonds payable primarily out of such local improvement funds. As among the several issues of bonds guaranteed by the fund, no preference shall exist, but defaulted bonds and any defaulted interest payments shall be purchased out of the fund in the order of their presentation.

The commissioners of every ~~(water)~~ district ~~(operating under RCW 57.20.030, 57.20.080, and 57.20.090)~~ that establishes a guaranty fund shall prescribe, by resolution, appropriate rules and regulations for the guaranty fund, not inconsistent herewith. So much of the money of a guaranty fund as is necessary and is not required for other purposes under this section and RCW 57.20.030~~(, 57.20.080,)~~ and 57.20.090 may, at the discretion of the commissioners of the ~~(water)~~ district, be used to purchase property at county tax foreclosure sales or from the county after foreclosure in cases where such property is subject to unpaid local improvement assessments securing bonds guaranteed by the guaranty fund and such purchase is deemed necessary for

the purpose of protecting the guaranty fund. In such cases the ~~(said)~~ guaranty fund shall be subrogated to all rights of the ~~(water)~~ district. After so acquiring title to real property, the ~~(water)~~ district may lease or resell and convey the same in the same manner that county property is authorized to be leased or resold and for such prices and on such terms as may be determined by resolution of the board of ~~(water)~~ commissioners. Any provision of law to the contrary notwithstanding, all proceeds resulting from such resales shall belong to and be paid into the guaranty fund.

**Sec. 712.** RCW 57.20.090 and 1983 c 167 s 166 are each amended to read as follows:

The owner of any local improvement bonds guaranteed under the provisions of this section and RCW 57.20.030~~(, and~~ and 57.20.080~~(, and 57.20.090)~~ shall not have any claim therefor against the ~~(water)~~ district by which the same is issued, except for payment from the special assessments made for the improvement for which ~~(said)~~ the local improvement bonds were issued, and except as against the local improvement guaranty fund of ~~(said water)~~ the district; and the ~~(water)~~ district shall not be liable to any owner of such local improvement bond for any loss to the guaranty fund occurring in the lawful operation thereof by the ~~(water)~~ district. The remedy of the owner of a local improvement bond, in case of nonpayment, shall be confined to the enforcement of the assessment and to the guaranty fund. A copy of the foregoing part of this section shall be plainly written, printed or engraved on each local improvement bond guaranteed by this section and RCW 57.20.030~~(, and~~ and 57.20.080~~(, and 57.20.090)~~. The establishment of a local improvement guaranty fund by any ~~(water)~~ district shall not be deemed at variance from any comprehensive plan heretofore adopted by ~~(such water)~~ that district.

~~(In the event)~~ If any local improvement guaranty fund hereunder authorized at any time has a balance therein in cash, and the obligations guaranteed thereby have all been paid off, then such balance shall be transferred to the maintenance fund of the ~~(water)~~ district.

**Sec. 713.** RCW 57.20.110 and 1970 ex.s. c 42 s 35 are each amended to read as follows:

~~((Each and every water district that may hereafter be organized pursuant to this act is hereby))~~ A district is authorized and empowered by and through its board of ~~((water))~~ commissioners to contract indebtedness for ~~((water))~~ its purposes, and the maintenance thereof not exceeding one-half of one percent of the value of the taxable property in ~~((such water))~~ the district, as the term "value of the taxable property" is defined in RCW 39.36.015.

**Sec. 714.** RCW 57.20.120 and 1984 c 186 s 55 are each amended to read as follows:

~~((Each and every water district hereafter to be organized pursuant to this title,))~~ A district may contract indebtedness in excess of the amount named in RCW 57.20.110, but not exceeding in amount, together with existing indebtedness, two and one-half percent of the value of the taxable property in ~~((said))~~ that district, as the term "value of the taxable property" is defined in RCW 39.36.015, and impose excess property tax levies to retire the indebtedness whenever three-fifths of the voters voting at ~~((said))~~ the election in such ~~((water))~~ district assent thereto, at which election the total number of persons voting on the proposition shall constitute not less than forty percent of the total number of votes cast in the ~~((water))~~ district at the last preceding general election, at an election to be held in ~~((said water))~~ the district in the manner provided by this title and RCW 39.36.050(~~(: PROVIDED, That all bonds so to be issued shall be subject to the provisions regarding bonds as set out in RCW 57.20.010)~~).

**Sec. 715.** RCW 57.20.130 and 1983 c 167 s 167 are each amended to read as follows:

Any coupons for the payment of interest on ~~((said))~~ bonds of any district shall be considered for all purposes as warrants drawn upon the general fund of the ~~((said water))~~ district issuing such bonds, and when presented to the treasurer of the county having custody of the funds of such ~~((water))~~ district at maturity, or thereafter, and when so presented, if there are not funds in the treasury to pay the ~~((said))~~ coupons, it shall be the duty of the county treasurer to endorse ~~((said))~~ the coupons as presented for payment, in the same manner as county warrants are indorsed, and thereafter ~~((said))~~ the coupons shall bear interest at the same rate as the bonds to which ~~((it was))~~ they were attached. When there are no funds in the treasury to make interest payments on bonds not having coupons, the overdue interest payment shall continue bearing interest at the bond rate until it is paid, unless otherwise provided in the proceedings authorizing the sale of the bonds.

**Sec. 716.** RCW 57.20.135 and 1988 c 162 s 11 are each amended to read as follows:

Upon obtaining the approval of the county treasurer, the board of commissioners of a ~~((water))~~ district with more than twenty-five hundred water customers or sewer customers may designate by resolution some other person having experience in financial or fiscal matters as the treasurer of the district. Such a treasurer shall possess all of the powers, responsibilities, and duties of, and shall be subject to the same restrictions as provided by law for, the county treasurer with regard to a ~~((water))~~ district, and the county auditor with regard to ~~((water))~~ district financial matters. Such treasurer shall be bonded for not less than twenty-five thousand dollars. Approval by the county treasurer authorizing such a ~~((water))~~ district to designate its treasurer shall not be arbitrarily or capriciously withheld.

**Sec. 717.** RCW 57.20.140 and 1983 c 57 s 3 are each amended to read as follows:

~~((Unless the board of commissioners of a water district designates a treasurer under RCW 57.20.135, the county))~~ The treasurer designated under RCW 57.20.135 shall create and maintain a separate fund designated as the maintenance fund or general fund of the district into which shall be paid all money received by ~~((him))~~ the treasurer from the collection of taxes other than taxes levied for the payment of general obligation bonds of the district and all revenues of the district other than assessments levied in local improvement districts or utility local improvement districts, and no money shall be disbursed therefrom except upon warrants of the county auditor issued by authority of the commissioners or upon a resolution of the commissioners ordering a transfer to any other fund of the district. The ~~((county))~~ treasurer also shall ~~((also))~~ maintain such other special funds as may be prescribed by the ~~((water))~~ district, into which shall be placed such money~~((s))~~ as the board of ~~((water))~~ commissioners may by its resolution direct, and from which disbursements shall be made upon proper warrants of the county auditor issued against the same by authority of the board of ~~((water))~~ commissioners.

**Sec. 718.** RCW 57.20.150 and 1959 c 108 s 15 are each amended to read as follows:

Whenever a ~~((water))~~ district has accumulated money~~((s))~~ in the maintenance fund or general fund of the district in excess of the requirements of ~~((such))~~ that fund, the board of ~~((water))~~ commissioners may in its discretion use any of ~~((such))~~ that surplus money~~((s))~~ for any of the following purposes: (1) Redemption or servicing of outstanding obligations of the district~~((s))~~; (2) maintenance expenses of the district~~((s))~~; (3) construction or acquisition of any facilities necessary to carry out the purposes of the district; or (4) any other proper district purpose.

**Sec. 719.** RCW 57.20.160 and 1986 c 294 s 13 are each amended to read as follows:

Whenever there shall have accumulated in any general or special fund of a ~~((water))~~ district money~~((s))~~, the disbursement of which is not yet due, the board of ~~((water))~~ commissioners may, by resolution, authorize the ~~((county))~~ treasurer to deposit or invest such money~~((s))~~ in qualified public depositories, or to invest such money~~((s))~~ in any investment permitted at any time by RCW 36.29.020(~~(: PROVIDED, That)~~). However, the county treasurer may refuse to invest any district money~~((s))~~ the disbursement of which will be required during the period of investment to meet outstanding obligations of the district.

**Sec. 720.** RCW 57.20.165 and 1981 c 24 s 2 are each amended to read as follows:

~~((Water))~~ District money~~((s))~~ shall be deposited by the district in ~~((an))~~ any account, which may be interest-bearing, subject to such requirements and conditions as may be prescribed by the state auditor. The account shall be in the name of the district except~~((s))~~ upon

request by the treasurer, the accounts shall be in the name of the ".....(name of county)..... county treasurer." The treasurer may instruct the financial institutions holding the deposits to transfer them to the treasurer at such times as the treasurer may deem appropriate, consistent with regulations governing and policies of the financial institution.

**Sec. 721.** RCW 57.20.170 and 1959 c 108 s 17 are each amended to read as follows:

The board of ((water)) commissioners of any ((water)) district may, by resolution, authorize and direct a loan or loans from maintenance funds or general funds of the district to construction funds or other funds of the district(~~(: PROVIDED, That such)~~), so long as that loan ((does)) or loans do not, in the opinion of the board of ((water)) commissioners, impair the ability of the district to operate and maintain its water supply, sewer, drainage, or street lighting systems.

## PART VIII - WATER AND SEWER SYSTEM EXTENSIONS

**Sec. 801.** RCW 57.22.010 and 1989 c 389 s 11 are each amended to read as follows:

If the ((water)) district approves an extension to the ((water)) system, the district shall contract with owners of real estate located within the district boundaries, at an owner's request, for the purpose of permitting extensions to the district's ((water)) system to be constructed by such owner at such owner's sole cost where such extensions are required as a prerequisite to further property development. The contract shall contain such conditions as the district may require pursuant to the district's adopted policies and standards. The district shall request comprehensive plan approval for such extension, if required, and connection of the extension to the district system is conditioned upon:

- (1) Construction of such extension according to plans and specifications approved by the district;
- (2) Inspection and approval of such extension by the district;
- (3) Transfer to the district of such extension without cost to the district upon acceptance by the district of such extension;
- (4) Payment of all required connection charges to the district;
- (5) Full compliance with the owner's obligations under such contract and with the district's rules and regulations;
- (6) Provision of sufficient security to the district to ensure completion of the extension and other performance under the contract;
- (7) Payment by the owner to the district of all of the district's costs associated with such extension including, but not limited to, the district's engineering, legal, and administrative costs; and
- (8) Verification and approval of all contracts and costs related to such extension.

**Sec. 802.** RCW 57.22.020 and 1989 c 389 s 12 are each amended to read as follows:

The contract shall also provide, subject to the terms and conditions in this section, for the reimbursement to the owner or the owner's assigns for a period not to exceed fifteen years of a portion of the costs of the ((water)) facilities constructed pursuant to such contract from connection charges received by the district from other property owners who subsequently connect to or use the ((water)) facilities within the fifteen-year period and who did not contribute to the original cost of such ((water)) facilities.

**Sec. 803.** RCW 57.22.030 and 1989 c 389 s 13 are each amended to read as follows:

The reimbursement shall be a pro rata share of construction and ~~((reimbursement of))~~ contract administration costs of the ((water)) project. Reimbursement for ((water)) projects shall include, but not be limited to, design, engineering, installation, and restoration.

**Sec. 804.** RCW 57.22.040 and 1989 c 389 s 14 are each amended to read as follows:

The procedures for reimbursement contracts shall be governed by the following:

- (1) A reimbursement area shall be formulated by the board of commissioners within a reasonable time after the acceptance of the extension. The reimbursement shall be based upon a determination by the board of commissioners of which parcels would require similar ((water)) improvements upon development.
- (2) The contract must be recorded in the appropriate county auditor's office after the final execution of the agreement.

**Sec. 805.** RCW 57.22.050 and 1989 c 389 s 15 are each amended to read as follows:

As an alternative to financing projects under this chapter solely by owners of real estate, ~~((a water))~~ districts may join in the financing of improvement projects and may be reimbursed in the same manner as the owners of real estate who participate in the projects, if the ~~((water district))~~ board of commissioners has specified the conditions of its participation in a resolution.

## PART IX - ANNEXATION OF TERRITORY

**Sec. 901.** RCW 57.24.001 and 1989 c 84 s 58 are each amended to read as follows:

Actions taken under this chapter ~~((57.24 RCW))~~ may be subject to potential review by a boundary review board under chapter 36.93 RCW.

**Sec. 902.** RCW 57.24.010 and 1990 c 259 s 31 are each amended to read as follows:

Territory within the county or counties in which a district is located, or territory adjoining or in close proximity to a district but which is located in another county, may be annexed to and become a part of the district. All annexations shall be accomplished in the following manner: Ten percent of the number of registered voters residing in the territory proposed to be annexed who voted in the last ~~((general))~~ municipal general election may file a petition with the district commissioners and cause the question to be submitted to the voters of the territory whether such territory will be annexed and become a part of the district. If the commissioners concur in the petition, they shall file it with the county auditor of ~~((each))~~ the county in which all or the largest geographic portion of the real property proposed to be annexed is located, who shall, within ten days, examine ~~((and validate))~~ the signatures thereon and certify to the sufficiency or insufficiency thereof~~((; and for such purpose the county auditor shall have access to all registration books in the possession of the officers of any city or town in the proposed district))~~. If the area proposed to be annexed is located in more than one county, the auditor of the county in which the largest geographic portion of the area proposed to be annexed is located shall be the lead auditor and shall immediately transfer a copy of the petitions to the auditor of each other county in which the area proposed to be annexed is located. Within ten days after the lead auditor received the petition, the auditors of these other counties shall certify to the lead auditor: (1) The number of voters of that county residing in the area proposed to be annexed who voted at the last municipal general election; and (2) the number of valid signatures on the petition of voters of that county residing in the area proposed to be annexed. The lead auditor shall certify the sufficiency of the petition after receiving this information. If the petition contains a sufficient number of valid signatures, the lead county auditor ~~((of the county in which the real property proposed to be annexed is located))~~ shall transmit it, together with a certificate of sufficiency attached thereto, to the ~~((water))~~ commissioners of the district.

If there are no registered voters residing in the territory to be annexed, the petition may be signed by such a number as appear of record to own at least a majority of the acreage in the territory, and the petition shall disclose the total number of acres of land in the territory and the names of all record owners of land therein. If the commissioners are satisfied as to the sufficiency of the petition and concur therein, they shall send it, together with their certificate of concurrence attached thereto to the county legislative authority of each county in which the territory proposed to be annexed is located.

The county legislative authority, upon receipt of a petition certified to contain a sufficient number of signatures of registered voters, or upon receipt of a petition signed by such a number as own at least a majority of the acreage, together with a certificate of concurrence signed by the ~~((water))~~ commissioners, at a regular or special meeting shall cause to be published once a week for at least two weeks in a newspaper in general circulation throughout the territory proposed to be annexed a notice that the petition has been filed, stating the time of the meeting at which it shall be presented, and setting forth the boundaries of the territory proposed to be annexed.

**Sec. 903.** RCW 57.24.020 and 1982 1st ex.s. c 17 s 22 are each amended to read as follows:

When such petition is presented for hearing, the legislative authority of each county in which the territory proposed to be annexed is located shall hear the petition or may adjourn the hearing from time to time not exceeding one month in all, and any person, firm, or corporation may appear before the county legislative authority and make objections to the proposed boundary lines or to annexation of the territory described in the petition. Upon a final hearing each county legislative authority shall make such changes in the proposed boundary lines within the county as ~~((they))~~ it deems to be proper and shall establish and define such boundaries and shall find whether the proposed annexation as established by the county legislative authority to the ~~((water))~~ district will be conducive to the public health, welfare and convenience and will be of special benefit to the land included within the boundaries of the territory proposed to be annexed to the ~~((water district of the territory proposed to be annexed to the water))~~ district. No lands which will not, in the judgment of the county legislative authority, be benefited by inclusion therein, shall be included within the boundaries of the territory as so established and defined. No change shall be made by the county legislative authority in the boundary lines, including any territory outside of the boundary lines described in the petition. No person having signed such petition shall be allowed to withdraw ~~((his))~~ such person's name therefrom after the filing of the petition with the board of ~~((water))~~ commissioners.

Upon the entry of the findings of the final hearing each county legislative authority, if ~~((they))~~ it finds the proposed annexation to be conducive to the public health, welfare, and convenience and to be of special benefit to the land proposed to be annexed and included within the boundaries of the district, shall give notice of a special election to be held within the boundaries of the territory proposed to be annexed to the ~~((water))~~ district for the purpose of determining whether the same shall be annexed to the ~~((water))~~ district. The notice shall particularly describe the boundaries established by the county legislative authority, and shall state the name of the ~~((water))~~ district to which the territory is proposed to be annexed, and the notice shall be published in a newspaper of general circulation in the territory proposed to be annexed at least once a week for a minimum of two successive weeks prior to the election and shall be posted for the same period in at least four public places within the boundaries of the territory proposed to be annexed, which notice shall designate the places within the territory proposed to be annexed where the election shall be held, and the proposition to the voters shall be expressed on ballots which contain the words:

For Annexation to ~~((Water))~~ District

or

Against Annexation to ~~((Water))~~ District

The county legislative authority shall name the persons to act as judges at ~~((such))~~ that election.

**Sec. 904.** RCW 57.24.040 and 1929 c 114 s 16 are each amended to read as follows:

The ~~((said))~~ annexation election shall be held on the date designated in ~~((such))~~ the notice and shall be conducted in accordance with the general election laws of the state. ~~((In the event))~~ If the original petition for annexation is signed by qualified ~~((electors))~~ voters, then only qualified ~~((electors;))~~ voters at the date of election~~((;))~~ residing in the territory proposed to be annexed, shall be permitted to vote at the ~~((said))~~ election. ~~((In the event))~~

If the original petition for annexation is signed by property owners as provided for in this ~~((aet))~~ chapter, then no person shall be entitled to vote at ~~((such))~~ that election unless at the time of the filing of the original petition he or she owned land in the district of record and in addition thereto at the date of election shall be a qualified ~~((elector))~~ voter of the county in which such district is located. It shall be the duty of the county auditor, upon request of the county ~~((commissioners))~~ legislative authority, to certify ~~((to the election officers of any such election;))~~ the names of all persons owning land in the district at the date of the filing of the original petition as shown by the records of ~~((his))~~ the auditor's office; and at any such election the ~~((election officers))~~ county auditor may require any such ~~((landowner))~~ property owner offering to vote to take an oath that ~~((he))~~ the property owner is a qualified ~~((elector))~~ voter of the county before ~~((he))~~ the property owner shall be allowed to vote~~((; PROVIDED, That))~~. However, at any election held under the provisions of this ~~((aet))~~ chapter an officer or agent of any corporation having its principal place of business in ~~((said))~~ the county and owning land at the date of filing the original petition in the district duly authorized ~~((thereto))~~ in writing may cast a vote on behalf of such corporation. When so voting ~~((he))~~ the person shall file with the ~~((election officers))~~ county auditor such a written instrument of ~~((his))~~ that person's authority. ~~((The judge or judges at such election shall make return thereof to the board of water commissioners, who shall canvass such return and cause a statement of the result of such election to be entered on the record of such commissioners;))~~

If the majority of the votes cast upon the question of such election shall be for annexation, then ~~((such))~~ the territory concerned shall immediately be and become annexed to such ~~((water))~~ district and the same shall then forthwith be a part of the ~~((said water))~~ district, the same as though originally included in ~~((such))~~ that district.

**Sec. 905.** RCW 57.24.050 and 1929 c 114 s 17 are each amended to read as follows:

All elections held pursuant to this ~~((aet))~~ chapter, whether general or special, shall be conducted by the county election board of the county in which the district is located. The expense of all such elections shall be paid for out of the funds of such ~~((water))~~ district.

**Sec. 906.** RCW 57.24.070 and 1985 c 141 s 8 are each amended to read as follows:

As an alternative method of annexation, a petition for annexation of an area contiguous to a ~~((water))~~ district may be made in writing, addressed to and filed with the board of commissioners of the district to which annexation is desired. It must be signed by the owners, according to the records of the county auditor, of not less than sixty percent of the area of land for which annexation is petitioned, excluding county and state rights of way, parks, tidelands, lakes, retention ponds, and stream and water courses. Additionally, the petition shall set forth a description of the property according to government legal subdivisions or legal plats, and shall be accompanied by a plat which outlines the boundaries of the property sought to be annexed. ~~((Such))~~ Those county and state properties shall be excluded from local improvement districts or utility local improvement districts in the annexed area and from special assessments, rates, or charges of the district except where service has been regulated and provided to such properties. The owners of such property shall be invited to be included within local improvement districts or utility local improvement districts at the time they are proposed for formation.

**Sec. 907.** RCW 57.24.090 and 1953 c 251 s 20 are each amended to read as follows:

Following the hearing the board of commissioners shall determine by resolution whether annexation shall be made. It may annex all or any portion of the proposed area but may not include in the annexation any property not described in the petition. Upon passage of the resolution a certified copy shall be filed with the ~~((board of county commissioners))~~ legislative authority of the county in which the annexed property is located.

**Sec. 908.** RCW 57.24.170 and 1982 c 146 s 4 are each amended to read as follows:

When there is, within a ~~((water))~~ district, unincorporated territory containing less than one hundred acres and having at least eighty percent of the boundaries of such area contiguous to the ~~((water))~~ district, the board of commissioners may resolve to annex ~~((such))~~ that territory to the ~~((water))~~ district. The resolution shall describe the boundaries of the area to be annexed, state the number of voters residing therein as nearly as may be, and set a date for a public hearing on such resolution for annexation. Notice of the hearing shall be given by publication of the resolution at least once a week for two weeks prior to the date of the hearing, in one or more newspapers of general circulation within the ~~((water))~~ district and one or more newspapers of general circulation within the area to be annexed.

**Sec. 909.** RCW 57.24.180 and 1982 c 146 s 5 are each amended to read as follows:

On the date set for hearing under RCW 57.24.170, residents or property owners of the area included in the resolution for annexation shall be afforded an opportunity to be heard. The board of commissioners may provide by resolution for annexation of the territory described in the resolution, but the effective date of the resolution shall be not less than forty-five days after the passage thereof. The board of commissioners shall cause notice of the proposed effective date of the annexation, together with a description of the property to be annexed, to be published at least once each week for two weeks subsequent to passage of the resolution, in one or more newspapers of general circulation within the ~~((water))~~ district and in one or more newspapers of general circulation within the area to be annexed. Upon the filing of a timely and sufficient referendum petition under RCW 57.24.190, a referendum election shall be held under RCW 57.24.190, and the

annexation shall be deemed approved by the voters unless a majority of the votes cast on the proposition are in opposition thereto. After the expiration of the forty-fifth day from ~~(;)~~ but excluding the date of passage of the annexation resolution, if no timely and sufficient referendum petition has been filed, under RCW 57.24.190, the area annexed shall become a part of the ~~((water))~~ district upon the date fixed in the resolution of annexation.

**Sec. 910.** RCW 57.24.190 and 1990 c 259 s 32 are each amended to read as follows:

~~((Such))~~ The annexation resolution under RCW 57.24.180 shall be subject to referendum for forty-five days after the passage thereof. Upon the filing of a timely and sufficient referendum petition with the board of commissioners, signed by registered voters in number equal to not less than ten percent of the registered voters in the area to be annexed who voted in the last ~~((general))~~ municipal general election, the question of annexation shall be submitted to the voters of such area in a general election if one is to be held within ninety days or at a special election called for that purpose by the board of commissioners in accordance with RCW 29.13.010 and 29.13.020. Notice of ~~((such))~~ that election shall be given under RCW 57.24.020 and the election shall be conducted under RCW 57.24.040. The annexation shall be deemed approved by the voters unless a majority of the votes cast on the proposition are in opposition thereto.

After the expiration of the forty-fifth day from but excluding the date of passage of the annexation resolution, if no timely and sufficient referendum petition has been filed, the area annexed shall become a part of the ~~((water))~~ district upon the date fixed in the resolution of annexation upon transmitting the resolution to the county legislative authority.

**Sec. 911.** RCW 57.24.200 and 1986 c 258 s 2 are each amended to read as follows:

~~((Water))~~ A district~~((s))~~ may expend funds to inform residents in areas proposed for annexation into the district of the following:

- (1) Technical information and data;
- (2) The fiscal impact of the proposed improvement; and
- (3) The types of improvements planned.

Expenditures under this section shall be limited to research, preparation, printing, and mailing of the information.

**Sec. 912.** RCW 57.24.210 and 1995 c 279 s 2 are each amended to read as follows:

When there is unincorporated territory containing less than one hundred acres and having at least eighty percent of the boundaries of such area contiguous to two municipal corporations providing water service, one of which is ~~((either a water or sewer))~~ a water-sewer district, the legislative authority of either of the contiguous municipal corporations may resolve to annex such territory to that municipal corporation, provided a majority of the legislative authority of the other contiguous municipal corporation concurs. In such event, the municipal corporation resolving to annex such territory may proceed to effect the annexation by complying with RCW 57.24.170 through 57.24.190. For purposes of this section, "municipal corporation" means a ~~((water district, sewer))~~ water-sewer district, city, or town.

**Sec. 913.** RCW 57.24.220 and 1994 c 292 s 8 are each amended to read as follows:

A ~~((water))~~ district assuming responsibility for a water system that is not in compliance with state or federal requirements for public drinking water systems, and its agents and employees, are immune from lawsuits or causes of action, based on noncompliance with state or federal requirements for public drinking water systems, which predate the date of assuming responsibility and continue after the date of assuming responsibility, provided that the ~~((water))~~ district has submitted and is complying with a plan and schedule of improvements approved by the department of health. This immunity shall expire on the earlier of the date the plan of improvements is completed or four years from the date of assuming responsibility. This immunity does not apply to intentional injuries, fraud, or bad faith.

## PART X - WITHDRAWAL OF TERRITORY

**Sec. 1001.** RCW 57.28.001 and 1989 c 84 s 59 are each amended to read as follows:

Actions taken under this chapter ~~((57.28 RCW))~~ may be subject to potential review by a boundary review board under chapter 36.93 RCW.

**Sec. 1002.** RCW 57.28.010 and 1941 c 55 s 1 are each amended to read as follows:

Territory within ~~((an established water))~~ a district ~~((for public supply systems))~~ may be withdrawn therefrom in the following manner and upon the following conditions: The petition for withdrawal shall be in writing and shall designate the boundaries of the territory proposed to be withdrawn from the district and shall be signed by at least twenty-five percent of the qualified ~~((electors))~~ voters residing within the territory so designated who are qualified ~~((electors))~~ voters on the date of filing such petition. The petition shall set forth that the territory proposed to be withdrawn is of such location or character that water and sewer services cannot be furnished to it by ~~((such water))~~ the district at reasonable cost, and shall further set forth that the withdrawal of such territory will be of benefit to such territory and conducive to the general welfare of the balance of the district.

**Sec. 1003.** RCW 57.28.020 and 1982 1st ex.s. c 17 s 23 are each amended to read as follows:

The petition for withdrawal shall be filed with the county ~~((election officer))~~ auditor of each county in which the ~~((water))~~ district is located, and after the filing no person having signed the petition shall be allowed to withdraw ~~((his))~~ the person's name therefrom. Within ten days after such filing, each county ~~((election officer))~~ auditor shall examine and verify the signatures of signers residing in the respective county. ~~((For such purpose the county election officer shall have access to all appropriate registration books in the possession of the election~~

~~officers of any incorporated city or town within the water district.))~~ The petition shall be transmitted to the ~~((election officer))~~ auditor of the county in which ~~((the largest land area))~~ all or the major geographic portion of the district is located, who shall certify to the sufficiency or insufficiency of the signatures. If the area proposed to be withdrawn is located in more than one county, the auditor of the county in which the largest geographic portion of the area proposed to be withdrawn is located shall be the lead auditor and shall immediately transfer a copy of the petitions to the auditor of each other county in which the area proposed to be withdrawn is located. Within ten days after the lead auditor received the petition, the auditors of these other counties shall certify to the lead auditor: (1) The number of voters of that county residing in the area proposed to be withdrawn who voted at the last municipal general election; and (2) the number of valid signatures on the petition of voters of that county residing in the area proposed to be withdrawn. The lead auditor shall certify the sufficiency of the petition after receiving this information. If such petition be found by such county ~~((election officer))~~ auditor to contain sufficient signatures, the petition, together with a certificate of sufficiency attached thereto, shall be transmitted to the board of commissioners of the ~~((water))~~ district.

**Sec. 1004.** RCW 57.28.030 and 1941 c 55 s 3 are each amended to read as follows:

In the event there are no qualified ~~((electors))~~ voters residing within the territory proposed to be withdrawn, ~~((then))~~ the petition for withdrawal may be signed by such persons as appear of record to own at least a majority of the acreage within such territory, in which event the petition shall also state the total number of acres and the names of all record owners of the land within such territory. The petition so signed shall be filed with the board of commissioners of the ~~((water))~~ district, and after such filing no person having signed the same shall be allowed to withdraw ~~((his))~~ that person's name.

**Sec. 1005.** RCW 57.28.035 and 1985 c 153 s 1 are each amended to read as follows:

As an alternative procedure to those set forth in RCW 57.28.010 through 57.28.030, the withdrawal of territory within a ~~((water))~~ district may be commenced by a resolution of the board of commissioners that sets forth boundaries of the territory to be withdrawn and sets a date for the public hearing required under RCW 57.28.050. Upon the final hearing, the board of commissioners shall make such changes in the proposed boundaries as they deem proper, except that no changes in the boundary lines may be made by the board of commissioners to include lands not within the boundaries of the territory as described in such resolution.

Whenever the board of commissioners proposes to commence the withdrawal of any portion of ~~((their))~~ its territory located within a city or town using the alternative procedures herein authorized, ~~((they))~~ it shall first notify such city or town of their intent to withdraw ~~((said))~~ the territory. If the legislative authority of the city or town takes no action within sixty days of receipt of notification, the district may proceed with the resolution method.

If the city or town legislative authority disapproves of use of the alternative procedures, the board of commissioners may proceed using the process established ~~((pursuant to))~~ under RCW 57.28.010 through 57.28.030.

A withdrawal procedure commenced under this section shall be subject to the procedures and requirements set forth in RCW 57.28.040 through 57.28.110.

**Sec. 1006.** RCW 57.28.040 and 1985 c 469 s 59 are each amended to read as follows:

Upon receipt by the board of commissioners of a petition and certificate of sufficiency of the auditor, or if the petition is signed by landowners and the board of commissioners ~~((are))~~ is satisfied as to the sufficiency of the signatures thereon, ~~((they))~~ it shall at a regular or special meeting fix a date for hearing on the petition and give notice that the petition has been filed, stating the time and place of the meeting of the board of commissioners at which the petition will be heard and setting forth the boundaries of the territory proposed to be withdrawn. The notice shall be published at least once a week for two successive weeks in a newspaper of general circulation therein, and if no such newspaper is printed in the county, then in some newspaper of general circulation in the county and district. Any additional notice of the hearing may be given as the board of commissioners may by resolution direct.

Prior to fixing the time for a hearing on any such petition, the board of commissioners in ~~((their))~~ its discretion may require the petitioners to furnish a satisfactory bond conditioned that the petitioners shall pay all costs incurred by the ~~((water))~~ district in connection with the petition, including the cost of an election if one is held pursuant thereto, and should the petitioners fail or refuse to post such a bond, if one is required by the ~~((water))~~ district board of commissioners, then there shall be no duty on the part of the board of commissioners to act upon the petition.

**Sec. 1007.** RCW 57.28.050 and 1986 c 109 s 1 are each amended to read as follows:

The petition for withdrawal shall be heard at the time and place specified in such notice or the hearing may be adjourned from time to time, not exceeding one month in all, and any person may appear at such hearing and make objections to the withdrawal of such territory or to the proposed boundary lines thereof. Upon final hearing on the petition for withdrawal, the board of commissioners of the ~~((water))~~ district shall make such changes in the proposed boundary lines as ~~((they))~~ it deems to be proper, except that no changes in the boundary lines shall be made by the board of commissioners to include lands not within the boundaries of the territory as described in such petition. In establishing and defining such boundaries the board of commissioners shall exclude any property which is then being furnished with water or sewer service by the ~~((water))~~ district or which is included in any distribution or collection system the construction of ~~((which has been duly authorized or))~~ which is included within any duly established local improvement district or utility local improvement district, and the territory as finally established and defined must be substantial in area and consist of adjoining or contiguous properties. The board of commissioners shall thereupon make and by resolution adopt findings of fact as to the following questions:

- (1) Would the withdrawal of such territory be of benefit to such territory?
- (2) Would such withdrawal be conducive to the general welfare of the balance of the district?

Such findings shall be entered in the records of the ((water)) district, together with any recommendations the board of commissioners may by resolution adopt.

**Sec. 1008.** RCW 57.28.060 and 1982 1st ex.s. c 17 s 24 are each amended to read as follows:

Within ten days after the final hearing the board of commissioners of the ((water)) district shall transmit to the county legislative authority of each county in which the ((water)) district is located the petition for withdrawal, together with a copy of the findings and recommendations of the board of commissioners of the ((water)) district certified by the secretary of the ((water)) district to be a true and correct copy of such findings and recommendations as the same appear on the records of the ((water)) district.

**Sec. 1009.** RCW 57.28.070 and 1982 1st ex.s. c 17 s 25 are each amended to read as follows:

Upon receipt of the petition and certified copy of the findings and recommendations adopted by the ((water)) district commissioners, the county legislative authority of each county in which the district is located at a regular or special meeting shall fix a time and place for hearing thereon and shall cause to be published at least once a week for two or more weeks in successive issues of a newspaper of general circulation in the ((water)) district, a notice that such petition has been presented to the county legislative authority stating the time and place of the hearing thereon, setting forth the boundaries of the territory proposed to be withdrawn as such boundaries are established and defined in the findings or recommendations of the board of commissioners of the ((water)) district.

**Sec. 1010.** RCW 57.28.080 and 1941 c 55 s 8 are each amended to read as follows:

~~((Such))~~ The petition shall be heard at the time and place specified in ~~((such))~~ the notice, or the hearing may be adjourned from time to time, not exceeding one month in all, and any person may appear at ~~((such))~~ the hearing and make objections to the withdrawal of ~~((such))~~ the territory. Upon final hearing on ~~((such))~~ the petition the ~~((said))~~ county ~~((commissioners))~~ legislative authority shall thereupon make, enter, and by resolution adopt ~~((their))~~ its findings of fact on the questions ~~((above))~~ set forth in RCW 57.28.050. If ~~((such))~~ the findings of fact answer ~~((said))~~ the questions affirmatively, and if they are the same as the findings made by the ((water)) district commissioners, then the county ~~((commissioners))~~ legislative authority shall by resolution declare that ~~((such))~~ the territory be withdrawn from ~~((such-water))~~ that district, and thereupon ~~((such))~~ the territory shall be withdrawn and excluded from ~~((such-water))~~ that district the same as if it had never been included therein except for the lien of taxes as hereinafter set forth ~~((, provided, that))~~. However, the boundaries of the territory withdrawn shall be the boundaries established and defined by the ~~((said-water))~~ district board of commissioners and shall not be altered or changed by the county ~~((commissioners))~~ legislative authority unless the unanimous consent of the ((water)) district commissioners be given in writing to any such alteration or change.

**Sec. 1011.** RCW 57.28.090 and 1982 1st ex.s. c 17 s 26 are each amended to read as follows:

If the findings of any county legislative authority answer any of ~~((such))~~ the questions of fact set forth in RCW 57.28.050 in the negative, or if any of the findings of the county legislative authority are not the same as the findings of the ((water)) district board of commissioners upon the same question, then in either of such events, the petition for withdrawal shall be deemed denied. Thereupon, and in such event, the county legislative authority of each county in which the district is located shall by resolution cause a special election to be held not less than thirty days or more than sixty days from the date of the final hearing of any county legislative authority upon the petition for withdrawal, at which election the proposition expressed on the ballots shall be substantially as follows:

"Shall the territory established and defined by the ((water)) district board of commissioners at ~~((their))~~ its meeting held on the . . . . . (insert date of final hearing of ((water)) district board of commissioners upon the petition for withdrawal) be withdrawn from ((water)) district . . . . . (naming it).

YES  NO

**Sec. 1012.** RCW 57.28.100 and 1982 1st ex.s. c 17 s 27 are each amended to read as follows:

Notice of ~~((such))~~ the election shall be posted and published in the same manner provided by law for the posting and publication of notice of elections to annex territory to ((water)) districts. The territory described in the notice shall be that established and defined by the ((water)) district board of commissioners. All qualified voters residing within the ((water)) district shall have the right to vote at the election. If a majority of the votes cast favor the withdrawal from the ((water)) district of such territory, then within ten days after the official canvass of ~~((such))~~ the election the county legislative authority of each county in which the district is located ~~((,))~~ shall by resolution establish that the territory has been withdrawn, and the territory shall thereupon be withdrawn and excluded from the ((water)) district the same as if it had never been included therein except for the lien of any taxes as hereinafter set forth.

**Sec. 1013.** RCW 57.28.110 and 1941 c 55 s 11 are each amended to read as follows:

~~((Any and all))~~ Taxes or assessments levied or assessed against property located in territory withdrawn from a ((water)) district shall remain a lien and be ~~((collectible))~~ collected as by law provided when ~~((such))~~ the taxes or assessments are levied or assessed prior to ~~((such))~~ the withdrawal or when ~~((such))~~ the levies or assessments are duly made to provide revenue for the payment of general obligations or general obligation bonds of the ((water)) district duly incurred or issued prior to ~~((such))~~ the withdrawal.

## PART XI - CONSOLIDATION OF DISTRICTS AND TRANSFER OF TERRITORY

**Sec. 1101.** RCW 57.32.001 and 1989 c 84 s 60 are each amended to read as follows:

Actions taken under this chapter (~~(57.32-RCW)~~) may be subject to potential review by a boundary review board under chapter 36.93 RCW.

**Sec. 1102.** RCW 57.32.010 and 1989 c 308 s 11 are each amended to read as follows:

Two or more ~~((water))~~ districts may be joined into one consolidated ~~((water))~~ district. The consolidation may be initiated in either of the following ways: (1) Ten percent of the ~~((legal electors))~~ voters residing within each of the ~~((water))~~ districts proposed to be consolidated may petition the board of ~~((water))~~ commissioners of ~~((each of))~~ their respective ~~((water))~~ districts to cause the question to be submitted to the ~~((legal electors))~~ voters of the ~~((water))~~ districts proposed to be consolidated; or (2) the board~~((s))~~ of ~~((water))~~ commissioners of each of the ~~((water))~~ districts proposed to be consolidated may by resolution determine that the consolidation of the districts shall be conducive to the public health, welfare, and convenience and to be of special benefit to the lands of the districts.

**Sec. 1103.** RCW 57.32.020 and 1982 1st ex.s. c 17 s 30 are each amended to read as follows:

If the consolidation proceedings are initiated by petitions, upon the filing of such petitions with the boards of ~~((water))~~ commissioners of the ~~((water))~~ districts, the boards of ~~((water))~~ commissioners of each district shall file such petitions with the ~~((election officer))~~ auditor of ~~((each))~~ the county in which ~~((any))~~ all or the largest geographic portion of the respective districts is located, who shall within ten days examine and verify the signatures of the signers residing in the county. ~~((The petition shall be transmitted by the other county election officers to the county election officer of the county in which the largest land area involved in the petitions is located, who shall certify to the sufficiency or insufficiency of the signatures.))~~ If the districts proposed to be consolidated include areas located in more than one county, the auditor of the county in which the largest geographic portion of the consolidating districts is located shall be the lead auditor and shall immediately transfer a copy of the petitions to the auditor of each other county in which the consolidating districts are located. Within ten days after the lead auditor received the petition, the auditors of these other counties shall certify to the lead auditor: (1) The number of voters of that county residing in each consolidating district; and (2) the number of valid signatures on the petition of voters of that county residing in each consolidating district. The lead auditor shall certify the sufficiency of the petition after receiving this information. If all of such petitions shall be found to contain a sufficient number of signatures, the county ~~((election officer))~~ auditor shall transmit the same, together with a certificate of sufficiency attached thereto, to the board~~((s))~~ of ~~((water))~~ commissioners of each of the districts proposed for consolidation. ~~((In the event that))~~

If there are no ~~((legal electors))~~ voters residing in one or more of the ~~((water))~~ districts proposed to be consolidated, such petitions may be signed by such a number of landowners as appear of record to own at least a majority of the acreage in the pertinent ~~((water))~~ district, and the petitions shall disclose the total number of acres of land in ~~((the said water))~~ that district and shall also contain the names of all record owners of land therein.

**Sec. 1104.** RCW 57.32.021 and 1967 ex.s. c 39 s 8 are each amended to read as follows:

Upon receipt by the boards of ~~((water))~~ commissioners of the districts proposed for consolidation, hereinafter referred to as the "consolidating districts", of the lead county auditor's certificate of sufficiency of the petitions, or upon adoption by the boards of ~~((water))~~ commissioners of the consolidating districts of their resolutions for consolidation, the boards of ~~((water))~~ commissioners of the consolidating districts shall, within ninety days, enter into an agreement providing for consolidation. The agreement shall set forth the method and manner of consolidation, a comprehensive plan or scheme of water supply, sewer, and drainage services for the consolidated district, and~~((r))~~ if the comprehensive plan or scheme of water supply, sewer, and drainage services provides that one or more of the consolidating districts or the proposed consolidated district issue revenue bonds for either the construction ~~((and/or))~~ or other costs of any part or all of ~~((said))~~ the comprehensive plan, or both, then the details thereof shall be set forth. The requirement that a comprehensive plan or scheme of water supply, sewer, and drainage services for the consolidated district be set forth in the agreement for consolidation~~((r))~~ shall be satisfied if the existing comprehensive plans or schemes of the consolidating districts are incorporated therein by reference and any changes or additions thereto are set forth in detail.

**Sec. 1105.** RCW 57.32.022 and 1994 c 223 s 71 are each amended to read as follows:

The ~~((respective))~~ boards of ~~((water))~~ commissioners of the consolidating districts shall certify the agreement to the county ~~((election officer))~~ auditors of ~~((each county))~~ the respective counties in which the districts are located. A special election shall be called by the county ~~((election officer))~~ auditors for the purpose of submitting to the voters of each of the consolidating districts the proposition of whether or not the several districts shall be consolidated into one ~~((water))~~ district. The proposition shall give the title of the proposed consolidated district. Notice of the election shall be given and the election conducted in accordance with the general election laws.

**Sec. 1106.** RCW 57.32.023 and 1994 c 223 s 72 are each amended to read as follows:

If at the election a majority of the voters in each of the consolidating districts vote in favor of the consolidation, the county canvassing board shall so declare in its canvass and the return of such election shall be made within ten days after the date thereof. Upon the return the consolidation shall be effective and the consolidating districts shall cease to exist and shall then be and become a new ~~((water))~~ district and municipal corporation of the state of Washington. The name of ~~((such))~~ the new ~~((water))~~ district shall be "~~((Water District No.~~

~~Water-Sewer District," " . . . . . Water District," " . . . . . Sewer District," or " . . . . . District No.,"~~(~~z~~) which shall be the name appearing on the ballot. The district shall have all and every power, right, and privilege possessed by other water-sewer, sewer, or water districts of the state of Washington. The district may issue revenue bonds to pay for the construction of any additions and betterments set forth in the comprehensive plan of water supply, sewer, and drainage services contained in the agreement for consolidation and any future additions and betterments to the comprehensive plan of water supply, sewer, and drainage services, as its board of ~~((water))~~ district commissioners shall by resolution adopt, without submitting a proposition therefor to the voters of the district.

**Sec. 1107.** RCW 57.32.024 and 1967 ex.s. c 39 s 11 are each amended to read as follows:

Upon the formation of any consolidated ~~((water))~~ district, all funds, rights, and property, real and personal, of the former districts, shall vest in and become the property of the consolidated district. Unless the agreement for consolidation provides to the contrary, any outstanding indebtedness of any form, owed by the districts, shall remain the obligation of the area of the original debtor district and the ~~((water))~~ board of commissioners of the consolidated ~~((water))~~ district shall make such levies, assessments, or charges for service upon that area or the ~~((water))~~ users therein as shall pay off the indebtedness at maturity.

**Sec. 1108.** RCW 57.32.130 and 1985 c 141 s 9 are each amended to read as follows:

The ~~((water))~~ commissioners of ~~((all-water))~~ the districts consolidated into any new consolidated ~~((water))~~ district shall become ~~((water))~~ commissioners thereof until their respective terms of office expire or until they resign from office if the resignation is before the expiration of their terms of office. At each election of ~~((water))~~ commissioners following the consolidation, only one position shall be filled, so that as the terms of office expire, the total number of ~~((water))~~ commissioners in the consolidated ~~((water))~~ district shall be reduced to three. However, if the agreement provides that the consolidated district eventually will be governed by a five-member board of commissioners, one commissioner shall be elected to a six-year term of office at the first district general election following the consolidation, two commissioners shall be elected to six-year terms of office at the second district general election following the consolidation, and two commissioners shall be elected to six-year terms of office at the third district general election following the consolidation.

**Sec. 1109.** RCW 57.32.160 and 1987 c 449 s 18 are each amended to read as follows:

A part of one ~~((water or sewer))~~ district may be transferred into an adjacent ~~((water))~~ district if the area can be better served thereby. Such transfer can be accomplished by a petition, directed to both districts, signed by the owners according to the records of the county auditor of not less than sixty percent of the area of land to be transferred. If a majority of the commissioners of each district approves the petition, copies of the approving resolutions shall be filed with the county legislative authority which shall act upon the petition as a proposed action in accordance with RCW 57.02.040.

## PART XII - MERGER OF DISTRICTS

**Sec. 1201.** RCW 57.36.001 and 1989 c 84 s 61 are each amended to read as follows:

Actions taken under this chapter ~~((57.36-RCW))~~ may be subject to potential review by a boundary review board under chapter 36.93 RCW.

**Sec. 1202.** RCW 57.36.010 and 1989 c 308 s 12 are each amended to read as follows:

Whenever ~~((two-water))~~ one or more districts desire to merge~~((either district, hereinafter))~~ into another district, the district or districts desiring to merge into the other district shall be referred to as the "merging district"~~((may merge into the other district, hereinafter))~~ or "merging districts" and the district into which the merging district or districts desire to merge shall be referred to as the "merger district."~~((and))~~ after the merger, the merger district ~~((will))~~ shall survive under its original name or number.

**Sec. 1203.** RCW 57.36.020 and 1967 ex.s. c 39 s 4 are each amended to read as follows:

A merger of ~~((two-water))~~ districts may be initiated in either of the following ways:

- (1) Whenever the boards of ~~((water))~~ commissioners of ~~((both-such))~~ districts determine by resolution that the merger of such districts shall be conducive to the public health, welfare, and convenience and to be of special benefit to the lands of such districts.
- (2) Whenever ten percent of the ~~((legal-electors))~~ voters residing within the merging district or districts petition the board of ~~((water))~~ commissioners of the merging ~~((water))~~ district or districts for a merger, and the board of ~~((water))~~ commissioners of the merger district determines by resolution that the merger of the districts shall be conducive to the public health, welfare, and convenience of the ~~((two))~~ districts.

**Sec. 1204.** RCW 57.36.030 and 1982 1st ex.s. c 17 s 33 are each amended to read as follows:

Whenever a merger is initiated in either of the two ways provided under this chapter, the boards of ~~((water))~~ commissioners of the ~~((two))~~ districts shall enter into an agreement providing for the merger. ~~((Said))~~ The agreement must be entered into within ninety days following completion of the last act in initiation of the merger.

The respective boards of ~~((water))~~ commissioners shall certify the agreement to the county ~~((election-officer))~~ auditor of each county in which the districts are located. ~~((The))~~ Each county ~~((election-officer))~~ auditor shall call a special election for the purpose of submitting to the voters of the ~~((merging))~~ respective districts the proposition of whether the merging district or districts shall be merged into the merger district. Notice of the elections shall be given and the elections conducted in accordance with the general election laws.

**Sec. 1205.** RCW 57.36.040 and 1982 c 104 s 2 are each amended to read as follows:

If at such election a majority of the voters of the merging ((water)) district or districts shall vote in favor of the merger, the county canvassing board shall so declare in its canvass and the return of such election shall be made within ten days after the date thereof, and upon such return the merger shall be effective and the merging ((water)) district or districts shall cease to exist and shall become a part of the merger ((water)) district. The ((water)) commissioners of the merging district or districts shall hold office as commissioners of the new ((consolidated water)) merged district until their respective terms of office expire or until they resign from office if the resignation is before the expiration of their terms of office. ~~((At the district election immediately preceding the time when the total number of remaining water commissioners is reduced to two through expiration of terms of office, one water commissioner shall be elected for a four year term of office. At the next district election, one water commissioner shall be elected for a four year term of office and one shall be elected for a six year term of office. Thereafter, each water commissioner shall be elected for a six year term of office in the manner provided by RCW 57.12.020 and 57.12.030 for elections in an existing district.))~~ The election of commissioners in the merger district after the merger shall occur as provided in RCW 57.32.130 in a consolidated district after the consolidation.

**Sec. 1206.** RCW 57.40.135 and 1988 c 162 s 4 are each amended to read as follows:

A person who serves on the board of commissioners of a ((sewer)) merging district ~~((that merges under this chapter into a water district, for which the person also serves on the board of commissioners, shall only hold one position on the board of commissioners of the district that results from the merger))~~ and a merger district shall hold only one position on the board of commissioners of the merger district and shall only receive compensation, expenses, and benefits that are available to a single commissioner.

**Sec. 1207.** RCW 57.36.050 and 1967 ex.s. c 39 s 7 are each amended to read as follows:

All funds and property, real and personal, of the merging district or districts, shall vest in and become the property of the merger district. Unless the agreement of merger provides to the contrary, any outstanding indebtedness of any form, owed by the districts, shall remain the obligation of the area of the original debtor district; and the ((water)) commissioners of the merger ((water)) district shall make such levies, assessments, or charges for service upon ~~((said))~~ such area or the ((water)) users therein as shall pay off such indebtedness at maturity.

### PART XIII - DISPOSITION OF PROPERTY

**Sec. 1301.** RCW 57.42.010 and 1973 1st ex.s. c 56 s 1 are each amended to read as follows:

Subject to the provisions of RCW 57.42.020 and 57.42.030, any ((water)) district created under the provisions of this title may sell, transfer, exchange, lease or otherwise dispose of any property, real or personal, or property rights, including but not limited to the title to real property, to a public utility district in the same county on such terms as may be mutually agreed upon by the board of commissioners of each district.

**Sec. 1302.** RCW 57.42.020 and 1973 1st ex.s. c 56 s 2 are each amended to read as follows:

No ((water)) district shall dispose of its property to a public utility district unless the respective board of commissioners of each district shall determine by resolution that such disposition is in the public interest and conducive to the public health, welfare, and convenience. Copies of each resolution, together with copies of the proposed disposition agreement, shall be filed with the legislative authority of the county in which the ((water)) district is located(,) and with the superior court of that county. Unless the proposed agreement provides otherwise, any outstanding indebtedness of any form(,) owed by the water district(,) shall remain the obligation of the area of the ((water)) district, and the board of commissioners of the public utility district ~~((commissioners))~~ shall be empowered to make such levies, assessments, or charges upon that area or the water, sewer, or drainage users therein as shall pay off the indebtedness at maturity.

**Sec. 1303.** RCW 57.42.030 and 1973 1st ex.s. c 56 s 3 are each amended to read as follows:

Within ninety days after the resolutions and proposed agreement have been filed with the court, the court shall fix a date for a hearing and shall direct that notice of the hearing be given by publication. After reviewing the proposed agreement and considering other evidence presented at the hearing, the court may determine by decree that the proposed disposition is in the public interest and conducive to the public health, welfare, and convenience. In addition, the decree shall authorize the payment of all or a portion of the indebtedness of the ((water)) district relating to property disposed of under such decree. Pursuant to the court decree, the ((water)) district shall dispose of its property under the terms of the disposition agreement with the public utility district.

### PART XIV - LOW-INCOME CUSTOMER ASSISTANCE

**Sec. 1401.** RCW 57.46.010 and 1995 c 399 s 149 are each amended to read as follows:

A ((water)) district may include along with, or as part of its regular customer billings, a request for voluntary contributions to assist qualified low-income residential customers of the district in paying their ((water)) district bills. All funds received by the district in response to such requests shall be transmitted to the grantee of the department of community, trade, and economic development which administers federally funded energy assistance programs for the state in the district's service area or to a charitable organization within the

district's service area. All such funds shall be used solely to supplement assistance to low-income residential customers of the district in paying their ~~((water))~~ district bills. The grantee or charitable organization shall be responsible to determine which of the district's customers are qualified for low-income assistance and the amount of assistance to be provided to those who are qualified.

**Sec. 1402.** RCW 57.46.020 and 1995 c 399 s 150 are each amended to read as follows:

All assistance provided under this chapter shall be disbursed by the grantee or charitable organization. Where possible the ~~((water))~~ district ~~((with))~~ shall be paid on behalf of the customer by the grantee or the charitable organization. When direct vendor payment is not feasible, a check ~~((with))~~ shall be issued jointly payable to the customer and the ~~((water))~~ district. The availability of funds for assistance to a district's low-income customers as a result of voluntary contributions shall not reduce the amount of assistance for which the district's customers are eligible under the federally funded energy assistance programs administered by the grantee of the department of community, trade, and economic development within the district's service area. The grantee or charitable organization shall provide the district with a quarterly report on January 15th, April 15th, July 15th, and October 15th which includes information concerning the total amount of funds received from the district, the names of all recipients of assistance from these funds, the amount received by each recipient, and the amount of funds received from the district currently on hand and available for future low-income assistance.

**Sec. 1403.** RCW 57.46.030 and 1993 c 45 s 7 are each amended to read as follows:

Contributions received under a program implemented by a ~~((water))~~ district in compliance with this chapter shall not be considered a commingling of funds.

## PART XV - DISINCORPORATION

**Sec. 1501.** RCW 57.90.001 and 1989 c 84 s 63 are each amended to read as follows:

Actions taken under this chapter ~~((57.90 RCW))~~ may be subject to potential review by a boundary review board under chapter 36.93 RCW.

**Sec. 1502.** RCW 57.90.010 and 1991 c 363 s 137 are each amended to read as follows:

Water-sewer, sewer, water, ~~((sewer,))~~ park and recreation, metropolitan park, county rural library, cemetery, flood control, mosquito control, diking and drainage, irrigation or reclamation, weed, health, or fire protection districts, and any air pollution control authority, hereinafter referred to as "special districts~~((s))~~," which are located wholly or in part within a county with a population of two hundred ten thousand or more may be disincorporated when the district has not actively carried out any of the special purposes or functions for which it was formed within the preceding consecutive five-year period.

**Sec. 1503.** RCW 57.90.020 and 1982 1st ex.s. c 17 s 35 are each amended to read as follows:

Upon the filing with the county legislative authority of each county in which the district is located of a resolution of any governmental unit calling for the disincorporation of a special district, or upon the filing with the county legislative authority of each county in which the district is located of the petition of twenty percent of the ~~((qualified electors))~~ voters within a special district calling for the disincorporation of ~~((a))~~ the special district, the county legislative authority shall hold public hearings to determine whether or not any services have been provided within a consecutive five year period and whether the best interests of all persons concerned will be served by the proposed dissolution of the special district.

**Sec. 1504.** RCW 57.90.030 and 1963 c 55 s 3 are each amended to read as follows:

If the ~~((board of))~~ county ~~((commissioners))~~ legislative authority finds that no services have been provided within the preceding consecutive five-year period and that the best interests of all persons concerned will be served by disincorporating the special district, it shall order that such action be taken, specify the manner in which it is to be accomplished and supervise the liquidation of any assets and the satisfaction of any outstanding indebtedness.

**Sec. 1505.** RCW 57.90.040 and 1963 c 55 s 4 are each amended to read as follows:

~~((In the event))~~ If a special district is disincorporated the proceeds of the sale of any of its assets, together with money~~((s))~~ on hand in the treasury of the special district, shall after payment of all costs and expenses and all outstanding indebtedness be paid to the county treasurer to be placed to the credit of the school district, or districts, in which such special district is situated.

**Sec. 1506.** RCW 57.90.050 and 1963 c 55 s 5 are each amended to read as follows:

~~((In the event))~~ If a special district is disincorporated and the proceeds of the sale of any of its assets, together with money~~((s))~~ on hand in the treasury of the special district, are insufficient to retire any outstanding indebtedness, together with all costs and expenses of liquidation, the ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall levy assessments in the manner provided by law against the property in the special district in amounts sufficient to retire ~~((said))~~ the indebtedness and pay ~~((such))~~ the costs and expenses.

**Sec. 1507.** RCW 57.90.100 and 1971 ex.s. c 125 s 1 are each amended to read as follows:

Whenever as the result of abandonment of an irrigation district right of way real property held by an irrigation district is to be sold or otherwise disposed of, notice shall be given to the owners of the lands adjoining that real property and such owners shall have ~~((a))~~ the right of first refusal to purchase at the appraised price all or any part of the real property to be sold or otherwise disposed of which adjoins or is adjacent to their land.

Real property to be sold or otherwise disposed of under this section shall have been first appraised by the county assessor or by a person designated by ~~((him))~~ the county assessor.

Notice under this section shall be sufficient if sent by registered mail to the owner~~((and))~~ at the address~~((as))~~ shown in the tax records of the county in which the land is situated. Notice under this section shall be in addition to any ~~((other))~~ notice required by law.

After sixty days from the date of sending of notice, if no applications for purchase have been received by the irrigation district or other person or entity sending notice, the rights of first refusal of owners of adjoining lands shall be deemed to have been waived, and the real property may be ~~((sold or otherwise))~~ disposed of or sold.

If two or more owners of adjoining lands apply to purchase the same real property, or apply to purchase overlapping parts of the real property, the respective rights of the applicants may be determined in the superior court of the county in which the real property is situated~~((and))~~. The court may divide the real property in question between some or all of the applicants or award the whole to one applicant, as justice may require.

## PART XVI - TECHNICAL CORRECTIONS

**Sec. 1601.** RCW 35.13.900 and 1995 c 279 s 3 are each amended to read as follows:

Nothing in this chapter precludes or otherwise applies to an annexation by a city or town of unincorporated territory as authorized by RCW ~~((56.24.180, 56.24.200, and 56.24.205, or))~~ 57.24.170, 57.24.190, and 57.24.210.

**Sec. 1602.** RCW 35.58.570 and 1989 c 389 s 1 are each amended to read as follows:

(1) A metropolitan municipal corporation that is engaged in the transmission, treatment, and disposal of sewage may impose a capacity charge on users of the metropolitan municipal corporation's sewage facilities when the user connects, reconnects, or establishes a new service. The capacity charge shall be approved by the council of the metropolitan municipal corporation and reviewed and reapproved annually.

(2) The capacity charge shall be based upon the cost of the sewage facilities' excess capacity that is necessary to provide sewerage treatment for new users to the system. The capacity charge, which may be collected over a period of fifteen years, shall not exceed:

(a) Seven dollars per month per residential customer equivalent for connections and reconnections occurring prior to January 1, 1996; and

(b) Ten dollars and fifty cents per month per residential customer equivalent for connections and reconnections occurring after January 1, 1996, and prior to January 1, 2001.

For connections and reconnections occurring after January 1, 2001, the capacity charge shall not exceed fifty percent of the basic sewer rate per residential customer equivalent established by the metropolitan municipal corporation at the time of the connection or reconnection.

(3) The capacity charge for a building other than a single-family residence shall be based on the projected number of residential customer equivalents to be represented by the building, considering its intended use.

(4) The council of the metropolitan municipal corporation shall enforce the collection of the capacity charge in the same manner provided for the collection, enforcement, and payment of rates and charges for water-sewer districts provided in ~~((RCW 56.16.100 and 56.16.110))~~ section 314 of this act. At least thirty days before commencement of an action to foreclose a lien for a capacity charge, the metropolitan municipal corporation shall send written notice of delinquency in payment of the capacity charge to any first mortgage or deed of trust holder of record at the address of record.

(5) As used in this section, "sewage facilities" means capital projects identified since January 1, 1982, to July 23, 1989, in the metropolitan municipal corporation's comprehensive water pollution abatement plan. "Residential customer equivalent" shall have the same meaning used by the metropolitan municipal corporation in determining rates and charges at the time the capacity charge is imposed.

**Sec. 1603.** RCW 35.97.050 and 1983 c 216 s 5 are each amended to read as follows:

If the legislative authority of a municipality deems it advisable that the municipality purchase, acquire, or construct a heating system, or make any additions or extensions to a heating system, the legislative authority shall so provide by an ordinance or a resolution specifying and adopting the system or plan proposed, declaring the estimated cost thereof, as near as may be, and specifying the method of financing and source of funds. Any construction, alteration, or improvement of a heating system by any county, city, town, irrigation district, water-sewer district, ~~((sewer district))~~ or port district shall be in compliance with the appropriate competitive bidding requirements in Titles 35, 36, 53, ~~((56,))~~ 57, or 87 RCW.

**Sec. 1604.** RCW 35A.14.901 and 1995 c 279 s 4 are each amended to read as follows:

Nothing in this chapter precludes or otherwise applies to an annexation by a code city of unincorporated territory as authorized by RCW ~~((56.24.180, 56.24.200, and 56.24.205, or))~~ 57.24.170, 57.24.190, and 57.24.210.

**Sec. 1605.** RCW 35A.56.010 and 1987 c 331 s 79 are each amended to read as follows:

Except as otherwise provided in this title, state laws relating to special service or taxing districts shall apply to, grant powers, and impose duties upon code cities and their officers to the same extent as such laws apply to and affect other classes of cities and towns and their

employees, including, without limitation, the following: (1) Chapter 70.94 RCW, relating to air pollution control; (2) chapter 68.52 RCW, relating to cemetery districts; (3) chapter 29.68 RCW, relating to congressional districts; (4) chapters 14.07 and 14.08 RCW, relating to municipal airport districts; (5) chapter 36.88 RCW, relating to county road improvement districts; (6) Title 85 RCW, relating to diking districts, drainage districts, and drainage improvement districts; (7) chapter 36.54 RCW, relating to ferry districts; (8) Title 52 RCW, relating to fire protection districts; (9) Title 86 RCW, relating to flood control districts and flood control; (10) chapter 70.46 RCW, relating to health districts; (11) chapters 87.03 through 87.84 and 89.12 RCW, relating to irrigation districts; (12) chapter 35.61 RCW, relating to metropolitan park districts; (13) chapter 35.58 RCW, relating to metropolitan municipalities; (14) chapter 17.28 RCW, relating to mosquito control districts; (15) chapter 17.12 RCW, relating to agricultural pest districts; (16) ~~(chapter 13.12 RCW, relating to parental or truant schools;~~ ~~(17))~~ Title 53 RCW, relating to port districts; ~~((18))~~ (17) chapter 70.44 RCW, relating to public hospital districts; ~~((19))~~ (18) Title 54 RCW, relating to public utility districts; ~~((20))~~ (19) chapter 91.08 RCW, relating to public waterway districts; ~~((21) Title 56 RCW for sewer districts;~~ ~~(22))~~ (20) chapter 89.12 RCW, relating to reclamation districts; ~~((23))~~ (21) chapters 57.02 through 57.36 RCW, relating to water-sewer districts; and ~~((24))~~ (22) chapter 17.04 RCW, relating to weed districts.

**Sec. 1606.** RCW 35A.70.010 and 1967 ex.s. c 119 s 35A.70.010 are each amended to read as follows:

Every code city shall have authority to protect waters within the city or comprising part of the city's water supply pursuant to the authority provided therefor by RCW 9.66.050, 54.16.050, ~~((56.08.010,))~~ 69.30.130, 57.08.010, 8.12.030, 70.54.010 and 70.54.030.

**Sec. 1607.** RCW 36.29.160 and 1963 c 4 s 36.29.160 are each amended to read as follows:

The county treasurer shall make segregation, collect, and receive from any owner or owners of any subdivision or portion of any lot, tract or parcel of land upon which assessments or charges have been made or may be made hereafter in public utility districts, ~~((sewer districts,))~~ water-sewer districts, or county road improvement districts, under the terms of Title 54 RCW, ~~((Title 56 RCW,))~~ Title 57 RCW, or chapter 36.88 RCW, such portion of the assessments or charges levied or to be levied against such lot, tract or parcel of land in payment of such assessment or charges as the board of commissioners of the public utility district, ~~((sewer district,))~~ the water-sewer district commissioners or the board of county commissioners, respectively, shall certify to be chargeable to such subdivision, which certificate shall state that such property as segregated is sufficient security for the assessment or charges. Upon making collection upon any such subdivision the county treasurer shall note such payment upon his records and give receipt therefor.

**Sec. 1608.** RCW 36.93.090 and 1995 c 131 s 1 are each amended to read as follows:

Whenever any of the following described actions are proposed in a county in which a board has been established, the initiators of the action shall file within one hundred eighty days a notice of intention with the board: PROVIDED, That when the initiator is the legislative body of a governmental unit, the notice of intention may be filed immediately following the body's first acceptance or approval of the action. The board may review any such proposed actions pertaining to:

(1) The: (a) Creation, incorporation, or change in the boundary, other than a consolidation, of any city, town, or special purpose district; (b) consolidation of special purpose districts, but not including consolidation of cities and towns; or (c) dissolution or disincorporation of any city, town, or special purpose district, except that a board may not review the dissolution or disincorporation of a special purpose district which was dissolved or disincorporated pursuant to the provisions of chapter 36.96 RCW: PROVIDED, That the change in the boundary of a city or town arising from the annexation of contiguous city or town owned property held for a public purpose shall be exempted from the requirements of this section; or

(2) The assumption by any city or town of all or part of the assets, facilities, or indebtedness of a special purpose district which lies partially within such city or town; or

(3) The establishment of or change in the boundaries of a mutual water and sewer system or separate sewer system by a water-sewer district pursuant to RCW 57.08.065 or chapter 57.40 RCW~~((, as now or hereafter amended));~~ or

(4) ~~((The establishment of or change in the boundaries of a mutual sewer and water system or separate water system by a sewer district pursuant to RCW 56.20.015 or chapter 56.36 RCW, as now or hereafter amended; or~~

~~(5))~~ The extension of permanent water or sewer service outside of its existing service area by a city, town, or special purpose district. The service area of a city, town, or special purpose district shall include all of the area within its corporate boundaries plus, (a) for extensions of water service, the area outside of the corporate boundaries which it is designated to serve pursuant to a coordinated water system plan approved in accordance with RCW 70.116.050; and (b) for extensions of sewer service, the area outside of the corporate boundaries which it is designated to serve pursuant to a comprehensive sewerage plan approved in accordance with chapter 36.94 RCW and RCW 90.48.110.

**Sec. 1609.** RCW 36.94.420 and 1985 c 141 s 1 are each amended to read as follows:

If so provided in the transfer agreement, the area served by the system shall, upon completion of the transfer, be deemed annexed to and become a part of the water-sewer ~~((or sewer))~~ district acquiring the system. The county shall provide notice of the hearing by the county legislative authority on the ordinance executing the transfer agreement under RCW 36.94.330 as follows: (1) By mailed notice to all ratepayers served by the system at least fifteen days prior to the hearing; and (2) by notice in a newspaper of general circulation once at least fifteen days prior to the hearing.

In the event of an annexation under this section resulting from the transfer of a system of sewerage or combined water and sewer systems from a county to a water-sewer district governed by Title 57 RCW, the water-sewer district shall have all the powers of a water-sewer district provided by chapter 57.36 RCW ((57.40-150)), as if a water-sewer district had been merged into a water-sewer district. ((In the event of an annexation under this section as a result of the transfer of a system of water or combined water and sewer systems from a county to a sewer district governed by Title 56 RCW, the sewer district shall have all the powers of a sewer district provided by RCW 56.36.060 as if a water district had been merged into the sewer district.))

**Sec. 1610.** RCW 41.04.190 and 1992 c 146 s 13 are each amended to read as follows:

The cost of a policy or plan to a public agency or body is not additional compensation to the employees or elected officials covered thereby. The elected officials to whom this section applies include but are not limited to commissioners elected under chapters 28A.315, 52.14, 53.12, 54.12, ((56.12,)) 57.12, 70.44, and 87.03 RCW, as well as any county elected officials who are provided insurance coverage under RCW 41.04.180. Any officer authorized to disburse such funds may pay in whole or in part to an insurance carrier or health care service contractor the amount of the premiums due under the contract.

**Sec. 1611.** RCW 43.99F.020 and 1990 1st ex.s. c 15 s 9 are each amended to read as follows:

For the purpose of providing funds to public bodies for the planning, design, acquisition, construction, and improvement of public waste disposal and management facilities, or for purposes of assisting a public body to obtain an ownership interest in waste disposal and management facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, in this state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of three hundred thirty million dollars, or so much thereof as may be required, to finance the improvements defined in this chapter and all costs incidental thereto. The department may not use or permit the use of any funds derived from the sale of bonds authorized by this chapter for: (1) the support of a solid waste recycling activity or service in a locale if the department determines that the activity or service is reasonably available to persons within that locale from private enterprise; or (2) the construction of municipal wastewater facilities unless said facilities have been approved by a general purpose unit of local government in accordance with chapter 36.94 RCW, chapter 35.67 RCW, or RCW ((56.08.020)) 57.16.010. These bonds shall be paid and discharged within thirty years of the date of issuance. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of the bonds to be sold.

**Sec. 1612.** RCW 82.02.020 and 1990 1st ex.s. c 17 s 42 are each amended to read as follows:

Except only as expressly provided in RCW 67.28.180 and 67.28.190 and the provisions of chapter 82.14 RCW, the state preempts the field of imposing taxes upon retail sales of tangible personal property, the use of tangible personal property, parimutuel wagering authorized pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county, town, or other municipal subdivision shall have the right to impose taxes of that nature. Except as provided in RCW 82.02.050 through 82.02.090, no county, city, town, or other municipal corporation shall impose any tax, fee, or charge, either direct or indirect, on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or on any other building or building space or appurtenance thereto, or on the development, subdivision, classification, or reclassification of land. However, this section does not preclude dedications of land or easements within the proposed development or plat which the county, city, town, or other municipal corporation can demonstrate are reasonably necessary as a direct result of the proposed development or plat to which the dedication of land or easement is to apply.

This section does not prohibit voluntary agreements with counties, cities, towns, or other municipal corporations that allow a payment in lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed development, subdivision, or plat. A local government shall not use such voluntary agreements for local off-site transportation improvements within the geographic boundaries of the area or areas covered by an adopted transportation program authorized by chapter 39.92 RCW. Any such voluntary agreement is subject to the following provisions:

- (1) The payment shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified, direct impact;
- (2) The payment shall be expended in all cases within five years of collection; and
- (3) Any payment not so expended shall be refunded with interest at the rate applied to judgments to the property owners of record at the time of the refund; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest.

No county, city, town, or other municipal corporation shall require any payment as part of such a voluntary agreement which the county, city, town, or other municipal corporation cannot establish is reasonably necessary as a direct result of the proposed development or plat.

Nothing in this section prohibits cities, towns, counties, or other municipal corporations from collecting reasonable fees from an applicant for a permit or other governmental approval to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW.

This section does not limit the existing authority of any county, city, town, or other municipal corporation to impose special assessments on property specifically benefitted thereby in the manner prescribed by law.

Nothing in this section prohibits counties, cities, or towns from imposing or permits counties, cities, or towns to impose water, sewer, natural gas, drainage utility, and drainage system charges: PROVIDED, That no such charge shall exceed the proportionate share of such utility or system's capital costs which the county, city, or town can demonstrate are attributable to the property being charged: PROVIDED FURTHER, That these provisions shall not be interpreted to expand or contract any existing authority of counties, cities, or towns to impose such charges.

Nothing in this section prohibits a transportation benefit district from imposing fees or charges authorized in RCW 36.73.120 nor prohibits the legislative authority of a county, city, or town from approving the imposition of such fees within a transportation benefit district.

Nothing in this section prohibits counties, cities, or towns from imposing transportation impact fees authorized pursuant to chapter 39.92 RCW.

Nothing in this section prohibits counties, cities, or towns from requiring property owners to provide relocation assistance to tenants under RCW 59.18.440 and 59.18.450.

This section does not apply to special purpose districts formed and acting pursuant to Titles 54, ((56-)) 57, or 87 RCW, nor is the authority conferred by these titles affected.

**Sec. 1613.** RCW 84.09.030 and 1994 c 292 s 4 are each amended to read as follows:

Except as follows, the boundaries of counties, cities and all other taxing districts, for purposes of property taxation and the levy of property taxes, shall be the established official boundaries of such districts existing on the first day of March of the year in which the property tax levy is made.

The official boundaries of a newly incorporated taxing district shall be established at a different date in the year in which the incorporation occurred as follows:

(1) Boundaries for a newly incorporated city shall be established on the last day of March of the year in which the initial property tax levy is made, and the boundaries of a road district, library district, or fire protection district or districts, that include any portion of the area that was incorporated within its boundaries shall be altered as of this date to exclude this area, if the budget for the newly incorporated city is filed pursuant to RCW 84.52.020 and the levy request of the newly incorporated city is made pursuant to RCW 84.52.070. Whenever a proposed city incorporation is on the March special election ballot, the county auditor shall submit the legal description of the proposed city to the department of revenue on or before the first day of March;

(2) Boundaries for a newly incorporated port district shall be established on the first day of October if the boundaries of the newly incorporated port district are coterminous with the boundaries of another taxing district, as they existed on the first day of March of that year;

(3) Boundaries of any other newly incorporated taxing district shall be established on the first day of June of the year in which the property tax levy is made if the taxing district has boundaries coterminous with the boundaries of another taxing district, as they existed on the first day of March of that year;

(4) Boundaries for a newly incorporated water-sewer district shall be established on the fifteenth of June of the year in which the proposition under RCW 57.04.050 authorizing a water district excess levy is approved.

The boundaries of a taxing district shall be established on the first day of June if territory has been added to, or removed from, the taxing district after the first day of March of that year with boundaries coterminous with the boundaries of another taxing district as they existed on the first day of March of that year. However, the boundaries of a road district, library district, or fire protection district or districts, that include any portion of the area that was annexed to a city or town within its boundaries shall be altered as of this date to exclude this area. In any case where any instrument setting forth the official boundaries of any newly established taxing district, or setting forth any change in such boundaries, is required by law to be filed in the office of the county auditor or other county official, said instrument shall be filed in triplicate. The officer with whom such instrument is filed shall transmit two copies to the county assessor.

No property tax levy shall be made for any taxing district whose boundaries are not established as of the dates provided in this section.

**Sec. 1614.** RCW 84.38.020 and 1995 c 329 s 1 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:

(1) "Claimant" means a person who either elects or is required under RCW 84.64.050 to defer payment of the special assessments and/or real property taxes accrued on the claimant's residence by filing a declaration to defer as provided by this chapter.

When two or more individuals of a household file or seek to file a declaration to defer, they may determine between them as to who the claimant shall be.

(2) "Department" means the state department of revenue.

(3) "Equity value" means the amount by which the fair market value of a residence as determined from the records of the county assessor exceeds the total amount of any liens or other obligations against the property.

(4) "Real property taxes" means ad valorem property taxes levied on a residence in this state in the preceding calendar year.

(5) "Residence" has the meaning given in RCW 84.36.383, except that a residence includes any additional property up to a total of five acres that comprises the residential parcel if this larger parcel size is required under land use regulations.

(6) "Special assessment" means the charge or obligation imposed by a city, town, county, or other municipal corporation upon property specially benefited by a local improvement, including assessments under chapters 35.44, 36.88, 36.94, 53.08, 54.16, ~~((56.20,))~~ 57.16, 86.09, and 87.03 RCW and any other relevant chapter.

**Sec. 1615.** RCW 84.52.052 and 1993 c 284 s 4 are each amended to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW 84.52.043 shall not prevent the levy of additional taxes by any taxing district except school districts in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts. As used in this section, the term "taxing district" means any county, metropolitan park district, park and recreation service area, park and recreation district, ~~((sewer district,))~~ water-sewer district, solid waste disposal district, public facilities district, flood control zone district, county rail district, service district, public hospital district, road district, rural county library district, island library district, rural partial-county library district, intercounty rural library district, fire protection district, cemetery district, city, town, transportation benefit district, emergency medical service district with a population density of less than one thousand per square mile, or cultural arts, stadium, and convention district.

Any such taxing district may levy taxes at a rate in excess of the rate specified in RCW 84.52.050 through 84.52.056 and 84.52.043, or 84.55.010 through 84.55.050, when authorized so to do by the voters of such taxing district in the manner set forth in Article VII, section 2(a) of the Constitution of this state~~((, as amended by Amendment 64 and as thereafter amended,))~~ at a special or general election to be held in the year in which the levy is made.

A special election may be called and the time therefor fixed by the county legislative authority, or council, board of commissioners, or other governing body of any such taxing district, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no."

**Sec. 1616.** RCW 90.03.510 and 1986 c 278 s 63 are each amended to read as follows:

Whenever a county, city, town, water-sewer district, or flood control zone district imposes rates or charges to fund storm water control facilities or improvements and the operation and maintenance of such facilities or improvements under RCW 35.67.020, 35.92.020, 36.89.080, 36.94.140, ~~((56.08.010, or 56.16.090))~~ section 301 of this act, or section 314 of this act, it may provide a credit for the value of storm water control facilities or improvements that a person or entity has installed or located that mitigate or lessen the impact of storm water which otherwise would occur.

**Sec. 1617.** RCW 90.03.525 and 1986 c 278 s 54 are each amended to read as follows:

The rate charged by a local government utility to the department of transportation with respect to state highway right of way or any section of state highway right of way for the construction, operation, and maintenance of storm water control facilities under chapters 35.67, 35.92, 36.89, 36.94, ~~((56.08))~~ 57.08, and 86.15 RCW, shall be thirty percent of the rate for comparable real property, except as otherwise provided in this section. The rate charged to the department with respect to state highway right of way or any section of state highway right of way within a local government utility's jurisdiction shall not, however, exceed the rate charged for comparable city street or county road right of way within the same jurisdiction. The legislature finds that the aforesaid rates are presumptively fair and equitable because of the traditional and continuing expenditures of the department of transportation for the construction, operation, and maintenance of storm water control facilities designed to control surface water or storm water runoff from state highway rights of way. The utility imposing the charge and the department of transportation may, however, agree to either higher or lower rates with respect to the construction, operation, or maintenance of any specific storm water control facilities based upon the extent and adequacy of storm water control facilities constructed by the department and upon the actual benefits to state highway rights of way from the storm water control facilities constructed by the local government utility. If a different rate is agreed to, a report so stating shall be submitted to the legislative transportation committee. If the local government utility and the department of transportation cannot agree upon the proper rate, and after a report has been submitted to the legislative transportation committee and after ninety days from submission of such report, either may commence an action in the superior court for the county in which the state highway right of way is located to establish the proper rate. The court in establishing the proper rate shall take into account the extent and adequacy of storm water control facilities constructed by the department and the actual benefits to the sections of state highway rights of way from storm water control facilities constructed, operated, and maintained by the local government utility. Control of surface water runoff and storm water runoff from state highway rights of way shall be deemed an actual benefit to the state highway rights of way. The rate for sections of state highway right of way as determined by the court shall be set forth in terms of the percentage of the rate for comparable real property, but shall in no event exceed the rate charged for comparable city street or county road right of way within the same jurisdiction.

## PART XVII - MISCELLANEOUS

NEW SECTION. **Sec. 1700.** Part headings as used in this act do not constitute any part of the law.

NEW SECTION. **Sec. 1701.** (1) RCW 56.02.070, 56.02.100, and 56.02.110, as amended by this act, are each recodified as sections in chapter 57.02 RCW.

- (2) RCW 56.04.080, 56.04.120, and 56.04.130, as amended by this act, are each recodified as sections in chapter 57.04 RCW.
- (3) RCW 56.02.030, 56.02.080, and 56.36.070 are each recodified as sections in chapter 57.06 RCW.
- (4) RCW 56.08.060 and 56.08.012, as amended by this act, and 56.08.170 are each recodified as sections in chapter 57.08 RCW.
- (5) RCW 56.08.030, as amended by this act, is recodified as a section in chapter 57.16 RCW.
- (6) RCW 56.20.030, as amended by this act, is recodified as a section in chapter 57.16 RCW.
- (7) RCW 57.16.020, 57.16.030, 57.16.035, and 57.16.040 are each recodified as sections in chapter 57.20 RCW.
- (8) RCW 57.40.135, as amended by this act, is recodified as a section in chapter 57.36 RCW.

**NEW SECTION. Sec. 1702.** The following acts or parts of acts are each repealed:

- (1) RCW 56.02.010 and 1953 c 250 s 26;
- (2) RCW 56.02.040 and 1959 c 103 s 18;
- (3) RCW 56.02.050 and 1971 ex.s. c 272 s 12;
- (4) RCW 56.02.055 and 1982 1st ex.s. c 17 s 1;
- (5) RCW 56.02.060 and 1988 c 162 s 5 & 1971 ex.s. c 139 s 1;
- (6) RCW 56.02.120 and 1982 1st ex.s. c 17 s 2;
- (7) RCW 56.04.001 and 1989 c 84 s 50;
- (8) RCW 56.04.020 and 1974 ex.s. c 58 s 1, 1971 ex.s. c 272 s 1, 1945 c 140 s 1, 1943 c 74 s 1, & 1941 c 210 s 1;
- (9) RCW 56.04.030 and 1990 c 259 s 21, 1987 c 33 s 1, 1945 c 140 s 2, & 1941 c 210 s 2;
- (10) RCW 56.04.040 and 1945 c 140 s 3 & 1941 c 210 s 3;
- (11) RCW 56.04.050 and 1990 c 259 s 22, 1987 c 33 s 2, 1973 1st ex.s. c 195 s 61, 1953 c 250 s 1, 1945 c 140 s 4, & 1941 c 210 s 4;
- (12) RCW 56.04.060 and 1945 c 140 s 5 & 1941 c 210 s 6;
- (13) RCW 56.04.065 and 1983 c 88 s 1;
- (14) RCW 56.04.070 and 1985 c 141 s 2, 1981 c 45 s 3, & 1941 c 210 s 5;
- (15) RCW 56.04.090 and 1994 c 81 s 79, 1945 c 140 s 16, & 1941 c 210 s 47;
- (16) RCW 56.08.010 and 1989 c 389 s 2, 1989 c 308 s 1, & 1987 c 449 s 1;
- (17) RCW 56.08.013 and 1985 c 98 s 1 & 1977 ex.s. c 146 s 1;
- (18) RCW 56.08.014 and 1983 c 198 s 1;
- (19) RCW 56.08.015 and 1984 c 147 s 6 & 1969 c 119 s 1;
- (20) RCW 56.08.020 and 1990 1st ex.s. c 17 s 34, 1982 c 213 s 1, 1979 c 23 s 1, 1977 ex.s. c 300 s 1, 1971 ex.s. c 272 s 2, 1959 c 103 s 2, 1953 c 250 s 4, 1947 c 212 s 2, 1945 c 140 s 10, 1943 c 74 s 2, & 1941 c 210 s 11;
- (21) RCW 56.08.040 and 1953 c 250 s 6, 1951 c 129 s 1, 1943 c 74 s 3, & 1941 c 210 s 13;
- (22) RCW 56.08.050 and 1977 ex.s. c 300 s 2, 1953 c 250 s 7, & 1941 c 210 s 15;
- (23) RCW 56.08.065 and 1989 c 84 s 51;
- (24) RCW 56.08.070 and 1994 c 31 s 1;
- (25) RCW 56.08.075 and 1987 c 449 s 2 & 1982 c 105 s 2;
- (26) RCW 56.08.080 and 1993 c 198 s 17, 1989 c 308 s 5, 1984 c 172 s 1, & 1953 c 51 s 1;
- (27) RCW 56.08.090 and 1993 c 198 s 18, 1989 c 308 s 6, 1988 c 162 s 1, 1984 c 103 s 2, & 1953 c 51 s 2;
- (28) RCW 56.08.092 and 1986 c 244 s 15;
- (29) RCW 56.08.100 and 1991 sp.s. c 30 s 24, 1991 c 82 s 1, 1981 c 190 s 5, 1973 c 24 s 1, & 1961 c 261 s 1;
- (30) RCW 56.08.105 and 1973 c 125 s 6;
- (31) RCW 56.08.110 and 1995 c 301 s 75, 1973 1st ex.s. c 195 s 62, 1970 ex.s. c 47 s 4, & 1961 c 267 s 1;
- (32) RCW 56.08.120 and 1967 c 178 s 1;
- (33) RCW 56.08.130 and 1967 c 178 s 2;
- (34) RCW 56.08.140 and 1991 c 82 s 2 & 1967 c 178 s 3;
- (35) RCW 56.08.150 and 1967 c 178 s 4;
- (36) RCW 56.08.160 and 1967 c 178 s 5;
- (37) RCW 56.08.180 and 1982 c 213 s 3;
- (38) RCW 56.08.190 and 1987 c 309 s 3;
- (39) RCW 56.08.200 and 1995 c 376 s 14 & 1991 c 190 s 1;
- (40) RCW 56.12.010 and 1985 c 330 s 5, 1980 c 92 s 1, 1969 ex.s. c 148 s 7, 1959 c 103 s 4, 1955 c 373 s 1, 1945 c 140 s 8, & 1941 c 210 s 9;
- (41) RCW 56.12.015 and 1994 c 223 s 62, 1991 c 190 s 2, 1990 c 259 s 23, & 1987 c 449 s 3;
- (42) RCW 56.12.020 and 1994 c 223 s 63, 1979 ex.s. c 126 s 38, 1963 c 200 s 17, 1955 c 55 s 12, & 1953 c 110 s 1;

(43) RCW 56.12.030 and 1994 c 223 s 64, 1990 c 259 s 24, 1986 c 41 s 1, 1985 c 141 s 3, 1981 c 169 s 2, 1953 c 250 s 9, 1947 c 212 s 1, 1945 c 140 s 7, & 1941 c 210 s 8;

(44) RCW 56.12.040 and 1987 c 449 s 4;

(45) RCW 56.12.050 and 1994 c 223 s 65;

(46) RCW 56.16.010 and 1984 c 186 s 46, 1973 1st ex.s. c 195 s 63, 1953 c 250 s 10, 1951 2nd ex.s. c 26 s 1, & 1941 c 210 s 14;

(47) RCW 56.16.020 and 1987 c 449 s 5, 1977 ex.s. c 300 s 3, 1959 c 103 s 5, 1953 c 250 s 11, 1951 c 129 s 2, & 1941 c 210 s 16;

(48) RCW 56.16.030 and 1989 c 389 s 3, 1984 c 186 s 47, 1977 ex.s. c 300 s 4, 1973 1st ex.s. c 195 s 64, 1959 c 103 s 6, 1953 c 250 s 12, 1951 2nd ex.s. c 26 s 2, 1951 c 129 s 3, 1945 c 140 s 11, & 1941 c 210 s 17;

(49) RCW 56.16.035 and 1977 ex.s. c 300 s 5 & 1959 c 103 s 7;

(50) RCW 56.16.040 and 1984 c 186 s 48, 1983 c 167 s 155, 1973 1st ex.s. c 195 s 65, 1970 ex.s. c 56 s 80, 1969 ex.s. c 232 s 85, 1953 c 250 s 13, 1951 2nd ex.s. c 26 s 3, 1945 c 140 s 12, & 1941 c 210 s 18;

(51) RCW 56.16.050 and 1984 c 186 s 49, 1970 ex.s. c 42 s 34, 1945 c 140 s 15, & 1941 c 210 s 42;

(52) RCW 56.16.060 and 1983 c 167 s 156, 1975 1st ex.s. c 25 s 1, 1971 ex.s. c 272 s 4, 1970 ex.s. c 56 s 81, 1969 ex.s. c 232 s 86, 1959 c 103 s 8, & 1941 c 210 s 19;

(53) RCW 56.16.065 and 1975 1st ex.s. c 25 s 4;

(54) RCW 56.16.070 and 1959 c 103 s 9 & 1941 c 210 s 20;

(55) RCW 56.16.080 and 1983 c 167 s 157, 1975 1st ex.s. c 25 s 2, 1970 ex.s. c 56 s 82, & 1941 c 210 s 21;

(56) RCW 56.16.085 and 1959 c 103 s 10;

(57) RCW 56.16.090 and 1991 c 347 s 19, 1974 ex.s. c 58 s 3, 1959 c 103 s 11, & 1941 c 210 s 22;

(58) RCW 56.16.100 and 1977 ex.s. c 300 s 6, 1971 ex.s. c 272 s 5, 1953 c 250 s 14, & 1941 c 210 s 23;

(59) RCW 56.16.110 and 1977 ex.s. c 300 s 7, 1971 ex.s. c 272 s 6, 1953 c 250 s 15, & 1941 c 210 s 24;

(60) RCW 56.16.115 and 1984 c 186 s 50, 1977 ex.s. c 300 s 8, 1973 1st ex.s. c 195 s 66, 1959 c 103 s 12, & 1953 c 250 s 16;

(61) RCW 56.16.130 and 1983 c 167 s 158 & 1941 c 210 s 45;

(62) RCW 56.16.135 and 1988 c 162 s 10 & 1983 c 57 s 2;

(63) RCW 56.16.140 and 1983 c 57 s 1, 1971 ex.s. c 272 s 7, 1959 c 103 s 13, & 1941 c 210 s 46;

(64) RCW 56.16.150 and 1959 c 103 s 14;

(65) RCW 56.16.160 and 1986 c 294 s 12, 1983 c 66 s 21, 1981 c 24 s 3, 1973 1st ex.s. c 140 s 2, & 1959 c 103 s 15;

(66) RCW 56.16.165 and 1981 c 24 s 1;

(67) RCW 56.16.170 and 1959 c 103 s 16;

(68) RCW 56.20.010 and 1987 c 169 s 1, 1971 ex.s. c 272 s 8, & 1941 c 210 s 26;

(69) RCW 56.20.015 and 1983 c 167 s 159, 1981 c 45 s 5, 1980 c 12 s 1, 1977 ex.s. c 300 s 9, & 1974 ex.s. c 58 s 4;

(70) RCW 56.20.020 and 1986 c 256 s 1, 1977 ex.s. c 300 s 10, 1974 ex.s. c 58 s 5, 1965 ex.s. c 40 s 1, 1953 c 250 s 17, & 1941 c 210 s 27;

(71) RCW 56.20.032 and 1989 c 243 s 10;

(72) RCW 56.20.033 and 1987 c 315 s 5;

(73) RCW 56.20.040 and 1953 c 250 s 19 & 1941 c 210 s 29;

(74) RCW 56.20.050 and 1941 c 210 s 30;

(75) RCW 56.20.060 and 1941 c 210 s 31;

(76) RCW 56.20.070 and 1971 ex.s. c 272 s 10, 1969 c 126 s 1, & 1941 c 210 s 33;

(77) RCW 56.20.080 and 1991 c 190 s 4, 1971 ex.s. c 272 s 11, 1971 c 81 s 125, 1965 ex.s. c 40 s 2, & 1941 c 210 s 32;

(78) RCW 56.20.090 and 1953 c 250 s 20;

(79) RCW 56.20.120 and 1987 c 449 s 7;

(80) RCW 56.22.010 and 1989 c 389 s 4;

(81) RCW 56.22.020 and 1989 c 389 s 5;

(82) RCW 56.22.030 and 1989 c 389 s 6;

(83) RCW 56.22.040 and 1989 c 389 s 7;

(84) RCW 56.22.050 and 1989 c 389 s 8;

(85) RCW 56.24.001 and 1989 c 84 s 52;

(86) RCW 56.24.070 and 1990 c 259 s 25, 1989 c 308 s 3, 1988 c 162 s 13, 1985 c 469 s 56, 1982 1st ex.s. c 17 s 3, & 1967 ex.s. c 11 s 1;

(87) RCW 56.24.080 and 1985 c 469 s 57 & 1967 ex.s. c 11 s 2;

(88) RCW 56.24.090 and 1967 ex.s. c 11 s 3;

- (89) RCW 56.24.100 and 1967 ex.s. c 11 s 4;
- (90) RCW 56.24.110 and 1967 ex.s. c 11 s 5;
- (91) RCW 56.24.120 and 1985 c 141 s 4 & 1967 ex.s. c 11 s 6;
- (92) RCW 56.24.130 and 1967 ex.s. c 11 s 7;
- (93) RCW 56.24.140 and 1967 ex.s. c 11 s 8;
- (94) RCW 56.24.150 and 1967 ex.s. c 11 s 9;
- (95) RCW 56.24.180 and 1982 c 146 s 1;
- (96) RCW 56.24.190 and 1982 c 146 s 2;
- (97) RCW 56.24.200 and 1990 c 259 s 26 & 1982 c 146 s 3;
- (98) RCW 56.24.205 and 1995 c 279 s 1 & 1987 c 449 s 8;
- (99) RCW 56.24.210 and 1986 c 258 s 1;
- (100) RCW 56.24.900 and 1967 ex.s. c 11 s 11;
- (101) RCW 56.28.001 and 1989 c 84 s 53;
- (102) RCW 56.28.010 and 1953 c 250 s 27;
- (103) RCW 56.28.020 and 1985 c 153 s 2;
- (104) RCW 56.32.001 and 1989 c 84 s 54;
- (105) RCW 56.32.010 and 1989 c 308 s 9, 1975 1st ex.s. c 86 s 1, & 1967 c 197 s 2;
- (106) RCW 56.32.020 and 1975 1st ex.s. c 86 s 2 & 1967 c 197 s 3;
- (107) RCW 56.32.030 and 1975 1st ex.s. c 86 s 3 & 1967 c 197 s 4;
- (108) RCW 56.32.040 and 1975 1st ex.s. c 86 s 4 & 1967 c 197 s 5;
- (109) RCW 56.32.050 and 1975 1st ex.s. c 86 s 5 & 1967 c 197 s 6;
- (110) RCW 56.32.060 and 1967 c 197 s 7;
- (111) RCW 56.32.070 and 1985 c 141 s 5 & 1967 c 197 s 8;
- (112) RCW 56.32.080 and 1989 c 308 s 10, 1975 1st ex.s. c 86 s 6, & 1967 c 197 s 9;
- (113) RCW 56.32.090 and 1967 c 197 s 10;
- (114) RCW 56.32.100 and 1975 1st ex.s. c 86 s 7 & 1967 c 197 s 11;
- (115) RCW 56.32.110 and 1994 c 289 s 1, 1975 1st ex.s. c 86 s 8, & 1967 c 197 s 12;
- (116) RCW 56.32.115 and 1975 1st ex.s. c 86 s 9;
- (117) RCW 56.32.120 and 1967 c 197 s 13;
- (118) RCW 56.32.160 and 1987 c 449 s 9;
- (119) RCW 56.36.001 and 1989 c 84 s 55;
- (120) RCW 56.36.010 and 1982 1st ex.s. c 17 s 4 & 1969 ex.s. c 148 s 1;
- (121) RCW 56.36.020 and 1969 ex.s. c 148 s 2;
- (122) RCW 56.36.030 and 1971 ex.s. c 146 s 7 & 1969 ex.s. c 148 s 3;
- (123) RCW 56.36.040 and 1982 c 104 s 1, 1981 c 45 s 6, & 1969 ex.s. c 148 s 4;
- (124) RCW 56.36.045 and 1988 c 162 s 3;
- (125) RCW 56.36.050 and 1969 ex.s. c 148 s 5;
- (126) RCW 56.36.060 and 1981 c 45 s 7 & 1969 ex.s. c 148 s 6;
- (127) RCW 56.40.010 and 1995 c 399 s 147 & 1993 c 45 s 1;
- (128) RCW 56.40.020 and 1995 c 399 s 148 & 1993 c 45 s 2; and
- (129) RCW 56.40.030 and 1993 c 45 s 3.

**NEW SECTION. Sec. 1703.** The following acts or parts of acts are each repealed:

- (1) RCW 57.08.010 and 1994 c 81 s 81 & 1991 c 82 s 4;
- (2) RCW 57.08.045 and 1981 c 45 s 10, 1959 c 108 s 4, & 1953 c 251 s 3;
- (3) RCW 57.08.080 and 1982 1st ex.s. c 17 s 12 & 1959 c 108 s 2;
- (4) RCW 57.08.090 and 1982 1st ex.s. c 17 s 13, 1977 ex.s. c 299 s 1, & 1959 c 108 s 3;
- (5) RCW 57.08.130 and 1967 ex.s. c 135 s 2;
- (6) RCW 57.12.045 and 1987 c 449 s 13;
- (7) RCW 57.20.100 and 1984 c 230 s 84, 1983 c 3 s 163, 1973 1st ex.s. c 195 s 73, 1951 2nd ex.s. c 25 s 4, 1951 c 62 s 1, & 1929 c 114 s 18;
- (8) RCW 57.40.100 and 1982 1st ex.s. c 17 s 34 & 1971 ex.s. c 146 s 1;
- (9) RCW 57.40.110 and 1971 ex.s. c 146 s 2;
- (10) RCW 57.40.120 and 1971 ex.s. c 146 s 3;
- (11) RCW 57.40.130 and 1982 c 104 s 3, 1981 c 45 s 12, & 1971 ex.s. c 146 s 4;

- (12) RCW 57.40.140 and 1971 ex.s. c 146 s 5; and  
(13) RCW 57.40.150 and 1981 c 45 s 13 & 1971 ex.s. c 146 s 6.

**NEW SECTION. Sec. 1704.** This act shall take effect July 1, 1997."

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 57.02.010, 56.02.110, 57.02.030, 57.02.040, 56.02.070, 56.02.100, 57.02.050, 57.04.001, 57.04.020, 57.04.030, 57.04.050, 57.04.060, 57.04.065, 57.04.070, 56.04.080, 57.04.100, 57.04.110, 56.04.120, 56.04.130, 57.08.011, 57.08.014, 57.08.015, 57.08.016, 57.08.030, 57.08.040, 56.08.060, 57.08.047, 57.08.050, 57.08.060, 57.08.065, 56.08.012, 57.08.100, 57.08.105, 57.08.110, 57.08.120, 57.08.140, 57.08.017, 57.08.180, 57.08.150, 57.08.160, 57.08.170, 57.12.010, 57.12.015, 57.12.030, 57.12.039, 57.12.020, 57.16.010, 56.08.030, 57.16.140, 57.16.050, 57.16.060, 57.16.073, 57.16.065, 56.20.030, 57.16.070, 57.16.080, 57.16.100, 57.16.090, 57.16.110, 57.16.150, 57.16.020, 57.20.015, 57.16.030, 57.16.035, 57.16.040, 57.20.020, 57.20.023, 57.20.025, 57.20.027, 57.20.030, 57.20.080, 57.20.090, 57.20.110, 57.20.120, 57.20.130, 57.20.135, 57.20.140, 57.20.150, 57.20.160, 57.20.165, 57.20.170, 57.22.010, 57.22.020, 57.22.030, 57.22.040, 57.22.050, 57.24.001, 57.24.010, 57.24.020, 57.24.040, 57.24.050, 57.24.070, 57.24.090, 57.24.170, 57.24.180, 57.24.190, 57.24.200, 57.24.210, 57.24.220, 57.28.001, 57.28.010, 57.28.020, 57.28.030, 57.28.035, 57.28.040, 57.28.050, 57.28.060, 57.28.070, 57.28.080, 57.28.090, 57.28.100, 57.28.110, 57.32.001, 57.32.010, 57.32.020, 57.32.021, 57.32.022, 57.32.023, 57.32.024, 57.32.130, 57.32.160, 57.36.001, 57.36.010, 57.36.020, 57.36.030, 57.36.040, 57.40.135, 57.36.050, 57.42.010, 57.42.020, 57.42.030, 57.46.010, 57.46.020, 57.46.030, 57.90.001, 57.90.010, 57.90.020, 57.90.030, 57.90.040, 57.90.050, 57.90.100, 35.13.900, 35.58.570, 35.97.050, 35A.14.901, 35A.56.010, 35A.70.010, 36.29.160, 36.93.090, 36.94.420, 41.04.190, 43.99F.020, 82.02.020, 84.09.030, 84.38.020, 84.52.052, 90.03.510, and 90.03.525; adding new sections to chapter 57.02 RCW; adding new sections to chapter 57.08 RCW; adding a new section to Title 57 RCW; adding new sections to chapter 57.04 RCW; adding new sections to chapter 57.06 RCW; adding new sections to chapter 57.16 RCW; adding new sections to chapter 57.20 RCW; adding a new section to chapter 57.36 RCW; creating a new section; recodifying RCW 56.02.070, 56.02.100, 56.02.110, 56.04.080, 56.04.120, 56.04.130, 56.02.030, 56.02.080, 56.36.070, 56.08.060, 56.08.012, 56.08.170, 56.08.030, 56.20.030, 57.16.020, 57.16.030, 57.16.035, 57.16.040, and 57.40.135; repealing RCW 56.02.010, 56.02.040, 56.02.050, 56.02.055, 56.02.060, 56.02.120, 56.04.001, 56.04.020, 56.04.030, 56.04.040, 56.04.050, 56.04.060, 56.04.065, 56.04.070, 56.04.090, 56.08.010, 56.08.013, 56.08.014, 56.08.015, 56.08.020, 56.08.040, 56.08.050, 56.08.065, 56.08.070, 56.08.075, 56.08.080, 56.08.090, 56.08.092, 56.08.100, 56.08.105, 56.08.110, 56.08.120, 56.08.130, 56.08.140, 56.08.150, 56.08.160, 56.08.180, 56.08.190, 56.08.200, 56.12.010, 56.12.015, 56.12.020, 56.12.030, 56.12.040, 56.12.050, 56.16.010, 56.16.020, 56.16.030, 56.16.035, 56.16.040, 56.16.050, 56.16.060, 56.16.065, 56.16.070, 56.16.080, 56.16.085, 56.16.090, 56.16.100, 56.16.110, 56.16.115, 56.16.130, 56.16.135, 56.16.140, 56.16.150, 56.16.160, 56.16.165, 56.16.170, 56.20.010, 56.20.015, 56.20.020, 56.20.032, 56.20.033, 56.20.040, 56.20.050, 56.20.060, 56.20.070, 56.20.080, 56.20.090, 56.20.120, 56.22.010, 56.22.020, 56.22.030, 56.22.040, 56.22.050, 56.24.001, 56.24.070, 56.24.080, 56.24.090, 56.24.100, 56.24.110, 56.24.120, 56.24.130, 56.24.140, 56.24.150, 56.24.180, 56.24.190, 56.24.200, 56.24.205, 56.24.210, 56.24.900, 56.28.001, 56.28.010, 56.28.020, 56.32.001, 56.32.010, 56.32.020, 56.32.030, 56.32.040, 56.32.050, 56.32.060, 56.32.070, 56.32.080, 56.32.090, 56.32.100, 56.32.110, 56.32.115, 56.32.120, 56.32.160, 56.36.001, 56.36.010, 56.36.020, 56.36.030, 56.36.040, 56.36.045, 56.36.050, 56.36.060, 56.40.010, 56.40.020, 56.40.030, 57.08.010, 57.08.045, 57.08.080, 57.08.090, 57.08.130, 57.12.045, 57.20.100, 57.40.100, 57.40.110, 57.40.120, 57.40.130, 57.40.140, and 57.40.150; and providing an effective date.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Haugen, the Senate concurred in the House amendments to Substitute Senate Bill No. 6091.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6091, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6091, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator Franklin - 1.

Excused: Senator Rinehart - 1.

SUBSTITUTE SENATE BILL NO. 6091, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

February 27, 1996

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6126 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.56.020 and 1991 c 245 s 16 and 1991 c 52 s 1 are each reenacted and amended to read as follows:

(1) The county treasurer shall be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his or her county. All taxes upon real and personal property made payable by the provisions of this title shall be due and payable to the treasurer on or before the thirtieth day of April and, except as provided in this section, shall be delinquent after that date(~~(= PROVIDED, That)~~).

(2) Each tax statement shall include a notice that checks for payment of taxes may be made payable to "Treasurer of . . . . County" or other appropriate office, but tax statements shall not include any suggestion that checks may be made payable to the name of the individual holding the office of treasurer nor any other individual(~~(= PROVIDED FURTHER, That)~~).

(3) When the total amount of tax or special assessments on personal property or on any lot, block or tract of real property payable by one person is ~~((thirty))~~ fifty dollars or more, and if one-half of such tax be paid on or before the thirtieth day of April, the remainder of such tax shall be due and payable on or before the thirty-first day of October following and shall be delinquent after that date(~~(= PROVIDED FURTHER, That)~~).

(4) When the total amount of tax or special assessments on any lot, block or tract of real property or on any mobile home payable by one person is ~~((thirty))~~ fifty dollars or more, and if one-half of such tax be paid after the thirtieth day of April but before the thirty-first day of October, together with the applicable interest and penalty on the full amount of ~~((such))~~ tax payable for that year, the remainder of such tax shall be due and payable on or before the thirty-first day of October following and shall be delinquent after that date.

~~((2))~~ (5) Delinquent taxes under this section are subject to interest at the rate of twelve percent per annum computed on a monthly basis on the full year amount of tax unpaid from the date of delinquency until paid. Interest shall be calculated at the rate in effect at the time of payment of the tax, regardless of when the taxes were first delinquent. In addition, delinquent taxes under this section are subject to penalties as follows:

(a) A penalty of three percent of the full year amount of tax unpaid shall be assessed on the ~~((amount of))~~ tax delinquent on June 1st of the year in which the tax is due.

(b) An additional penalty of eight percent shall be assessed on the ~~((total))~~ amount of tax delinquent on December 1st of the year in which the tax is due.

~~((3))~~ (6) Subsection ~~((2))~~ (5) of this section notwithstanding, no interest or penalties may be assessed for the period April 30, ~~((1994))~~ 1996, through December 31, ~~((1994))~~ 1996, on delinquent ~~((1994))~~ taxes imposed in 1995 for collection in 1996 which are imposed on the personal residences owned by military personnel who participated in the situation known as ("Operation Desert Shield," "Operation Desert Storm," or any following operation from August 2, 1990, to a date specified by an agency of the federal government as the end of such operations) "Joint Endeavor."

~~((4))~~ (7) For purposes of this chapter, "interest" means both interest and penalties.

~~((5))~~ (8) All collections of interest on delinquent taxes shall be credited to the county current expense fund; but the cost of foreclosure and sale of real property, and the fees and costs of distraint and sale of personal property, for delinquent taxes, shall, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and shall be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint and sale for delinquent taxes without regard to budget limitations.

**Sec. 2.** RCW 84.56.340 and 1994 c 301 s 53 are each amended to read as follows:

Any person desiring to pay taxes upon any part or parts of real property heretofore or hereafter assessed as one parcel, or tract, or upon such person's undivided fractional interest in such a property, may do so by applying to the county assessor, who must carefully investigate and ascertain the relative or proportionate value said part or part interest bears to the whole tract assessed, on which basis the assessment must be divided, and the assessor shall forthwith certify such proportionate value to the county treasurer: PROVIDED, That excepting when property is being acquired for public use, or where a person or financial institution desires to pay the taxes and any penalties and interest on a mobile home upon which they have a lien by mortgage or otherwise, no segregation of property for tax purposes shall be made unless all current year and delinquent taxes and assessments on the entire tract have been paid in full. The county assessor shall duly certify the proportionate value to the county treasurer. The county treasurer, upon receipt of certification, shall duly accept payment and issue receipt on the apportionment certified by the county assessor. In cases where protest is filed to said division appeal shall be made to the

county legislative authority at its next regular session for final division, and the county treasurer shall accept and receipt for said taxes as determined and ordered by the county legislative authority. Any person desiring to pay on an undivided interest in any real property may do so by paying to the county treasurer a sum equal to such proportion of the entire taxes charged on the entire tract as interest paid on bears to the whole.

**NEW SECTION. Sec. 3.** A new section is added to chapter 36.29 RCW to read as follows:

County treasurers are authorized to accept credit cards, charge cards, debit cards, federal wire, and automatic clearinghouse system transactions, or other electronic communication, for any payment of any kind including, but not limited to, taxes, fines, interest, penalties, special assessments, fees, rates, charges, or moneys due counties. A payer desiring to pay by a credit card, charge card, debit card, federal wire, automatic clearinghouse system, or other electronic communication shall bear the cost of processing the transaction in an amount determined by the treasurer. Such determination shall be based upon costs incurred by the treasurer including handling, collecting, discount, disbursing, and accounting for the transaction.

**NEW SECTION. Sec. 4.** This act is effective for taxes levied for collection in 1997 and thereafter."

On page 1, line 1 of the title, after "practices;" strike the remainder of the title and insert "amending RCW 84.56.340; reenacting and amending RCW 84.56.020; adding a new section to chapter 36.29 RCW; and creating a new section.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Haugen, the Senate concurred in the House amendments to Substitute Senate Bill No. 6126.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6126, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6126, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Voting nay: Senator Loveland - 1.

Excused: Senator Rinehart - 1.

SUBSTITUTE SENATE BILL NO. 6126, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 28, 1996

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6129 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1) For purposes of this section:

(a) "Health carrier" includes disability insurers regulated under chapter 48.20 or 48.21 RCW, health care services contractors regulated under chapter 48.44 RCW, plans operating under the health care authority under chapter 41.05 RCW, the basic health plan operating under chapter 70.47 RCW, the state health insurance pool operating under chapter 48.41 RCW, insuring entities regulated under this chapter, and health maintenance organizations regulated under chapter 48.46 RCW.

(b) "Intermediary" means a person duly authorized to negotiate and execute provider contracts with health carriers on behalf of mental health care practitioners.

(c) Consistent with their lawful scopes of practice, "mental health care practitioners" includes only the following: Any generally recognized medical specialty of practitioners licensed under chapter 18.57 or 18.71 RCW who provide mental health services, advanced practice psychiatric nurses as authorized by the nursing care quality assurance commission under chapter 18.79 RCW, psychologists licensed under chapter 18.83 RCW, social workers, marriage and family therapists, and mental health counselors certified under chapter 18.19 RCW.

(d) "Mental health services" means outpatient services.

(2) Consistent with federal and state law and rule, no contract between a mental health care practitioner and an intermediary or between a mental health care practitioner and a health carrier that is written, amended, or renewed after the effective date of this section may contain a provision prohibiting a practitioner and an enrollee from agreeing to contract for services solely at the expense of the enrollee as follows:

- (a) On the exhaustion of the enrollee's mental health care coverage;
- (b) During an appeal or an adverse certification process;
- (c) When an enrollee's condition is excluded from coverage; or
- (d) For any other clinically appropriate reason at any time.

(3) If a mental health care practitioner provides services to an enrollee during an appeal or adverse certification process, the practitioner must provide to the enrollee written notification that the enrollee is responsible for payment of these services, unless the health carrier elects to pay for services provided.

(4) This section does not apply to a mental health care practitioner who is employed full time on the staff of a health carrier."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "and adding a new section to chapter 48.43 RCW.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Fairley, the Senate concurred in the House amendments to Senate Bill No. 6129.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6129, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6129, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Rinehart - 1.

SENATE BILL NO. 6129, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 27, 1996

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6138 with the following amendment(s):

On page 2, line 18, after "RCW." strike all material through "no" on line 21 and insert "~~((Unless an applicant demonstrates that he or she has completed a prostitution prevention and intervention program under RCW 43.63A.720 through 43.63A.740, 9.68A.105, and 9A.88.120,))~~ No", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Kohl, the Senate concurred in the House amendment to Senate Bill No. 6138.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6138, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6138, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Rinehart - 1.

SENATE BILL NO. 6138, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Thibaudeau, Senator McAuliffe was excused.

#### MESSAGE FROM THE HOUSE

February 28, 1996

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6169 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 23B.19.020 and 1989 c 165 s 198 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Acquiring person" means a person or group of persons, other than the target corporation or a subsidiary of the target corporation, who beneficially owns ten percent or more of the outstanding voting shares of the target corporation. The term "acquiring person" does not include a person who (a) beneficially ~~((owns))~~ owned ten percent or more of the outstanding voting shares of the target corporation on March 23, 1988; (b) acquires its shares by gift, inheritance, or in a transaction in which no consideration is exchanged; ~~((or))~~ (c) exceeds the ten percent threshold as a result of action taken solely by the target corporation, such as redemption of shares, unless that person, by its own action, acquires additional shares of the target corporation; (d) beneficially was the owner of ten percent or more of the outstanding voting shares prior to the time the target corporation had a class of voting shares registered with the securities and exchange commission pursuant to section 12 or 15 of the exchange act; or (e) beneficially was the owner of ten percent or more of the outstanding voting shares prior to the time the target corporation amended its articles of incorporation to provide that the corporation shall be subject to the provisions of this chapter. An agent, bank, broker, nominee, or trustee for another person, if the other person is not an acquiring person, who acts in good faith and not for the purpose of circumventing this chapter, is not an acquiring person. For the purpose of determining whether a person is an acquiring person, the number of voting shares of the target corporation that are outstanding shall include shares beneficially owned by the person through application of subsection (4) of this section, but shall not include any other unissued voting shares of the target corporation which may be issuable pursuant to any agreement, arrangement, or understanding; or upon exercise of conversion rights, warrants, or options; or otherwise.

(2) "Affiliate" means a person who directly or indirectly controls, or is controlled by, or is under common control with, a person.

(3) "Announcement date," when used in reference to any significant business transaction, means the date of the first public announcement of the final, definitive proposal for such a significant business transaction.

(4) "Associate" means (a) a domestic or foreign corporation or organization of which a person is an officer, director, member, or partner or in which a person performs a similar function; (b) a direct or indirect beneficial owner of ten percent or more of any class of equity securities of a person; (c) a trust or estate in which a person has a beneficial interest or as to which a person serves as trustee or in a similar fiduciary capacity; and (d) ~~((if having the same residence as a person, the person's relative, spouse, or spouse's relative))~~ the spouse or a parent or sibling of a person or a child, grandchild, sibling, parent, or spouse of any thereof, of a person or an individual having the same home as a person.

~~((4))~~ (5) "Beneficial ownership," when used with respect to any shares, means ownership by a person:

(a) Who, individually or with or through any of its affiliates or associates, beneficially owns such shares, directly or indirectly; or

(b) Who, individually or with or through any of its affiliates or associates, has (i) the right to acquire the shares, whether the right is exercisable immediately or only after the passage of time, pursuant to any agreement, arrangement, or understanding, whether or not in writing, or upon the exercise of conversion rights, exchange rights, warrants or options, or otherwise. A person is not the beneficial owner of shares tendered pursuant to a tender or exchange offer made by the person or any of the person's affiliates or associates until the tendered shares are accepted for purchase or exchange; or (ii) the right to vote the shares pursuant to any agreement, arrangement, or understanding, whether or not in writing. A person is not the beneficial owner of any shares under (b)(ii) of this subsection if the agreement, arrangement, or understanding to vote the shares arises solely from a revocable proxy or consent given in response to a proxy or consent solicitation made in accordance with the applicable rules and regulations under the exchange act and is not then reportable on schedule 13D under the exchange act, or any comparable or successor report; or

(c) Who has any agreement, arrangement, or understanding, whether or not in writing, for the purpose of acquiring, holding, voting, except voting pursuant to a revocable proxy or consent as described in (b)(ii) of this subsection, or disposing of the shares with any other person who beneficially owns, or whose affiliates or associates beneficially own, directly or indirectly, the shares.

~~((5))~~ (6) "Common shares" means any shares other than preferred shares.

(7) "Consummation date," with respect to any significant business transaction, means the date of consummation of such a significant business transaction, or, in the case of a significant business transaction as to which a shareholder vote is taken, the later of the business day prior to the vote or twenty days prior to the date of consummation of such a significant business transaction.

(8) "Control," "controlling," "controlled by," and "under common control with," means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting shares, by contract, or otherwise. A person's beneficial ownership of ten percent or more of a domestic or foreign corporation's outstanding voting shares shall create a rebuttable presumption that such person has control of such corporation. However, a person does not have control of a domestic or foreign corporation if the person holds voting shares, in good faith and not for the purpose of circumventing this chapter, as an agent, bank, broker, nominee, custodian, or trustee for one or more beneficial owners who do not individually or as a group have control of such corporation.

~~((6))~~ (9) "Domestic corporation" means an issuer of voting shares which is organized under chapter 23B.02 RCW or any predecessor provision.

(10) "Exchange act" means the federal securities exchange act of 1934, as amended.

~~((7))~~ (11) "Market value," in the case of property other than cash or shares, means the fair market value of the property on the date in question as determined by the board of directors of the target corporation in good faith.

~~((8))~~ (12) "Person" means an individual, domestic or foreign corporation, partnership, trust, unincorporated association, or other entity; an affiliate or associate of any such person; or any two or more persons acting as a partnership, syndicate, or other group for the purpose of acquiring, holding, or dispersing of securities of a domestic or foreign corporation.

~~((9))~~ (13) "Preferred shares" means any class or series of shares of a target corporation which under the bylaws or articles of incorporation of such a corporation is entitled to receive payment of dividends prior to any payment of dividends on some other class or series of shares, or is entitled in the event of any voluntary liquidation, dissolution, or winding up of the target corporation to receive payment or distribution of a preferential amount before any payments or distributions are received by some other class or series of shares.

(14) "Shares" means any:

(a) Shares or similar security, any certificate of interest, any participation in any profit sharing agreement, any voting trust certificate, or any certificate of deposit for shares; and

(b) Security convertible, with or without consideration, into shares, or any warrant, call, or other option or privilege of buying shares without being bound to do so, or any other security carrying any right to acquire, subscribe to, or purchase shares.

(15) "Significant business transaction" means:

(a) A merger, share exchange, or consolidation of a target corporation or a subsidiary of a target corporation with (i) an acquiring person, or (ii) any other domestic or foreign corporation which is, or after the merger, share exchange, or consolidation would be, an affiliate or associate of the acquiring person;

(b) A sale, lease, exchange, mortgage, pledge, transfer, or other disposition or encumbrance, whether in one transaction or a series of transactions, to or with an acquiring person or an affiliate or associate of an acquiring person of assets of a target corporation or a subsidiary of a target corporation (i) having an aggregate market value equal to five percent or more of the aggregate market value of all the assets, determined on a consolidated basis, of the target corporation, (ii) having an aggregate market value equal to five percent or more of the aggregate market value of all the outstanding shares of the target corporation, or (iii) representing five percent or more of the earning power or net income, determined on a consolidated basis, of the target corporation;

(c) The termination, while the corporation has an acquiring person and as a result of the acquiring person's acquisition of ten percent or more of the shares of the corporation, of five percent or more of the employees of the target corporation or its subsidiaries employed in this state, whether at one time or over the five-year period following the share acquisition ~~((date))~~ time. For the purposes of (c) of this subsection, a termination other than an employee's death or disability or bona fide voluntary retirement, transfer, resignation, termination for cause under applicable common law principles, or leave of absence shall be presumed to be a termination resulting from the acquiring person's acquisition of shares, which presumption ~~((may be rebutted by clear and convincing evidence))~~ is rebuttable. A bona fide voluntary transfer of employees between the target corporation and its subsidiaries or between its subsidiaries is not a termination for the purposes of (c) of this subsection;

(d) The issuance, transfer, or redemption by a target corporation or a subsidiary of a target corporation, whether in one transaction or a series of transactions, of shares or of options, warrants, or rights to acquire shares of a target corporation or a subsidiary of a target corporation to or beneficially owned by an acquiring person or an affiliate or associate of an acquiring person except pursuant to the exercise of warrants or rights to purchase shares offered, or a dividend, distribution, or redemption paid or made pro rata to, all shareholders or

holders of options, warrants, or rights to acquire shares of the target corporation, and except for involuntary redemptions permitted by the target corporation's charter or by the law of this state or the state of incorporation;

(e) The ~~((adoption of a plan or proposal for the sale of assets,))~~ liquidation~~(-)~~ or dissolution of a target corporation proposed by, or pursuant to an agreement, arrangement, or understanding, whether or not in writing, with an acquiring person or an affiliate or associate of an acquiring person;

(f) A reclassification of securities, including, without limitation, any ~~((stock))~~ shares split, ~~((stock))~~ shares dividend, or other distribution of ~~((stock))~~ shares in respect of stock, or any reverse ~~((stock))~~ shares split, or recapitalization of a target corporation, or a merger or consolidation of a target corporation with a subsidiary of the target corporation, or any other transaction, whether or not with or into or otherwise involving an acquiring person, proposed by, or pursuant to an agreement, arrangement, or understanding, whether or not in writing, with an acquiring person or an affiliate or associate of an acquiring person, that has the effect, directly or indirectly, of increasing the proportionate share of the outstanding shares of a class or series of voting shares or securities convertible into voting shares of a target corporation or a subsidiary of the target corporation that is directly or indirectly owned by an acquiring person or an affiliate or associate of an acquiring person, except as a result of immaterial changes due to fractional share adjustments; or

(g) A receipt by an acquiring person or an affiliate or associate of an acquiring person of the benefit, directly or indirectly, except proportionately as a shareholder of a target corporation, of loans, advances, guarantees, pledges, or other financial assistance or tax credits or other tax advantages provided by or through a target corporation~~((;-or~~

~~(h) An agreement, contract, or other arrangement providing for any of the transactions in this subsection)).~~

~~((10))~~ (16) "Share acquisition ~~((date))~~ time" means the ~~((date on))~~ time at which a person first becomes an acquiring person of a target corporation.

~~((11))~~ (17) "Subsidiary" means a domestic or foreign corporation that has a majority of its outstanding voting shares owned, directly or indirectly, by another domestic or foreign corporation.

~~((12))~~ (18) "Tangible assets" means tangible real and personal property of all kinds. It shall also include leasehold interests in tangible real and personal property.

~~((13))~~ (19) "Target corporation" means:

(a) Every domestic corporation ~~((organized under chapter 23B.02 RCW or any predecessor provision if, as of the share acquisition date, the corporation's principal executive office is located in the state and either a majority of the corporation's employees, together with those of its subsidiaries, are residents of the state or the corporation, together with its subsidiaries, employs more than one thousand residents of the state)), if:~~

(i) The corporation has a class of voting shares registered with the securities and exchange commission pursuant to section 12 or 15 of the exchange act; or

(ii) The corporation's articles of incorporation have been amended to provide that such a corporation shall be subject to the provisions of this chapter, if the corporation did not have a class of voting shares registered with the securities and exchange commission pursuant to section 12 or 15 of the exchange act on the effective date of that amendment; and

(b) Every foreign corporation required to have a certificate of authority to transact business in this state pursuant to chapter 23B.15 RCW, if~~((;- as of the share acquisition date))~~:

(i) The corporation has a class of voting shares registered with the securities and exchange commission pursuant to section 12 or 15 of the exchange act;

(ii) The corporation's principal executive office is located in the state;

~~((14))~~ (iii) The corporation has: (A) More than ten percent of its shareholders of record resident in the state; or (B) more than ten percent of its shares owned of record by state residents; or (C) one thousand or more shareholders of record resident in the state;

~~((15))~~ (iv) A majority of the corporation's employees, together with those of its subsidiaries, are residents of the state or the corporation, together with its subsidiaries, employs more than one thousand residents of the state; and

~~((16))~~ (v) A majority of the corporation's tangible assets, together with those of its subsidiaries, measured by market value, are located in the state or the corporation, together with its subsidiaries, has more than fifty million dollars' worth of tangible assets located in the state.

For purposes of this subsection, the record date for determining the percentages and numbers of shareholders and shares shall be the last shareholder record date before the event requiring that the determination be made. A shareholder record date shall be determined pursuant to ~~((RCW 23B.07.070 for a domestic corporation and))~~ the comparable provision to RCW 23B.07.070 of the law of the state in which a foreign corporation is incorporated. If a shareholder record date has not been fixed by the board of directors within the preceding four months, the determination shall be made as of the end of the ~~((domestic or foreign))~~ corporation's most recent fiscal quarter.

The residence of each shareholder is presumed to be the address appearing in the records of the ~~((domestic or foreign))~~ corporation. Shares held of record by brokers or nominees shall be disregarded for purposes of calculating the percentages and numbers specified in this subsection. Shares of a ~~((domestic or foreign))~~ corporation allocated to the account of an employee or former employee or beneficiaries of employees or former employees of a ~~((domestic or foreign))~~ corporation and held in a plan that is qualified under section

401(a) of the federal internal revenue code of 1986, as amended, and is a defined contribution plan within the meaning of section 414(i) of the code shall be deemed, for the purposes of this subsection, to be held of record by the employee to whose account such shares are allocated.

A domestic or foreign corporation shall be deemed to be a target corporation if the domestic or foreign corporation's failure to satisfy the requirements of this subsection is caused by the action of, or is the result of a proposal by, an acquiring person or affiliate or associate of an acquiring person.

(20) "Voting shares" means shares of a corporation entitled to vote generally in the election of directors.

**Sec. 2.** RCW 23B.19.030 and 1989 c 165 s 199 are each amended to read as follows:

This chapter does not apply to(~~o~~o

~~(1) A significant business transaction of a target corporation that does not have a class of voting stock registered with the securities and exchange commission pursuant to section 12 of the exchange act [15 U.S.C. Sec. 78L]; or~~

~~(2)) a significant business transaction of a target corporation with an acquiring person of the target corporation which became an acquiring person inadvertently, if the acquiring person ((~~o~~o)) (1) as soon as practicable, divests itself of a sufficient amount of the voting shares of the target corporation so that it no longer is the beneficial owner, directly or indirectly, of ten percent or more of the outstanding voting shares of the target corporation, and ((~~o~~o)) (2) would not at any time within the five-year period preceding the announcement date ((~~o~~o of the first public announcement)) of the significant business transaction have been an acquiring person but for the inadvertent acquisition.~~

**Sec. 3.** RCW 23B.19.040 and 1989 c 165 s 200 are each amended to read as follows:

(1)(a) Notwithstanding ~~((any provision of this title))~~ anything to the contrary contained in this title, except under subsection (2) of this section and RCW 23B.19.030, a target corporation shall not engage in any significant business transaction for a period of five years following the acquiring person's share acquisition ~~((date))~~ time unless the significant business transaction or the purchase of shares made by the acquiring person ~~((on the share acquisition date))~~ is approved prior to the acquiring person's share acquisition ~~((date))~~ time by a majority of the members of the board of directors of the target corporation.

(b) If a good faith proposal for a significant business transaction is made in writing to the board of directors of the target corporation prior to the significant business transaction or prior to the share acquisition ~~((date))~~ time, the board of directors shall respond in writing, within thirty days or such shorter period, if any, as may be required by the exchange act setting forth its reasons for its decision regarding the proposal. If a good faith proposal to purchase shares is made in writing to the board of directors of the target corporation, the board of directors, unless it responds affirmatively in writing within thirty days or a shorter period, if any, as may be required by the exchange act shall be deemed to have disapproved such share purchase.

(2) Notwithstanding anything to the contrary contained in this title, except under subsection (1) of this section and RCW 23B.19.030, a target corporation shall not engage at any time in any significant business transaction with any acquiring person of such a corporation other than a significant business transaction that meets all of the following conditions:

(a) The aggregate amount of the cash and the market value as of the consummation date of consideration other than cash to be received per share by holders of outstanding common shares of such a target corporation in a significant business transaction is at least equal to the higher of the following:

(i) The highest per share price paid by such an acquiring person at a time when the person was the beneficial owner, directly or indirectly, of five percent or more of the outstanding voting shares of a target corporation, for any shares of common shares of the same class or series acquired by it: (A) Within the five-year period immediately prior to the announcement date with respect to a significant business transaction; or (B) within the five-year period immediately prior to, or in, the transaction in which the acquiring person became an acquiring person, whichever is higher plus, in either case, interest compounded annually from the earliest date on which the highest per share acquisition price was paid through the consummation date at the rate for one-year United States treasury obligations from time to time in effect; less the aggregate amount of any cash dividends paid, and the market value of any dividends paid other than in cash, per share of common shares since the earliest date, up to the amount of the interest; and

(ii) The market value per share of common shares on the announcement date with respect to a significant business transaction or on the date of the acquiring person's share acquisition time, whichever is higher; plus interest compounded annually from such a date through the consummation date at the rate for one-year United States treasury obligations from time to time in effect; less the aggregate amount of any cash dividends paid, and the market value of any dividends paid other than in cash, per share of common shares since the date, up to the amount of the interest.

(b) The aggregate amount of the cash and the market value as of the consummation date of consideration other than cash to be received per share by holders of outstanding shares of any class or series of shares, other than common shares, of the target corporation is at least equal to the highest of the following, whether or not the acquiring person has previously acquired any shares of such a class or series of shares:

(i) The highest per share price paid by an acquiring person at a time when the person was the beneficial owner, directly or indirectly, of five percent or more of the outstanding voting shares of a resident domestic corporation, for any shares of the same class or series of shares acquired by it: (A) Within the five-year period immediately prior to the announcement date with respect to a significant business transaction; or (B) within the five-year period immediately prior to, or in, the transaction in which the acquiring person became an

acquiring person, whichever is higher; plus, in either case, interest compounded annually from the earliest date on which the highest per share acquisition price was paid through the consummation date at the rate for one-year United States treasury obligations from time to time in effect; less the aggregate amount of any cash dividends paid, and the market value of any dividends paid other than in cash, per share of the same class or series of shares since the earliest date, up to the amount of the interest:

(ii) The highest preferential amount per share to which the holders of shares of the same class or series of shares are entitled in the event of any voluntary liquidation, dissolution, or winding up of the target corporation, plus the aggregate amount of any dividends declared or due as to which the holders are entitled prior to payment of dividends on some other class or series of shares, unless the aggregate amount of the dividends is included in the preferential amount; and

(iii) The market value per share of the same class or series of shares on the announcement date with respect to a significant business transaction or on the date of the acquiring person's share acquisition time, whichever is higher; plus interest compounded annually from such a date through the consummation date at the rate for one-year United States treasury obligations from time to time in effect; less the aggregate amount of any cash dividends paid and the market value of any dividends paid other than in cash, per share of the same class or series of shares since the date, up to the amount of the interest.

(c) The consideration to be received by holders of a particular class or series of outstanding shares, including common shares, of the target corporation in a business combination is in cash or in the same form as the acquiring person has used to acquire the largest number of shares of the same class or series of shares previously acquired by the person, and the consideration shall be distributed promptly.

(3) Subsection (2) of this section does not apply to a target corporation that on the effective date of this act had a provision in its articles of incorporation, adopted under RCW 23B.17.020(3)(d), expressly electing not to be covered under RCW 23B.17.020, which is repealed by section 6 of this act.

(4) A (~~target corporation that engages in a~~) significant business transaction that (~~violates~~) **is made in violation of** subsection (1) or (2) of this section and that is not exempt under RCW (~~23B.19.010 shall have its certificate of incorporation or certificate of authority to transact business in this state revoked under RCW 23B.14.200 or 23B.15.300 for domestic or foreign target corporations, respectively. In addition, such significant transaction shall be~~) **23B.19.030 is void.**

**Sec. 4.** RCW 23B.01.400 and 1995 c 47 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this title.

- (1) "Articles of incorporation" include amended and restated articles of incorporation and articles of merger.
- (2) "Authorized shares" means the shares of all classes a domestic or foreign corporation is authorized to issue.
- (3) "Conspicuous" means so written that a reasonable person against whom the writing is to operate should have noticed it. For example, printing in italics or boldface or contrasting color, or typing in capitals or underlined, is conspicuous.
- (4) "Corporation" or "domestic corporation" means a corporation for profit, which is not a foreign corporation, incorporated under or subject to the provisions of this title.
- (5) "Deliver" includes (a) mailing and (b) for purposes of delivering a demand, consent, or waiver to the corporation or one of its officers, transmission by facsimile equipment.
- (6) "Distribution" means a direct or indirect transfer of money or other property, except its own shares, or incurrence of indebtedness by a corporation to or for the benefit of its shareholders in respect to any of its shares. A distribution may be in the form of a declaration or payment of a dividend; a distribution in partial or complete liquidation, or upon voluntary or involuntary dissolution; a purchase, redemption, or other acquisition of shares; a distribution of indebtedness; or otherwise.
- (7) "Effective date of notice" has the meaning provided in RCW 23B.01.410.
- (8) "Employee" includes an officer but not a director. A director may accept duties that make the director also an employee.
- (9) "Entity" includes a corporation and foreign corporation, not-for-profit corporation, profit and not-for-profit unincorporated association, business trust, estate, partnership, trust, and two or more persons having a joint or common economic interest, and the state, United States, and a foreign government.
- (10) "Foreign corporation" means a corporation for profit incorporated under a law other than the law of this state.
- (11) "Foreign limited partnership" means a partnership formed under laws other than of this state and having as partners one or more general partners and one or more limited partners.
- (12) "Governmental subdivision" includes authority, county, district, and municipality.
- (13) "Includes" denotes a partial definition.
- (14) "Individual" includes the estate of an incompetent or deceased individual.
- (15) "Limited partnership" or "domestic limited partnership" means a partnership formed by two or more persons under the laws of this state and having one or more general partners and one or more limited partners.
- (16) "Means" denotes an exhaustive definition.
- (17) "Notice" has the meaning provided in RCW 23B.01.410.
- (18) "Person" includes an individual and an entity.

(19) "Principal office" means the office, in or out of this state, so designated in the annual report where the principal executive offices of a domestic or foreign corporation are located.

(20) "Proceeding" includes civil suit and criminal, administrative, and investigatory action.

(21) "Public company" means a corporation that has a class of shares registered with the federal securities and exchange commission pursuant to section 12 or 15 of the securities exchange act of 1934, or section 8 of the investment company act of 1940, or any successor statute(~~(, and that has more than three hundred holders of record of its shares)).~~).

(22) "Record date" means the date established under chapter 23B.07 RCW on which a corporation determines the identity of its shareholders and their shareholdings for purposes of this title. The determinations shall be made as of the close of business on the record date unless another time for doing so is specified when the record date is fixed.

(23) "Secretary" means the corporate officer to whom the board of directors has delegated responsibility under RCW 23B.08.400(3) for custody of the minutes of the meetings of the board of directors and of the shareholders and for authenticating records of the corporation.

(24) "Shares" means the units into which the proprietary interests in a corporation are divided.

(25) "Shareholder" means the person in whose name shares are registered in the records of a corporation or the beneficial owner of shares to the extent of the rights granted by a nominee certificate on file with a corporation.

(26) "State," when referring to a part of the United States, includes a state and commonwealth, and their agencies and governmental subdivisions, and a territory and insular possession, and their agencies and governmental subdivisions, of the United States.

(27) "Subscriber" means a person who subscribes for shares in a corporation, whether before or after incorporation.

(28) "United States" includes a district, authority, bureau, commission, department, and any other agency of the United States.

(29) "Voting group" means all shares of one or more classes or series that under the articles of incorporation or this title are entitled to vote and be counted together collectively on a matter at a meeting of shareholders. All shares entitled by the articles of incorporation or this title to vote generally on the matter are for that purpose a single voting group.

**Sec. 5.** RCW 23B.02.020 and 1994 c 256 s 27 are each amended to read as follows:

(1) The articles of incorporation must set forth:

(a) A corporate name for the corporation that satisfies the requirements of RCW 23B.04.010;

(b) The number of shares the corporation is authorized to issue in accordance with RCW 23B.06.010 and 23B.06.020;

(c) The street address of the corporation's initial registered office and the name of its initial registered agent at that office in accordance with RCW 23B.05.010; and

(d) The name and address of each incorporator in accordance with RCW 23B.02.010.

(2) The articles of incorporation or bylaws must either specify the number of directors or specify the process by which the number of directors will be fixed, unless the articles of incorporation dispense with a board of directors pursuant to RCW 23B.08.010.

(3) Unless its articles of incorporation provide otherwise, a corporation is governed by the following provisions:

(a) The board of directors may adopt bylaws to be effective only in an emergency as provided by RCW 23B.02.070;

(b) A corporation has the purpose of engaging in any lawful business under RCW 23B.03.010;

(c) A corporation has perpetual existence and succession in its corporate name under RCW 23B.03.020;

(d) A corporation has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs, including itemized powers under RCW 23B.03.020;

(e) All shares are of one class and one series, have unlimited voting rights, and are entitled to receive the net assets of the corporation upon dissolution under RCW 23B.06.010 and 23B.06.020;

(f) If more than one class of shares is authorized, all shares of a class must have preferences, limitations, and relative rights identical to those of other shares of the same class under RCW 23B.06.010;

(g) If the board of directors is authorized to designate the number of shares in a series, the board may, after the issuance of shares in that series, reduce the number of authorized shares of that series under RCW 23B.06.020;

(h) The board of directors must authorize any issuance of shares under RCW 23B.06.210;

(i) Shares may be issued pro rata and without consideration to shareholders under RCW 23B.06.230;

(j) Shares of one class or series may not be issued as a share dividend with respect to another class or series, unless there are no outstanding shares of the class or series to be issued, or a majority of votes entitled to be cast by such class or series approve as provided in RCW 23B.06.230;

(k) A corporation may issue rights, options, or warrants for the purchase of shares of the corporation under RCW 23B.06.240;

(l) A shareholder has, and may waive, a preemptive right to acquire the corporation's unissued shares as provided in RCW 23B.06.300;

(m) Shares of a corporation acquired by it may be reissued under RCW 23B.06.310;

(n) The board may authorize and the corporation may make distributions not prohibited by statute under RCW 23B.06.400;

(o) The preferential rights upon dissolution of certain shareholders will be considered a liability for purposes of determining the validity of a distribution under RCW 23B.06.400;

(p) Unless this title requires otherwise, the corporation is required to give notice only to shareholders entitled to vote at a meeting and the notice for an annual meeting need not include the purpose for which the meeting is called under RCW 23B.07.050;

(q) A corporation that is a public company shall hold a special meeting of shareholders if the holders of at least ten percent of the votes entitled to be cast on any issue proposed to be considered at the meeting demand a meeting under RCW 23B.07.020;

(r) Subject to statutory exceptions, each outstanding share, regardless of class, is entitled to one vote on each matter voted on at a shareholders' meeting under RCW 23B.07.210;

(s) A majority of the votes entitled to be cast on a matter by a voting group constitutes a quorum, unless the title provides otherwise under RCW 23B.07.250 and 23B.07.270;

(t) Action on a matter, other than election of directors, by a voting group is approved if the votes cast within the voting group favoring the action exceed the votes cast opposing the action, unless this title requires a greater number of affirmative votes under RCW 23B.07.250;

(u) All shares of one or more classes or series that are entitled to vote will be counted together collectively on any matter at a meeting of shareholders under RCW 23B.07.260;

(v) Directors are elected by cumulative voting under RCW 23B.07.280;

(w) Directors are elected by a plurality of votes cast by shares entitled to vote under RCW 23B.07.280;

(x) A corporation must have a board of directors under RCW 23B.08.010;

(y) All corporate powers must be exercised by or under the authority of, and the business and affairs of the corporation managed under the direction of, its board of directors under RCW 23B.08.010;

(z) The shareholders may remove one or more directors with or without cause under RCW 23B.08.080;

(aa) A vacancy on the board of directors may be filled by the shareholders or the board of directors under RCW 23B.08.100;

(bb) A corporation shall indemnify a director who was wholly successful in the defense of any proceeding to which the director was a party because the director is or was a director of the corporation against reasonable expenses incurred by the director in connection with the proceeding under RCW 23B.08.520;

(cc) A director of a corporation who is a party to a proceeding may apply for indemnification of reasonable expenses incurred by the director in connection with the proceeding to the court conducting the proceeding or to another court of competent jurisdiction under RCW 23B.08.540;

(dd) An officer of the corporation who is not a director is entitled to mandatory indemnification under RCW 23B.08.520, and is entitled to apply for court-ordered indemnification under RCW 23B.08.540, in each case to the same extent as a director under RCW 23B.08.570;

(ee) The corporation may indemnify and advance expenses to an officer, employee, or agent of the corporation who is not a director to the same extent as to a director under RCW 23B.08.570;

(ff) A corporation may indemnify and advance expenses to an officer, employee, or agent who is not a director to the extent, consistent with law, that may be provided by its articles of incorporation, bylaws, general or specific action of its board of directors, or contract under RCW 23B.08.570;

(gg) A corporation's board of directors may adopt certain amendments to the corporation's articles of incorporation without shareholder action under RCW 23B.10.020;

(hh) Unless the title or the board of directors require a greater vote or a vote by voting groups, an amendment to the corporation's articles of incorporation must be approved by each voting group entitled to vote on the proposed amendment by two-thirds, or, in the case of a public company, a majority, of all the votes entitled to be cast by that voting group under RCW 23B.10.030;

(ii) A corporation's board of directors may amend or repeal the corporation's bylaws unless this title reserves this power exclusively to the shareholders in whole or in part, or unless the shareholders in amending or repealing a bylaw provide expressly that the board of directors may not amend or repeal that bylaw under RCW 23B.10.200;

(jj) Unless this title or the board of directors require a greater vote or a vote by voting groups, a plan of merger or share exchange must be approved by each voting group entitled to vote on the merger or share exchange by two-thirds of all the votes entitled to be cast by that voting group under RCW 23B.11.030;

(kk) Approval by the shareholders of the sale, lease, exchange, or other disposition of all, or substantially all, the corporation's property in the usual and regular course of business is not required under RCW 23B.12.010;

(ll) Approval by the shareholders of the mortgage, pledge, dedication to the repayment of indebtedness, or other encumbrance of any or all of the corporation's property, whether or not in the usual and regular course of business, is not required under RCW 23B.12.010;

(mm) Unless the board of directors requires a greater vote or a vote by voting groups, a sale, lease, exchange, or other disposition of all or substantially all of the corporation's property, other than in the usual and regular course of business, must be approved by each

voting group entitled to vote on such transaction by two-thirds of all votes entitled to be cast by that voting group under RCW 23B.12.020; and

(nn) Unless the board of directors requires a greater vote or a vote by voting groups, a proposal to dissolve must be approved by each voting group entitled to vote on the dissolution by two-thirds of all votes entitled to be cast by that voting group under RCW 23B.14.020(~~and~~

~~(oo) A corporation with fewer than three hundred holders of record of its shares does not require special approval of interested shareholder transactions under RCW 23B.17.020).~~

(4) Unless its articles of incorporation or its bylaws provide otherwise, a corporation is governed by the following provisions:

(a) The board of directors may authorize the issuance of some or all of the shares of any or all of the corporation's classes or series without certificates under RCW 23B.06.260;

(b) A corporation that is not a public company shall hold a special meeting of shareholders if the holders of at least ten percent of the votes entitled to be cast on any issue proposed to be considered at the meeting demand a meeting under RCW 23B.07.020;

(c) A director need not be a resident of this state or a shareholder of the corporation under RCW 23B.08.020;

(d) The board of directors may fix the compensation of directors under RCW 23B.08.110;

(e) Members of the board of directors may participate in a meeting of the board by any means of similar communication by which all directors participating can hear each other during the meeting under RCW 23B.08.200;

(f) Action permitted or required by this title to be taken at a board of directors' meeting may be taken without a meeting if action is taken by all members of the board under RCW 23B.08.210;

(g) Regular meetings of the board of directors may be held without notice of the date, time, place, or purpose of the meeting under RCW 23B.08.220;

(h) Special meetings of the board of directors must be preceded by at least two days' notice of the date, time, and place of the meeting, and the notice need not describe the purpose of the special meeting under RCW 23B.08.220;

(i) A quorum of a board of directors consists of a majority of the number of directors under RCW 23B.08.240;

(j) If a quorum is present when a vote is taken, the affirmative vote of a majority of directors present is the act of the board of directors under RCW 23B.08.240;

(k) A board of directors may create one or more committees and appoint members of the board of directors to serve on them under RCW 23B.08.250; and

(l) Unless approved by the shareholders, a corporation may indemnify, or make advances to, a director for reasonable expenses incurred in the defense of any proceeding to which the director was a party because of being a director only to the extent such action is consistent with RCW 23B.08.500 through 23B.08.580.

(5) The articles of incorporation may contain the following provisions:

(a) The names and addresses of the individuals who are to serve as initial directors;

(b) The par value of any authorized shares or classes of shares;

(c) Provisions not inconsistent with law related to the management of the business and the regulation of the affairs of the corporation;

(d) Any provision that under this title is required or permitted to be set forth in the bylaws;

(e) Provisions not inconsistent with law defining, limiting, and regulating the powers of the corporation, its board of directors, and shareholders;

(f) If the articles of incorporation authorize dividing shares into classes, the election of all or a specified number of directors may be effected by the holders of one or more authorized classes of shares under RCW 23B.08.040;

(g) The terms of directors may be staggered under RCW 23B.08.060;

(h) Shares may be redeemable or convertible (i) at the option of the corporation, the shareholder, or another person, or upon the occurrence of a designated event; (ii) for cash, indebtedness, securities, or other property; or (iii) in a designated amount or in an amount determined in accordance with a designated formula or by reference to extrinsic data or events under RCW 23B.06.010; and

(i) A director's personal liability to the corporation or its shareholders for monetary damages for conduct as a director may be eliminated or limited under RCW 23B.08.320.

(6) The articles of incorporation or the bylaws may contain the following provisions:

(a) A restriction on the transfer or registration of transfer of the corporation's shares under RCW 23B.06.270;

(b) Shareholders may participate in a meeting of shareholders by any means of communication by which all persons participating in the meeting can hear each other under RCW 23B.07.080;

(c) A quorum of the board of directors may consist of as few as one-third of the number of directors under RCW 23B.08.240;

(d) If the corporation is registered as an investment company under the investment company act of 1940, a provision limiting the requirement to hold an annual meeting of shareholders as provided in RCW 23B.07.010(2); and

(e) If the corporation is registered as an investment company under the investment company act of 1940, a provision establishing terms of directors which terms may be longer than one year as provided in RCW 23B.05.050.

(7) The articles of incorporation need not set forth any of the corporate powers enumerated in this title.

NEW SECTION. Sec. 6. RCW 23B.17.020 and 1989 c 165 s 189 are each repealed."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "amending RCW 23B.19.020, 23B.19.030, 23B.19.040, 23B.01.400, and 23B.02.020; and repealing RCW 23B.17.020.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Smith, the Senate concurred in the House amendments to Substitute Senate Bill No. 6169.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6169, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6169, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators McAuliffe and Rinehart - 2.

SUBSTITUTE SENATE BILL NO. 6169, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Anderson, Senator Johnson was excused.

#### MESSAGE FROM THE HOUSE

February 28, 1996

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6189 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. In order to implement the constitutional guarantee of counsel and to ensure the effective and efficient delivery of the indigent appellate services funded by the state of Washington, an office of public defense is established as an independent agency of the judicial branch.

NEW SECTION. Sec. 2. The supreme court shall appoint the director of the office of public defense from a list of three names submitted by the advisory committee created under section 4 of this act. Qualifications shall include admission to the practice of law in this state for at least five years, experience in the representation of persons accused of a crime, and proven managerial or supervisory experience. The director shall serve at the pleasure of the supreme court and receive a salary to be fixed by the advisory committee.

NEW SECTION. Sec. 3. The director, under the supervision and direction of the advisory committee, shall:

- (1) Administer all criminal appellate indigent defense services;
- (2) Submit a biennial budget for all costs related to state appellate indigent defense;
- (3) Establish administrative procedures, standards, and guidelines for the program including a cost-efficient system that provides for recovery of costs;
- (4) Recommend criteria and standards for determining and verifying indigency. In recommending criteria for determining indigency, the director shall compile and review the indigency standards used by other state agencies and shall periodically submit the compilation and report to the legislature on the appropriateness and consistency of such standards;
- (5) Collect information regarding indigency cases funded by the state and report annually to the legislature and the supreme court;
- (6) Coordinate with the supreme court and the judges of each division of the court of appeals to determine how attorney services should be provided.

The office of public defense shall not provide direct representation of clients.

**NEW SECTION. Sec. 4.** (1) There is created an advisory committee consisting of the following members:

(a) Three persons appointed by the chief justice of the supreme court, including the chair of the appellate indigent defense commission identified in subsection (3) of this section;

(b) Two nonattorneys appointed by the governor;

(c) Two senators, one from each of the two largest caucuses, appointed by the president of the senate; and two members of the house of representatives, one from each of the two largest caucuses, appointed by the speaker of the house of representatives;

(d) One person appointed by the court of appeals executive committee;

(e) One person appointed by the Washington state bar association.

(2) During the term of his or her appointment, no appointee may: (a) Provide indigent defense services except on a pro bono basis; (b) serve as an appellate judge or an appellate court employee; or (c) serve as a prosecutor or prosecutor employee.

(3) The initial advisory committee shall be comprised of the current members of the appellate indigent defense commission, as established by Supreme Court Order No. 25700-B, dated March 9, 1995, plus two additional legislator members appointed under subsection (1)(c) of this section. Members shall serve until the termination of their current terms, and may be reappointed. The two additional legislator members, who are not on the appellate indigent defense commission, shall each serve three-year terms. Members of the advisory committee shall receive no compensation for their services as members of the commission, but may be reimbursed for travel and other expenses in accordance with rules adopted by the office of financial management.

**NEW SECTION. Sec. 5.** All employees of the office of public defense shall be exempt from state civil service under chapter 41.06 RCW.

**NEW SECTION. Sec. 6.** (1) All powers, duties, and functions of the supreme court and the office of the administrator for the courts pertaining to appellate indigent defense are transferred to the office of public defense.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the supreme court or the office of the administrator for the courts pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the office of public defense. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the supreme court or the office of the administrator for the courts in carrying out the powers, functions, and duties transferred shall be made available to the office of public defense. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the office of public defense.

(b) Any appropriations made to the supreme court or the office of the administrator for the courts for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the office of public defense.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the supreme court or the office of the administrator for the courts engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the office of public defense. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the office of public defense to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the supreme court or the office of the administrator for the courts pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the office of public defense. All existing contracts and obligations shall remain in full force and shall be performed by the office of public defense.

(5) The transfer of the powers, duties, functions, and personnel of the supreme court or the office of the administrator for the courts shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

**NEW SECTION. Sec. 7.** A new section is added to chapter 43.131 RCW to read as follows:

The office of public defense and its powers and duties shall be terminated on June 30, 2000, as provided in section 8 of this act.

**NEW SECTION. Sec. 8.** A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2001:

(1) RCW 2.--.-- and 1996 c -- s 1 (section 1 of this act);

(2) RCW 2.--.-- and 1996 c -- s 2 (section 2 of this act);

(3) RCW 2.--.-- and 1996 c -- s 3 (section 3 of this act);

(4) RCW 2.--.--- and 1996 c -- s 4 (section 4 of this act); and

(5) RCW 2.--.--- and 1996 c -- s 5 (section 5 of this act).

NEW SECTION. Sec. 9. Sections 1 through 5 of this act shall constitute a new chapter in Title 2 RCW.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Sheldon, the Senate concurred in the House amendment to Substitute Senate Bill No. 6189.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6189, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6189, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Excused: Senators Johnson, McAuliffe and Rinehart - 3.

SUBSTITUTE SENATE BILL NO. 6189, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 26, 1996

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6214 with the following amendment(s):

On page 1, line 15, after "similar" insert "flexible synthetic", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Rasmussen, the Senate concurred in the House amendment to Substitute Senate Bill No. 6214.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6214, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6214, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Kohl, Long, Loveland, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45.

Absent: Senator Haugen - 1.

Excused: Senators Johnson, McAuliffe and Rinehart - 3.

SUBSTITUTE SENATE BILL NO. 6214, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 28, 1996

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6266 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The purpose of this chapter is to provide alternative procedures for fixing boundary points or lines when they cannot be determined from the existing public record and landmarks or are otherwise in dispute. This chapter does not impair, modify, or supplant any other remedy available at law or equity.

**NEW SECTION. Sec. 2.** As used in this chapter, "surveyor" means every person authorized to practice the profession of land surveying under the provisions of chapter 18.43 RCW.

**NEW SECTION. Sec. 3.** Whenever a point or line determining the boundary between two or more parcels of real property cannot be identified from the existing public record, monuments, and landmarks, or is in dispute, the landowners affected by the determination of the point or line may resolve any dispute and fix the boundary point or line by one of the following procedures:

(1) If all of the affected landowners agree to a description and marking of a point or line determining a boundary, they shall document the agreement in a written instrument, using appropriate legal descriptions and including a survey map, filed in accordance with chapter 58.09 RCW. The written instrument shall be signed and acknowledged by each party in the manner required for a conveyance of real property. The agreement is binding upon the parties, their successors, assigns, heirs and devisees and runs with the land. The agreement shall be recorded with the real estate records in the county or counties in which the affected parcels of real estate or any portion of them is located;

(2) If all of the affected landowners cannot agree to a point or line determining the boundary between two or more parcels of real estate, any one of them may bring suit for determination as provided in RCW 58.04.020.

**NEW SECTION. Sec. 4.** Any surveyor authorized by the court and the surveyor's employees may, without liability for trespass, enter upon any land or waters and remain there while performing the duties as required in sections 1 through 4 of this act. The persons named in this section may, without liability for trespass, investigate, construct, or place a monument or reference monuments for the position of any land boundary mark or general land office corner or mark and subdivisional corners thereof. Persons entering lands under the authority of sections 1 through 4 of this act must exercise due care not to damage property while on land or waters performing their duties, and are liable for property damage, if any, caused by their negligence or willful misconduct. Where practical, the persons named in this section must announce and identify themselves and their intention before entering upon private property in the performance of their duties.

**NEW SECTION. Sec. 5.** A person who intentionally disturbs a survey monument placed by a surveyor in the performance of the surveyor's duties is guilty of a gross misdemeanor and is liable for the cost of the reestablishment.

**NEW SECTION. Sec. 6.** RCW 58.04.010 and 1895 c 77 s 9 are each repealed.

**NEW SECTION. Sec. 7.** Sections 1 through 5 of this act are each added to chapter 58.04 RCW.

**Sec. 8.** RCW 58.04.020 and 1886 p 104 s 1 are each amended to read as follows:

(1) Whenever the boundaries of lands between two or more adjoining proprietors (~~((shall))~~) have been lost, or by time, accident or any other cause, (~~((shall))~~) have become obscure, or uncertain, and the adjoining proprietors cannot agree to establish the same, one or more of (~~((said))~~) the adjoining proprietors may bring (~~((his))~~) a civil action in equity, in the superior court, for the county in which such lands, or part of them are situated, and (~~((such))~~) that superior court, as a court of equity, may upon (~~((such))~~) the complaint, order such lost or uncertain boundaries to be erected and established and properly marked.

(2) The superior court may order the parties to utilize mediation before the civil action is allowed to proceed."

On page 1, line 2 of the title, after "boundaries;" strike the remainder of the title and insert "amending RCW 58.04.020; adding new sections to chapter 58.04 RCW; repealing RCW 58.04.010; and prescribing penalties.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Smith, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 6266.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6266, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6266, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Johnson and Rinehart - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6266, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

February 29, 1996

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6289 with the following amendment(s):

On page 5, line 5, after "RCW 48.05.340" insert": however, a foreign or alien society may continue to issue new policies or certificates to members of the society who have an existing policy or certificate in force with the society on June 30, 1997", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Prentice, the Senate concurred in the House amendment to Senate Bill No. 6289.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6289, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6289, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Johnson and Rinehart - 2.

SENATE BILL NO. 6289, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

February 28, 1996

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6312 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.15.628 and 1994 c 208 s 2 are each amended to read as follows:

(1) The legislature finds that military and naval veterans who have served their country in wars on foreign soil have risked their own lives to defend both the lives of all Americans and the freedoms that define and distinguish our nation. It is the intent of the legislature to honor Persian Gulf combat zone veterans for the public service they have provided to their country. It is the further intent of the legislature that, for eligible Persian Gulf combat zone veterans, institutions of higher education waive tuition and fee increases that have occurred after the 1990-91 academic year.

(2) Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges may exempt veterans of the Persian Gulf combat zone from all or a portion of increases in tuition and fees that occur after the 1990-91 academic year, if((:

(a)) the veteran could have qualified as a Washington resident student under RCW 28B.15.012(2), had he or she been enrolled as a student on August 1, 1990((;

(b) ~~The veteran is enrolled for seven or more quarter credits per academic term or their equivalent, except summer term and not including community service courses; and~~

(c) ~~The veteran's adjusted gross family income as most recently reported to the internal revenue service does not exceed Washington state's median family income as established by the federal bureau of the census).~~

(3) For the purposes of this section, "a veteran of the Persian Gulf combat zone" means a person who ~~((during any portion of calendar year 1991, served in active federal service as a member of the armed military or naval forces of the United States in a combat zone~~

~~as designated by the president of the United States by executive order~~) served on active duty in the armed forces of the United States during any portion of the 1991 calendar year in the Persian Gulf combat zone as designated by executive order of the president of the United States.

(4) This section expires June 30, 1999.

**Sec. 2.** 1994 c 208 s 4 (uncodified) is amended to read as follows:

Section((s)) 13 ((and 14)) of this act shall expire on June 30, 1997."

On page 1, line 1 of the title, after "veterans;" strike the remainder of the title and insert "amending RCW 28B.15.628; amending 1994 c 208 s 4 (uncodified); and providing an expiration date.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Bauer, the Senate concurred in the House amendments to Senate Bill No. 6312.

#### MOTION

On motion of Senator Thibaudeau, Senator Owen was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6312, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6312, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Owen and Rinehart - 2.

SENATE BILL NO. 6312, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 29, 1996

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6315 with the following amendment(s):

On page 2, line 3, after "authorized to" insert "use the following non-exclusive options:", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Hargrove, the Senate concurred in the House amendment to Substitute Senate Bill No. 6315.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6315, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6315, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senator McDonald - 1.

Excused: Senators Owen and Rinehart - 2.

SUBSTITUTE SENATE BILL NO. 6315, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

February 26, 1996

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6379 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 28C.18.005 and 1991 c 238 s 1 are each amended to read as follows:

The legislature finds that the state's system of work force training and education is inadequate for meeting the needs of the state's workers, employers, and economy. A growing shortage of skilled workers is already hurting the state's economy. There is a shortage of available workers and too often prospective employees lack the skills and training needed by employers. Moreover, with demographic changes in the state's population employers will need to employ a more culturally diverse work force in the future.

The legislature further finds that the state's current work force training and education system is fragmented among numerous agencies, councils, boards, and committees, with inadequate overall coordination. No comprehensive strategic plan guides the different parts of the system. There is no single point of leadership and responsibility. There is insufficient guidance from employers and workers built into the system to ensure that the system is responsive to the needs of its customers. Adult work force education lacks a uniform system of governance, with an inefficient division in governance between community colleges and vocational technical institutes, and inadequate local authority. The parts of the system providing adult basic skills and literacy education are especially uncoordinated and lack sufficient visibility to adequately address the needs of the large number of adults in the state who are functionally illiterate. The work force training and education system's data and evaluation methods are inconsistent and unable to provide adequate information for determining how well the system is performing on a regular basis so that the system may be held accountable for the outcomes it produces. Much of the work force training and education system provides inadequate opportunities to meet the needs of people from culturally diverse backgrounds. Finally, our public and private educational institutions are not producing the number of people educated in vocational/technical skills needed by employers.

The legislature recognizes that we must make certain that our public and private institutions of education place appropriate emphasis on the needs of employers and on the needs of the approximately eighty percent of our young people who enter the world of work without completing a four-year program of higher education. We must make our work force education and training system better coordinated, more efficient, more responsive to the needs of business and workers and local communities, more accountable for its performance, and more open to the needs of a culturally diverse population.

**Sec. 2.** RCW 28C.18.010 and 1991 c 238 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this title.

- (1) "Board" means the work force training and education coordinating board.
- (2) "Director" means the director of the work force training and education coordinating board.
- (3) "Training system" means programs and courses of secondary vocational education, technical college programs and courses, community college vocational programs and courses, private career school and college programs and courses, employer-sponsored training, adult basic education programs and courses, programs and courses funded by the job training partnership act, programs and courses funded by the federal vocational act, programs and courses funded under the federal adult education act, publicly funded programs and courses for adult literacy education, and apprenticeships, and programs and courses offered by private and public nonprofit organizations that are representative of communities or significant segments of communities and provide job training or adult literacy services.
- (4) "Work force skills" means skills developed through applied learning that strengthen and reinforce an individual's academic knowledge, critical thinking, problem solving, and work ethic and, thereby, develop the employability, occupational skills, and management of home and work responsibilities necessary for economic independence.
- (5) "Vocational education" means organized educational programs offering a sequence of courses which are directly related to the preparation or retraining of individuals in paid or unpaid employment in current or emerging occupations requiring other than a baccalaureate or advanced degree. Such programs shall include competency-based applied learning which contributes to an individual's academic knowledge, higher-order reasoning, and problem-solving skills, work attitudes, general employability skills, and the occupational-specific skills necessary for economic independence as a productive and contributing member of society. Such term also includes applied technology education.
- (6) "Adult basic education" means instruction designed to achieve mastery of skills in reading, writing, oral communication, and computation at a level sufficient to allow the individual to function effectively as a parent, worker, and citizen in the United States, commensurate with that individual's actual ability level, and includes English as a second language and preparation and testing service for the general education development exam.

**Sec. 3.** RCW 28C.18.030 and 1991 c 238 s 4 are each amended to read as follows:

The purpose of the board is to provide planning, coordination, evaluation, monitoring, and policy analysis for the state training system as a whole, and advice to the governor and legislature concerning the state training system, in cooperation with ~~((the agencies which comprise))~~ the state training system~~((τ))~~ and the higher education coordinating board.

**Sec. 4.** RCW 28C.18.060 and 1993 c 280 s 17 are each amended to read as follows:

The board, in cooperation with the operating agencies of the state training system and private career schools and colleges shall:

- (1) Concentrate its major efforts on planning, coordination evaluation, policy analysis, and recommending improvements to the state's training system.
- (2) Advocate for the state training system and for meeting the needs of employers and the work force for work force education and training.
- (3) Establish and maintain an inventory of the programs of the state training system, and related state programs, and perform a biennial assessment of the vocational education, training, and adult basic education and literacy needs of the state; identify ongoing and strategic education needs; and assess the extent to which employment, training, vocational and basic education, rehabilitation services, and public assistance services represent a consistent, integrated approach to meet such needs.
- (4) Develop and maintain a state comprehensive plan for work force training and education, including but not limited to, goals, objectives, and priorities for the state training system, and review the state training system for consistency with the state comprehensive plan. In developing the state comprehensive plan for work force training and education, the board shall use, but shall not be limited to: Economic, labor market, and populations trends reports in office of financial management forecasts; joint office of financial management and employment security department labor force, industry employment, and occupational forecasts; the results of scientifically based outcome, net-impact and cost-benefit evaluations; the needs of employers as evidenced in formal employer surveys and other employer input; and the needs of program participants and workers as evidenced in formal surveys and other input from program participants and the labor community.
- (5) In consultation with the higher education coordinating board, review and make recommendations to the office of financial management and the legislature on operating and capital facilities budget requests for operating agencies of the state training system for purposes of consistency with the state comprehensive plan for work force training and education.
- (6) Provide for coordination among the different operating agencies and components of the state training system at the state level and at the regional level.
- (7) Develop a consistent and reliable data base on vocational education enrollments, costs, program activities, and job placements from publicly funded vocational education programs in this state.
- (8) Establish standards for data collection and maintenance for the operating agencies of the state training system in a format that is accessible to use by the board. The board shall require a minimum of common core data to be collected by each operating agency of the state training system.  
The board shall develop requirements for minimum common core data in consultation with the office of financial management and the operating agencies of the training system.
- (9) Establish minimum standards for program evaluation for the operating agencies of the state training system, including, but not limited to, the use of common survey instruments and procedures for measuring perceptions of program participants and employers of program participants, and monitor such program evaluation.
- (10) Every two years administer scientifically based outcome evaluations of the state training system, including, but not limited to, surveys of program participants, surveys of employers of program participants, and matches with employment security department payroll and wage files. Every five years administer scientifically based net-impact and cost-benefit evaluations of the state training system.
- (11) In cooperation with the employment security department, provide for the improvement and maintenance of quality and utility in occupational information and forecasts for use in training system planning and evaluation. Improvements shall include, but not be limited to, development of state-based occupational change factors involving input by employers and employees, and delineation of skill and training requirements by education level associated with current and forecasted occupations.
- (12) Provide for the development of common course description formats, common reporting requirements, and common definitions for operating agencies of the training system.
- (13) Provide for effectiveness and efficiency reviews of the state training system.
- (14) In cooperation with the higher education coordinating board, facilitate transfer of credit policies and agreements between institutions of the state training system, and encourage articulation agreements for programs encompassing two years of secondary work force education and two years of postsecondary work force education.
- (15) In cooperation with the higher education coordinating board, facilitate transfer of credit policies and agreements between private training institutions and institutions of the state training system.
- (16) Participate in the development of coordination criteria for activities under the job training partnership act with related programs and services provided by state and local education and training agencies.
- (17) Make recommendations to the commission of student assessment, the state board of education, and the superintendent of public instruction, concerning basic skill competencies and essential core competencies for K-12 education. Basic skills for this purpose shall

be reading, writing, computation, speaking, and critical thinking, essential core competencies for this purpose shall be English, math, science/technology, history, geography, and critical thinking. The board shall monitor the development of and provide advice concerning secondary curriculum which integrates vocational and academic education.

(18) Establish and administer programs for marketing and outreach to businesses and potential program participants.

(19) Facilitate the location of support services, including but not limited to, child care, financial aid, career counseling, and job placement services, for students and trainees at institutions in the state training system, and advocate for support services for trainees and students in the state training system.

(20) Facilitate private sector assistance for the state training system, including but not limited to: Financial assistance, rotation of private and public personnel, and vocational counseling.

(21) Facilitate programs for school-to-work transition that combine classroom education and on-the-job training in industries and occupations without a significant number of apprenticeship programs.

(22) Encourage and assess progress for the equitable representation of racial and ethnic minorities, women, and people with disabilities among the students, teachers, and administrators of the state training system. Equitable, for this purpose, shall mean substantially proportional to their percentage of the state population in the geographic area served. This function of the board shall in no way lessen more stringent state or federal requirements for representation of racial and ethnic minorities, women, and people with disabilities.

(23) Participate in the planning and policy development of governor set-aside grants under P.L. 97-300, as amended.

(24) Administer veterans' programs, licensure of private vocational schools, the job skills program, and the Washington award for vocational excellence.

(25) Allocate funding from the state job training trust fund.

(26) Work with the director of community, trade, and economic development to ensure coordination between work force training priorities and that department's economic development efforts.

(27) Adopt rules as necessary to implement this chapter.

The board may delegate to the director any of the functions of this section."

On page 1, line 2 of the title, after "board;" strike the remainder of the title and insert "and amending RCW 28C.18.005, 28C.18.010, 28C.18.030, and 28C.18.060.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Bauer, the Senate concurred in the House amendments to Substitute Senate Bill No. 6379.

#### MOTION

On motion of Senator Thibaudeau, Senators Kohl and Smith were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6379, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6379, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44.

Absent: Senator Schow - 1.

Excused: Senators Kohl, Owen, Rinehart and Smith - 4.

SUBSTITUTE SENATE BILL NO. 6379, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTIONS

On motion of Senator McCaslin, Senator Strannigan was excused.

On motion of Senator Sheldon, Senator Thibaudeau was excused.

MESSAGE FROM THE HOUSE

February 29, 1996

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6403 with the following amendment(s):

On page 2, after line 15, insert:

"(2) No fire marshal, or other person, may enter the scene of an emergency until permitted by the officer in charge of the emergency incident."

Renumber the following subsections consecutively., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate concurred in the House amendment to Senate Bill No. 6403.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6403, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6403, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 45.

Excused: Senators Owen, Smith, Strannigan and Thibaudeau - 4.

SENATE BILL NO. 6403, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheldon, Senator Haugen was excused.

MESSAGE FROM THE HOUSE

February 28, 1996

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6423 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"PART I. SHORT TITLE, INTERPRETATION, AND DEFINITIONS**

NEW SECTION. Sec. 101. SHORT TITLE. This chapter shall be known and may be cited as the Washington electronic authentication act.

NEW SECTION. Sec. 102. PURPOSES AND CONSTRUCTION. This chapter shall be construed consistently with what is commercially reasonable under the circumstances and to effectuate the following purposes:

- (1) To facilitate commerce by means of reliable electronic messages;
- (2) To minimize the incidence of forged digital signatures and fraud in electronic commerce;
- (3) To implement legally the general import of relevant standards, such as X.509 of the international telecommunication union, formerly known as the international telegraph and telephone consultative committee; and
- (4) To establish, in coordination with multiple states, uniform rules regarding the authentication and reliability of electronic messages.

NEW SECTION. Sec. 103. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

- (1) "Accept a certificate" means either:
  - (a) To manifest approval of a certificate, while knowing or having notice of its contents; or

(b) To apply to a licensed certification authority for a certificate, without cancelling or revoking the application by delivering notice of the cancellation or revocation to the certification authority and obtaining a signed, written receipt from the certification authority, if the certification authority subsequently issues a certificate based on the application.

(2) "Asymmetric cryptosystem" means an algorithm or series of algorithms that provide a secure key pair.

(3) "Certificate" means a computer-based record that:

(a) Identifies the certification authority issuing it;

(b) Names or identifies its subscriber;

(c) Contains the subscriber's public key; and

(d) Is digitally signed by the certification authority issuing it.

(4) "Certification authority" means a person who issues a certificate.

(5) "Certification authority disclosure record" means an on-line, publicly accessible record that concerns a licensed certification authority and is kept by the secretary. A certification authority disclosure record has the contents specified by rule by the secretary under section 104 of this act.

(6) "Certification practice statement" means a declaration of the practices that a certification authority employs in issuing certificates generally, or employed in issuing a material certificate.

(7) "Certify" means to declare with reference to a certificate, with ample opportunity to reflect, and with a duty to apprise oneself of all material facts.

(8) "Confirm" means to ascertain through appropriate inquiry and investigation.

(9) "Correspond," with reference to keys, means to belong to the same key pair.

(10) "Digital signature" means a transformation of a message using an asymmetric cryptosystem such that a person having the initial message and the signer's public key can accurately determine:

(a) Whether the transformation was created using the private key that corresponds to the signer's public key; and

(b) Whether the initial message has been altered since the transformation was made.

(11) "Financial institution" means a national or state-chartered commercial bank or trust company, savings bank, savings association, or credit union authorized to do business in the state of Washington and the deposits of which are federally insured.

(12) "Forge a digital signature" means either:

(a) To create a digital signature without the authorization of the rightful holder of the private key; or

(b) To create a digital signature verifiable by a certificate listing as subscriber a person who either:

(i) Does not exist; or

(ii) Does not hold the private key corresponding to the public key listed in the certificate.

(13) "Hold a private key" means to be authorized to utilize a private key.

(14) "Incorporate by reference" means to make one message a part of another message by identifying the message to be incorporated and expressing the intention that it be incorporated.

(15) "Issue a certificate" means the acts of a certification authority in creating a certificate and notifying the subscriber listed in the certificate of the contents of the certificate.

(16) "Key pair" means a private key and its corresponding public key in an asymmetric cryptosystem, keys which have the property that the public key can verify a digital signature that the private key creates.

(17) "Licensed certification authority" means a certification authority to whom a license has been issued by the secretary and whose license is in effect.

(18) "Message" means a digital representation of information.

(19) "Notify" means to communicate a fact to another person in a manner reasonably likely under the circumstances to impart knowledge of the information to the other person.

(20) "Operative personnel" means one or more natural persons acting as a certification authority or its agent, or in the employment of, or under contract with, a certification authority, and who have:

(a) Managerial or policymaking responsibilities for the certification authority; or

(b) Duties directly involving the issuance of certificates, creation of private keys, or administration of a certification authority's computing facilities.

(21) "Person" means a human being or an organization capable of signing a document, either legally or as a matter of fact.

(22) "Private key" means the key of a key pair used to create a digital signature.

(23) "Public key" means the key of a key pair used to verify a digital signature.

(24) "Publish" means to record or file in a repository.

(25) "Qualified right to payment" means an award of damages against a licensed certification authority by a court having jurisdiction over the certification authority in a civil action for violation of this chapter.

(26) "Recipient" means a person who receives or has a digital signature and is in a position to rely on it.

(27) "Recognized repository" means a repository recognized by the secretary under section 501 of this act.

(28) "Recommended reliance limit" means the monetary amount recommended for reliance on a certificate under section 309(1) of this act.

(29) "Repository" means a system for storing and retrieving certificates and other information relevant to digital signatures.

(30) "Revoke a certificate" means to make a certificate ineffective permanently from a specified time forward. Revocation is effected by notation or inclusion in a set of revoked certificates, and does not imply that a revoked certificate is destroyed or made illegible.

(31) "Rightfully hold a private key" means the authority to utilize a private key:

(a) That the holder or the holder's agents have not disclosed to a person in violation of section 305(1) of this act; and

(b) That the holder has not obtained through theft, deceit, eavesdropping, or other unlawful means.

(32) "Secretary" means the secretary of state.

(33) "Subscriber" means a person who:

(a) Is the subject listed in a certificate;

(b) Accepts the certificate; and

(c) Holds a private key that corresponds to a public key listed in that certificate.

(34) "Suitable guaranty" means either a surety bond executed by a surety authorized by the insurance commissioner to do business in this state, or an irrevocable letter of credit issued by a financial institution authorized to do business in this state, which, in either event, satisfies all of the following requirements:

(a) It is issued payable to the secretary for the benefit of persons holding qualified rights of payment against the licensed certification authority named as the principal of the bond or customer of the letter of credit;

(b) It is in an amount specified by rule by the secretary under section 104 of this act;

(c) It states that it is issued for filing under this chapter;

(d) It specifies a term of effectiveness extending at least as long as the term of the license to be issued to the certification authority;

and

(e) It is in a form prescribed or approved by rule by the secretary.

A suitable guaranty may also provide that the total annual liability on the guaranty to all persons making claims based on it may not exceed the face amount of the guaranty.

(35) "Suspend a certificate" means to make a certificate ineffective temporarily for a specified time forward.

(36) "Time stamp" means either:

(a) To append or attach to a message, digital signature, or certificate a digitally signed notation indicating at least the date, time, and identity of the person appending or attaching the notation; or

(b) The notation thus appended or attached.

(37) "Transactional certificate" means a valid certificate incorporating by reference one or more digital signatures.

(38) "Trustworthy system" means computer hardware and software that:

(a) Are reasonably secure from intrusion and misuse;

(b) Provide a reasonable level of availability, reliability, and correct operation; and

(c) Are reasonably suited to performing their intended functions.

(39) "Valid certificate" means a certificate that:

(a) A licensed certification authority has issued;

(b) The subscriber listed in it has accepted;

(c) Has not been revoked or suspended; and

(d) Has not expired.

However, a transactional certificate is a valid certificate only in relation to the digital signature incorporated in it by reference.

(40) "Verify a digital signature" means, in relation to a given digital signature, message, and public key, to determine accurately that:

(a) The digital signature was created by the private key corresponding to the public key; and

(b) The message has not been altered since its digital signature was created.

**NEW SECTION. Sec. 104. ROLE OF THE SECRETARY.** (1) If six months elapse during which time no certification authority is licensed in this state, then the secretary shall be a certification authority, and may issue, suspend, and revoke certificates in the manner prescribed for licensed certification authorities. Except for licensing requirements, this chapter applies to the secretary with respect to certificates he or she issues. The secretary must discontinue acting as a certification authority if another certification authority is licensed, in a manner allowing reasonable transition to private enterprise.

(2) The secretary must maintain a publicly accessible data base containing a certification authority disclosure record for each licensed certification authority. The secretary must publish the contents of the data base in at least one recognized repository.

(3) The secretary must adopt rules consistent with this chapter and in furtherance of its purposes:

- (a) To govern licensed certification authorities, their practice, and the termination of a certification authority's practice;
- (b) To determine an amount reasonably appropriate for a suitable guaranty, in light of the burden a suitable guaranty places upon licensed certification authorities and the assurance of quality and financial responsibility it provides to persons who rely on certificates issued by licensed certification authorities;
- (c) To specify reasonable requirements for the form of certificates issued by licensed certification authorities, in accordance with generally accepted standards for digital signature certificates;
- (d) To specify reasonable requirements for recordkeeping by licensed certification authorities;
- (e) To specify reasonable requirements for the content, form, and sources of information in certification authority disclosure records, the updating and timeliness of the information, and other practices and policies relating to certification authority disclosure records;
- (f) To specify the form of certification practice statements; and
- (g) Otherwise to give effect to and implement this chapter.

**NEW SECTION. Sec. 105. FEES OF THE SECRETARY.** The secretary may adopt rules establishing reasonable fees for all services rendered under this chapter, in amounts sufficient to compensate for the costs of all services under this chapter. All fees recovered by the secretary must be deposited in the state general fund.

## **PART II. LICENSING AND REGULATION OF CERTIFICATE AUTHORITIES**

**NEW SECTION. Sec. 201. LICENSURE AND QUALIFICATIONS OF CERTIFICATION AUTHORITIES.** (1) To obtain or retain a license, a certification authority must:

- (a) Be the subscriber of a certificate published in a recognized repository;
- (b) Employ as operative personnel only persons who have not been convicted within the past fifteen years of a felony or a crime involving fraud, false statement, or deception;
- (c) Employ as operative personnel only persons who have demonstrated knowledge and proficiency in following the requirements of this chapter;
- (d) File with the secretary a suitable guaranty, unless the certification authority is a department, office, or official of a state, city, or county governmental entity, provided that:
  - (i) Each of the public entities in (d) of this subsection act through designated officials authorized by rule or ordinance to perform certification authority functions; or
  - (ii) This state or one of the public entities in (d) of this subsection is the subscriber of all certificates issued by the certification authority;
- (e) Have the right to use a trustworthy system, including a secure means for limiting access to its private key;
- (f) Present proof to the secretary of having working capital reasonably sufficient, according to rules adopted by the secretary, to enable the applicant to conduct business as a certification authority;
- (g) Maintain an office in this state or have established a registered agent for service of process in this state; and
- (h) Comply with all further licensing requirements established by rule by the secretary.

(2) The secretary must issue a license to a certification authority that:

- (a) Is qualified under subsection (1) of this section;
- (b) Applies in writing to the secretary for a license; and
- (c) Pays a filing fee adopted by rule by the secretary.

(3) The secretary may by rule classify licenses according to specified limitations, such as a maximum number of outstanding certificates, cumulative maximum of recommended reliance limits in certificates issued by the certification authority, or issuance only within a single firm or organization, and the secretary may issue licenses restricted according to the limits of each classification. A certification authority acts as an unlicensed certification authority in issuing a certificate exceeding the restrictions of the certification authority's license.

(4) The secretary may revoke or suspend a certification authority's license, in accordance with the administrative procedure act, chapter 34.05 RCW, for failure to comply with this chapter or for failure to remain qualified under subsection (1) of this section.

(5) The secretary may recognize by rule the licensing or authorization of certification authorities by other governmental entities, provided that those licensing or authorization requirements are substantially similar to those of this state. If licensing by another government is so recognized:

(a) Sections 401 through 406 of this act apply to certificates issued by the certification authorities licensed or authorized by that government in the same manner as it applies to licensed certification authorities of this state; and

(b) The liability limits of section 309 of this act apply to the certification authorities licensed or authorized by that government in the same manner as they apply to licensed certification authorities of this state.

(6) Unless the parties provide otherwise by contract between themselves, the licensing requirements in this section do not affect the effectiveness, enforceability, or validity of any digital signature, except that sections 401 through 406 of this act do not apply in relation to a digital signature that cannot be verified by a certificate issued by an unlicensed certification authority.

(7) A certification authority that has not obtained a license is not subject to the provisions of this chapter.

**NEW SECTION. Sec. 202. PERFORMANCE AUDITS.** (1) A certified public accountant having expertise in computer security or an accredited computer security professional must audit the operations of each licensed certification authority at least once each year to evaluate compliance with this chapter. The secretary may by rule specify the qualifications of auditors.

(2) Based on information gathered in the audit, the auditor must categorize the licensed certification authority's compliance as one of the following:

(a) Full compliance. The certification authority appears to conform to all applicable statutory and regulatory requirements.

(b) Substantial compliance. The certification authority appears generally to conform to applicable statutory and regulatory requirements. However, one or more instances of noncompliance or of inability to demonstrate compliance were found in an audited sample, but were likely to be inconsequential.

(c) Partial compliance. The certification authority appears to comply with some statutory and regulatory requirements, but was found not to have complied or not to be able to demonstrate compliance with one or more important safeguards.

(d) Noncompliance. The certification authority complies with few or none of the statutory and regulatory requirements, fails to keep adequate records to demonstrate compliance with more than a few requirements, or refused to submit to an audit.

The secretary must publish in the certification authority disclosure record it maintains for the certification authority the date of the audit and the resulting categorization of the certification authority.

(3) The secretary may exempt a licensed certification authority from the requirements of subsection (1) of this section, if:

(a) The certification authority to be exempted requests exemption in writing;

(b) The most recent performance audit, if any, of the certification authority resulted in a finding of full or substantial compliance;

and

(c) The certification authority declares under oath, affirmation, or penalty of perjury that one or more of the following is true with respect to the certification authority:

(i) The certification authority has issued fewer than six certificates during the past year and the recommended reliance limits of all of the certificates do not exceed ten thousand dollars;

(ii) The aggregate lifetime of all certificates issued by the certification authority during the past year is less than thirty days and the recommended reliance limits of all of the certificates do not exceed ten thousand dollars; or

(iii) The recommended reliance limits of all certificates outstanding and issued by the certification authority total less than one thousand dollars.

(4) If the certification authority's declaration under subsection (3) of this section falsely states a material fact, the certification authority has failed to comply with the performance audit requirements of this section.

(5) If a licensed certification authority is exempt under subsection (3) of this section, the secretary must publish in the certification authority disclosure record it maintains for the certification authority that the certification authority is exempt from the performance audit requirement.

**NEW SECTION. Sec. 203. ENFORCEMENT OF REQUIREMENTS FOR LICENSED CERTIFICATION AUTHORITIES.**

(1) The secretary may investigate the activities of a licensed certification authority material to its compliance with this chapter and issue orders to a certification authority to further its investigation and secure compliance with this chapter.

(2) The secretary may suspend or revoke the license of a certification authority for its failure to comply with an order of the secretary.

(3) The secretary may by order impose and collect a civil monetary penalty for a violation of this chapter in an amount not to exceed five thousand dollars per incident, or ninety percent of the recommended reliance limit of a material certificate, whichever is less. In case of a violation continuing for more than one day, each day is considered a separate incident.

(4) The secretary may order a certification authority, which it has found to be in violation of this chapter, to pay the costs incurred by the secretary in prosecuting and adjudicating proceedings relative to the order, and enforcing it.

(5) The secretary must exercise authority under this section in accordance with the administrative procedure act, chapter 34.05 RCW, and a licensed certification authority may obtain judicial review of the secretary's actions as prescribed by chapter 34.05 RCW. The secretary may also seek injunctive relief to compel compliance with an order.

**NEW SECTION. Sec. 204. DANGEROUS ACTIVITIES BY A CERTIFICATION AUTHORITY PROHIBITED.** (1) No certification authority, whether licensed or not, may conduct its business in a manner that creates an unreasonable risk of loss to subscribers of the certification authority, to persons relying on certificates issued by the certification authority, or to a repository.

(2) The secretary may publish in the repository it provides, or elsewhere, brief statements advising subscribers, persons relying on digital signatures, or other repositories about activities of a certification authority, whether licensed or not, that create a risk prohibited by subsection (1) of this section. The certification authority named in a statement as creating or causing such a risk may protest the publication of the statement by filing a written defense of ten thousand bytes or less. Upon receipt of such a protest, the secretary must publish the protest along with the secretary's statement, and must promptly give the protesting certification authority notice and an opportunity to be

heard. Following the hearing, the secretary must rescind the advisory statement if its publication was unwarranted under this section, cancel it if its publication is no longer warranted, continue or amend it if it remains warranted, or take further legal action to eliminate or reduce a risk prohibited by subsection (1) of this section. The secretary must publish its decision in the repository it provides.

(3) In the manner provided by the administrative procedure act, chapter 34.05 RCW, the secretary may issue orders and obtain injunctions or other civil relief to prevent or restrain a certification authority from violating this section, regardless of whether the certification authority is licensed. This section does not create a right of action in a person other than the secretary.

### **PART III. DUTIES OF CERTIFICATION AUTHORITIES AND SUBSCRIBERS**

NEW SECTION. Sec. 301. GENERAL REQUIREMENTS FOR CERTIFICATION AUTHORITIES. (1) A licensed certification authority or subscriber may use only a trustworthy system:

- (a) To issue, suspend, or revoke a certificate;
- (b) To publish or give notice of the issuance, suspension, or revocation of a certificate; or
- (c) To create a private key.

(2) A licensed certification authority must disclose any material certification practice statement, and any fact material to either the reliability of a certificate that it has issued or its ability to perform its services. A certification authority may require a signed, written, and reasonably specific inquiry from an identified person, and payment of reasonable compensation, as conditions precedent to effecting a disclosure required in this subsection.

NEW SECTION. Sec. 302. ISSUANCE OF A CERTIFICATE. (1) A licensed certification authority may issue a certificate to a subscriber only after all of the following conditions are satisfied:

- (a) The certification authority has received a request for issuance signed by the prospective subscriber; and
- (b) The certification authority has confirmed that:
  - (i) The prospective subscriber is the person to be listed in the certificate to be issued;
  - (ii) If the prospective subscriber is acting through one or more agents, the subscriber duly authorized the agent or agents to have custody of the subscriber's private key and to request issuance of a certificate listing the corresponding public key;
  - (iii) The information in the certificate to be issued is accurate;
  - (iv) The prospective subscriber rightfully holds the private key corresponding to the public key to be listed in the certificate;
  - (v) The prospective subscriber holds a private key capable of creating a digital signature; and
  - (vi) The public key to be listed in the certificate can be used to verify a digital signature affixed by the private key held by the prospective subscriber.

The requirements of this subsection may not be waived or disclaimed by either the licensed certification authority, the subscriber, or both.

(2) If the subscriber accepts the issued certificate, the certification authority must publish a signed copy of the certificate in a recognized repository, as the certification authority and the subscriber named in the certificate may agree, unless a contract between the certification authority and the subscriber provides otherwise. If the subscriber does not accept the certificate, a licensed certification authority must not publish it, or must cancel its publication if the certificate has already been published.

(3) Nothing in this section precludes a licensed certification authority from conforming to standards, certification practice statements, security plans, or contractual requirements more rigorous than, but nevertheless consistent with, this chapter.

(4) After issuing a certificate, a licensed certification authority must revoke it immediately upon confirming that it was not issued as required by this section. A licensed certification authority may also suspend a certificate that it has issued for a reasonable period not exceeding forty-eight hours as needed for an investigation to confirm grounds for revocation under this subsection. The certification authority must give notice to the subscriber as soon as practicable after a decision to revoke or suspend under this subsection.

(5) The secretary may order the licensed certification authority to suspend or revoke a certificate that the certification authority issued, if, after giving any required notice and opportunity for the certification authority and subscriber to be heard in accordance with the administrative procedure act, chapter 34.05 RCW, the secretary determines that:

- (a) The certificate was issued without substantial compliance with this section; and
- (b) The noncompliance poses a significant risk to persons reasonably relying on the certificate.

Upon determining that an emergency requires an immediate remedy, and in accordance with the administrative procedure act, chapter 34.05 RCW, the secretary may issue an order suspending a certificate for a period not to exceed forty-eight hours.

NEW SECTION. Sec. 303. WARRANTIES AND OBLIGATIONS OF CERTIFICATION AUTHORITY UPON ISSUANCE OF A CERTIFICATE. (1) By issuing a certificate, a licensed certification authority warrants to the subscriber named in the certificate that:

- (a) The certificate contains no information known to the certification authority to be false;
- (b) The certificate satisfies all material requirements of this chapter; and
- (c) The certification authority has not exceeded any limits of its license in issuing the certificate.

The certification authority may not disclaim or limit the warranties of this subsection.

(2) Unless the subscriber and certification authority otherwise agree, a certification authority, by issuing a certificate, promises to the subscriber:

(a) To act promptly to suspend or revoke a certificate in accordance with section 306 or 307 of this act; and

(b) To notify the subscriber within a reasonable time of any facts known to the certification authority that significantly affect the validity or reliability of the certificate once it is issued.

(3) By issuing a certificate, a licensed certification authority certifies to all who reasonably rely on the information contained in the certificate that:

(a) The information in the certificate and listed as confirmed by the certification authority is accurate;

(b) All information foreseeably material to the reliability of the certificate is stated or incorporated by reference within the certificate;

(c) The subscriber has accepted the certificate; and

(d) The licensed certification authority has complied with all applicable laws of this state governing issuance of the certificate.

(4) By publishing a certificate, a licensed certification authority certifies to the repository in which the certificate is published and to all who reasonably rely on the information contained in the certificate that the certification authority has issued the certificate to the subscriber.

**NEW SECTION. Sec. 304. REPRESENTATIONS AND DUTIES UPON ACCEPTANCE OF A CERTIFICATE.** (1) By accepting a certificate issued by a licensed certification authority, the subscriber listed in the certificate certifies to all who reasonably rely on the information contained in the certificate that:

(a) The subscriber rightfully holds the private key corresponding to the public key listed in the certificate;

(b) All representations made by the subscriber to the certification authority and material to the information listed in the certificate are true; and

(c) All material representations made by the subscriber to a certification authority or made in the certificate and not confirmed by the certification authority in issuing the certificate are true.

(2) By requesting on behalf of a principal the issuance of a certificate naming the principal as subscriber, the requesting person certifies in that person's own right to all who reasonably rely on the information contained in the certificate that the requesting person:

(a) Holds all authority legally required to apply for issuance of a certificate naming the principal as subscriber; and

(b) Has authority to sign digitally on behalf of the principal, and, if that authority is limited in any way, adequate safeguards exist to prevent a digital signature exceeding the bounds of the person's authority.

(3) No person may disclaim or contractually limit the application of this section, nor obtain indemnity for its effects, if the disclaimer, limitation, or indemnity restricts liability for misrepresentation as against persons reasonably relying on the certificate.

(4) By accepting a certificate, a subscriber undertakes to indemnify the issuing certification authority for loss or damage caused by issuance or publication of a certificate in reliance on:

(a) A false and material representation of fact by the subscriber; or

(b) The failure by the subscriber to disclose a material fact;

if the representation or failure to disclose was made either with intent to deceive the certification authority or a person relying on the certificate, or with negligence. If the certification authority issued the certificate at the request of one or more agents of the subscriber, the agent or agents personally undertake to indemnify the certification authority under this subsection, as if they were accepting subscribers in their own right. The indemnity provided in this section may not be disclaimed or contractually limited in scope. However, a contract may provide consistent, additional terms regarding the indemnification.

(5) In obtaining information of the subscriber material to issuance of a certificate, the certification authority may require the subscriber to certify the accuracy of relevant information under oath or affirmation of truthfulness and under penalty of perjury.

**NEW SECTION. Sec. 305. CONTROL OF THE PRIVATE KEY.** (1) By accepting a certificate issued by a licensed certification authority, the subscriber identified in the certificate assumes a duty to exercise reasonable care to retain control of the private key and prevent its disclosure to a person not authorized to create the subscriber's digital signature.

(2) A private key is the personal property of the subscriber who rightfully holds it.

(3) If a certification authority holds the private key corresponding to a public key listed in a certificate that it has issued, the certification authority holds the private key as a fiduciary of the subscriber named in the certificate, and may use that private key only with the subscriber's prior, written approval, unless the subscriber expressly grants the private key to the certification authority and expressly permits the certification authority to hold the private key according to other terms.

**NEW SECTION. Sec. 306. SUSPENSION OF A CERTIFICATE.** (1) Unless the certification authority and the subscriber agree otherwise, the licensed certification authority that issued a certificate that is not a transactional certificate must suspend the certificate for a period not to exceed forty-eight hours:

(a) Upon request by a person identifying himself or herself as the subscriber named in the certificate, or as a person in a position likely to know of a compromise of the security of a subscriber's private key, such as an agent, business associate, employee, or member of the immediate family of the subscriber; or

(b) By order of the secretary under section 302(5) of this act.

The certification authority need not confirm the identity or agency of the person requesting suspension.

(2) Unless the certificate provides otherwise or the certificate is a transactional certificate, the secretary or a county clerk may suspend a certificate issued by a licensed certification authority for a period of forty-eight hours, if:

(a) A person identifying himself or herself as the subscriber named in the certificate or as an agent, business associate, employee, or member of the immediate family of the subscriber requests suspension; and

(b) The requester represents that the certification authority that issued the certificate is unavailable.

The secretary or county clerk may require the person requesting suspension to provide evidence, including a statement under oath or affirmation, regarding his or her identity, authorization, or the unavailability of the issuing certification authority, and may decline to suspend the certificate in its discretion. The secretary or law enforcement agencies may investigate suspensions by the secretary or county clerk for possible wrongdoing by persons requesting suspension.

(3) Immediately upon suspension of a certificate by a licensed certification authority, the licensed certification authority must give notice of the suspension according to the specification in the certificate. If one or more repositories are specified, then the licensed certification authority must publish a signed notice of the suspension in all the repositories. If a repository no longer exists or refuses to accept publication, or if no repository is recognized under section 501 of this act, the licensed certification authority must also publish the notice in a recognized repository. If a certificate is suspended by the secretary or county clerk, the secretary or clerk must give notice as required in this subsection for a licensed certification authority, provided that the person requesting suspension pays in advance any fee required by a repository for publication of the notice of suspension.

(4) A certification authority must terminate a suspension initiated by request only:

(a) If the subscriber named in the suspended certificate requests termination of the suspension, the certification authority has confirmed that the person requesting suspension is the subscriber or an agent of the subscriber authorized to terminate the suspension; or

(b) When the certification authority discovers and confirms that the request for the suspension was made without authorization by the subscriber. However, this subsection (4)(b) does not require the certification authority to confirm a request for suspension.

(5) The contract between a subscriber and a licensed certification authority may limit or preclude requested suspension by the certification authority, or may provide otherwise for termination of a requested suspension. However, if the contract limits or precludes suspension by the secretary or county clerk when the issuing certification authority is unavailable, the limitation or preclusion is effective only if notice of it is published in the certificate.

(6) No person may knowingly or intentionally misrepresent to a certification authority his or her identity or authorization in requesting suspension of a certificate. Violation of this subsection is a misdemeanor.

(7) The subscriber is released from the duty to keep the private key secure under section 305(1) of this act while the certificate is suspended.

**NEW SECTION. Sec. 307. REVOCATION OF A CERTIFICATE.** (1) A licensed certification authority must revoke a certificate that it issued but which is not a transactional certificate, after:

(a) Receiving a request for revocation by the subscriber named in the certificate; and

(b) Confirming that the person requesting revocation is the subscriber, or is an agent of the subscriber with authority to request the revocation.

(2) A licensed certification authority must confirm a request for revocation and revoke a certificate within one business day after receiving both a subscriber's written request and evidence reasonably sufficient to confirm the identity and any agency of the person requesting the suspension.

(3) A licensed certification authority must revoke a certificate that it issued:

(a) Upon receiving a certified copy of the subscriber's death certificate, or upon confirming by other evidence that the subscriber is dead; or

(b) Upon presentation of documents effecting a dissolution of the subscriber, or upon confirming by other evidence that the subscriber has been dissolved or has ceased to exist.

(4) A licensed certification authority may revoke one or more certificates that it issued if the certificates are or become unreliable, regardless of whether the subscriber consents to the revocation and notwithstanding a provision to the contrary in a contract between the subscriber and certification authority.

(5) Immediately upon revocation of a certificate by a licensed certification authority, the licensed certification authority must give notice of the revocation according to the specification in the certificate. If one or more repositories are specified, then the licensed certification authority must publish a signed notice of the revocation in all repositories. If a repository no longer exists or refuses to accept

publication, or if no repository is recognized under section 501 of this act, then the licensed certification authority must also publish the notice in a recognized repository.

(6) A subscriber ceases to certify, as provided in section 304 of this act, and has no further duty to keep the private key secure, as required by section 305 of this act, in relation to the certificate whose revocation the subscriber has requested, beginning at the earlier of either:

(a) When notice of the revocation is published as required in subsection (5) of this section; or

(b) One business day after the subscriber requests revocation in writing, supplies to the issuing certification authority information reasonably sufficient to confirm the request, and pays any contractually required fee.

(7) Upon notification as required by subsection (5) of this section, a licensed certification authority is discharged of its warranties based on issuance of the revoked certificate and ceases to certify as provided in section 303(2) and (3) of this act in relation to the revoked certificate.

**NEW SECTION. Sec. 308. EXPIRATION OF A CERTIFICATE.** (1) A certificate must indicate the date on which it expires.

(2) When a certificate expires, the subscriber and certification authority cease to certify as provided in this chapter and the certification authority is discharged of its duties based on issuance, in relation to the expired certificate.

**NEW SECTION. Sec. 309. RECOMMENDED RELIANCE LIMITS AND LIABILITY.** (1) By specifying a recommended reliance limit in a certificate, the issuing certification authority and accepting subscriber recommend that persons rely on the certificate only to the extent that the total amount at risk does not exceed the recommended reliance limit.

(2) Unless a licensed certification authority waives application of this subsection, a licensed certification authority is:

(a) Not liable for a loss caused by reliance on a false or forged digital signature of a subscriber, if, with respect to the false or forged digital signature, the certification authority complied with all material requirements of this chapter;

(b) Not liable in excess of the amount specified in the certificate as its recommended reliance limit for either:

(i) A loss caused by reliance on a misrepresentation in the certificate of a fact that the licensed certification authority is required to confirm; or

(ii) Failure to comply with section 302 of this act in issuing the certificate;

(c) Liable only for direct compensatory damages in an action to recover a loss due to reliance on the certificate. Direct compensatory damages do not include:

(i) Punitive or exemplary damages. Nothing in this chapter may be interpreted to permit punitive or exemplary damages that would not otherwise be permitted by the law of this state;

(ii) Damages for lost profits or opportunity; or

(iii) Damages for pain or suffering.

**NEW SECTION. Sec. 310. COLLECTION BASED ON SUITABLE GUARANTY.** (1)(a) If the suitable guaranty is a surety bond, a person may recover from the surety the full amount of a qualified right to payment against the principal named in the bond, or, if there is more than one such qualified right to payment during the term of the bond, a ratable share, up to a maximum total liability of the surety equal to the amount of the bond.

(b) If the suitable guaranty is a letter of credit, a person may recover from the issuing financial institution only in accordance with the terms of the letter of credit.

Claimants may recover successively on the same suitable guaranty, provided that the total liability on the suitable guaranty to all persons making qualified rights of payment during its term must not exceed the amount of the suitable guaranty.

(2) In addition to recovering the amount of a qualified right to payment, a claimant may recover from the proceeds of the guaranty, until depleted, the attorneys' fees, reasonable in amount, and court costs incurred by the claimant in collecting the claim, provided that the total liability on the suitable guaranty to all persons making qualified rights of payment or recovering attorneys' fees during its term must not exceed the amount of the suitable guaranty.

(3) To recover a qualified right to payment against a surety or issuer of a suitable guaranty, the claimant must:

(a) File written notice of the claim with the secretary stating the name and address of the claimant, the amount claimed, and the grounds for the qualified right to payment, and any other information required by rule by the secretary; and

(b) Append to the notice a certified copy of the judgment on which the qualified right to payment is based.

Recovery of a qualified right to payment from the proceeds of the suitable guaranty is barred unless the claimant substantially complies with this subsection (3).

(4) Recovery of a qualified right to payment from the proceeds of a suitable guaranty are forever barred unless notice of the claim is filed as required in subsection (3)(a) of this section within three years after the occurrence of the violation of this chapter that is the basis for the claim. Notice under this subsection need not include the requirement imposed by subsection (3)(b) of this section.

#### **PART IV. EFFECT OF A DIGITAL SIGNATURE**

**NEW SECTION. Sec. 401. SATISFACTION OF SIGNATURE REQUIREMENTS.** Where a rule of law requires a signature, or provides for certain consequences in the absence of a signature, that rule is satisfied by a digital signature, if:

- (1) No party affected by a digital signature objects to the use of digital signatures in lieu of a signature, and the objection may be evidenced by refusal to provide or accept a digital signature;
- (2) That digital signature is verified by reference to the public key listed in a valid certificate issued by a licensed certification authority;
- (3) That digital signature was affixed by the signer with the intention of signing the message, and after the signer has had an opportunity to review items being signed; and
- (4) The recipient has no knowledge or notice that the signer either:
  - (a) Breached a duty as a subscriber; or
  - (b) Does not rightfully hold the private key used to affix the digital signature.

However, nothing in this chapter precludes a mark from being valid as a signature under other applicable law.

**NEW SECTION. Sec. 402. UNRELIABLE DIGITAL SIGNATURES.** Unless otherwise provided by law or contract, the recipient of a digital signature assumes the risk that a digital signature is forged, if reliance on the digital signature is not reasonable under the circumstances. If the recipient determines not to rely on a digital signature under this section, the recipient must promptly notify the signer of any determination not to rely on a digital signature and the grounds for that determination. Nothing in this chapter shall be construed to obligate a person to accept a digital signature or to respond to an electronic message containing a digital signature.

**NEW SECTION. Sec. 403. DIGITALLY SIGNED DOCUMENT IS WRITTEN.** A message is as valid, enforceable, and effective as if it had been written on paper, if it:

- (1) Bears in its entirety a digital signature; and
- (2) That digital signature is verified by the public key listed in a certificate that:
  - (a) Was issued by a licensed certification authority; and
  - (b) Was valid at the time the digital signature was created.

Nothing in this chapter shall be construed to eliminate, modify, or condition any other requirements for a contract to be valid, enforceable, and effective. No digital message shall be deemed to be an instrument under the provisions of Title 62A RCW unless all parties to the transaction agree.

**NEW SECTION. Sec. 404. DIGITALLY SIGNED ORIGINALS.** A copy of a digitally signed message is as effective, valid, and enforceable as the original of the message, unless it is evident that the signer designated an instance of the digitally signed message to be a unique original, in which case only that instance constitutes the valid, effective, and enforceable message.

**NEW SECTION. Sec. 405. CERTIFICATE AS AN ACKNOWLEDGMENT.** Unless otherwise provided by law or contract, a certificate issued by a licensed certification authority is an acknowledgment of a digital signature verified by reference to the public key listed in the certificate, regardless of whether words of an express acknowledgment appear with the digital signature and regardless of whether the signer physically appeared before the certification authority when the digital signature was created, if that digital signature is:

- (1) Verifiable by that certificate; and
- (2) Affixed when that certificate was valid.

**NEW SECTION. Sec. 406. PRESUMPTIONS IN ADJUDICATING DISPUTES.** In adjudicating a dispute involving a digital signature, a court of this state presumes that:

- (1) A certificate digitally signed by a licensed certification authority and either published in a recognized repository, or made available by the issuing certification authority or by the subscriber listed in the certificate is issued by the certification authority that digitally signed it and is accepted by the subscriber listed in it.
- (2) The information listed in a valid certificate and confirmed by a licensed certification authority issuing the certificate is accurate.
- (3) If a digital signature is verified by the public key listed in a valid certificate issued by a licensed certification authority:
  - (a) That digital signature is the digital signature of the subscriber listed in that certificate;
  - (b) That digital signature was affixed by that subscriber with the intention of signing the message; and
  - (c) The recipient of that digital signature has no knowledge or notice that the signer:
    - (i) Breached a duty as a subscriber; or
    - (ii) Does not rightfully hold the private key used to affix the digital signature.
- (4) A digital signature was created before it was time stamped by a disinterested person utilizing a trustworthy system.

## **PART V. REPOSITORIES**

**NEW SECTION. Sec. 501. RECOGNITION OF REPOSITORIES.** (1) The secretary must recognize one or more repositories, after finding that a repository to be recognized:

- (a) Is operated under the direction of a licensed certification authority;

- (b) Includes a data base containing:
    - (i) Certificates published in the repository;
    - (ii) Notices of suspended or revoked certificates published by licensed certification authorities or other persons suspending or revoking certificates;
    - (iii) Certification authority disclosure records for licensed certification authorities;
    - (iv) All orders or advisory statements published by the secretary in regulating certification authorities; and
    - (v) Other information adopted by rule by the secretary;
  - (c) Operates by means of a trustworthy system;
  - (d) Contains no significant amount of information that is known or likely to be untrue, inaccurate, or not reasonably reliable;
  - (e) Contains certificates published by certification authorities that conform to legally binding requirements that the secretary finds to be substantially similar to, or more stringent toward the certification authorities, than those of this state;
  - (f) Keeps an archive of certificates that have been suspended or revoked, or that have expired, within at least the past three years;
- and
- (g) Complies with other reasonable requirements adopted by rule by the secretary.

(2) A repository may apply to the secretary for recognition by filing a written request and providing evidence to the secretary sufficient for the secretary to find that the conditions for recognition are satisfied.

(3) A repository may discontinue its recognition by filing thirty days' written notice with the secretary. In addition the secretary may discontinue recognition of a repository in accordance with the administrative procedure act, chapter 34.05 RCW, if it concludes that the repository no longer satisfies the conditions for recognition listed in this section or in rules adopted by the secretary.

**NEW SECTION. Sec. 502. LIABILITY OF REPOSITORIES.** (1) Notwithstanding a disclaimer by the repository or a contract to the contrary between the repository, a certification authority, or a subscriber, a repository is liable for a loss incurred by a person reasonably relying on a digital signature verified by the public key listed in a suspended or revoked certificate, if loss was incurred more than one business day after receipt by the repository of a request to publish notice of the suspension or revocation, and the repository had failed to publish the notice when the person relied on the digital signature.

(2) Unless waived, a recognized repository or the owner or operator of a recognized repository is:

(a) Not liable for failure to record publication of a suspension or revocation, unless the repository has received notice of publication and one business day has elapsed since the notice was received;

(b) Not liable under subsection (1) of this section in excess of the amount specified in the certificate as the recommended reliance limit;

(c) Liable under subsection (1) of this section only for direct compensatory damages, which do not include:

(i) Punitive or exemplary damages;

(ii) Damages for lost profits or opportunity; or

(iii) Damages for pain or suffering;

(d) Not liable for misrepresentation in a certificate published by a licensed certification authority;

(e) Not liable for accurately recording or reporting information that a licensed certification authority, or court clerk, or the secretary has published as required or permitted in this chapter, including information about suspension or revocation of a certificate;

(f) Not liable for reporting information about a certification authority, a certificate, or a subscriber, if the information is published as required or permitted in this chapter or a rule adopted by the secretary, or is published by order of the secretary in the performance of the licensing and regulatory duties of that office under this chapter.

## **PART VI. MISCELLANEOUS**

**NEW SECTION. Sec. 601. LEGISLATIVE DIRECTIVE.** Sections 101 through 502, 603, and 604 of this act shall constitute a new chapter in Title 19 RCW.

**NEW SECTION. Sec. 602. EFFECTIVE DATE.** This act shall take effect January 1, 1998.

**NEW SECTION. Sec. 603. RULE MAKING.** The secretary of state may adopt rules to implement this chapter beginning July 1, 1996.

**NEW SECTION. Sec. 604. SEVERABILITY.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 605. PART HEADINGS AND SECTION CAPTIONS.** Part headings and section captions as used in this act do not constitute any part of the law.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

Senator Sutherland moved that the Senate do concur in the House amendment to Engrossed Senate Bill No. 6423.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Sutherland to concur in the House amendment to Engrossed Senate Bill No. 6423.

The motion by Senator Sutherland carried and the Senate concurred in the House amendment to Engrossed Senate Bill No. 6423.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6423, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6423, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn and Wood - 43.

Voting nay: Senator Zarelli - 1.

Excused: Senators Haugen, Owen, Smith, Strannigan and Thibaudeau - 5.

ENGROSSED SENATE BILL NO. 6423, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 27, 1996

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6533 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that it is in the best interest of recreational hunters to provide them with the variety of hunting opportunities provided by auctions and raffles. Raffles provide an affordable opportunity for most hunters to participate in special hunts for big game animals and wild turkeys. The legislature also finds that wildlife management and recreation are not adequately funded and that such auctions and raffles can increase revenues to improve wildlife management and recreation.

**Sec. 2.** RCW 9.46.010 and 1994 c 218 s 2 are each amended to read as follows:

The public policy of the state of Washington on gambling is to keep the criminal element out of gambling and to promote the social welfare of the people by limiting the nature and scope of gambling activities and by strict regulation and control.

It is hereby declared to be the policy of the legislature, recognizing the close relationship between professional gambling and organized crime, to restrain all persons from seeking profit from professional gambling activities in this state; to restrain all persons from patronizing such professional gambling activities; to safeguard the public against the evils induced by common gamblers and common gambling houses engaged in professional gambling; and at the same time, both to preserve the freedom of the press and to avoid restricting participation by individuals in activities and social pastimes, which activities and social pastimes are more for amusement rather than for profit, do not maliciously affect the public, and do not breach the peace.

The legislature further declares that the raising of funds for the promotion of bona fide charitable or nonprofit organizations is in the public interest as is participation in such activities and social pastimes as are hereinafter in this chapter authorized.

The legislature further declares that the conducting of bingo, raffles, and amusement games and the operation of punch boards, pull-tabs, card games and other social pastimes, when conducted pursuant to the provisions of this chapter and any rules and regulations adopted pursuant thereto, are hereby authorized, as are only such lotteries for which no valuable consideration has been paid or agreed to be paid as hereinafter in this chapter provided.

The legislature further declares that fishing derbies shall not constitute any form of gambling and shall not be considered as a lottery, a raffle, or an amusement game and shall not be subject to the provisions of this chapter or any rules and regulations adopted hereunder.

The legislature further declares that raffles authorized by the fish and wildlife commission involving hunting big game animals or wild turkeys shall not be subject to the provisions of this chapter or any rules and regulations adopted hereunder, with the exception of this section and section 3 of this act.

All factors incident to the activities authorized in this chapter shall be closely controlled, and the provisions of this chapter shall be liberally construed to achieve such end.

**NEW SECTION. Sec. 3.** A new section is added to chapter 9.46 RCW to read as follows:

Any raffle authorized by the fish and wildlife commission involving hunting big game animals or wild turkeys shall not be subject to any provisions of this chapter other than RCW 9.46.010 and this section or to any rules or regulations of the gambling commission.

**NEW SECTION. Sec. 4.** A new section is added to chapter 77.08 RCW to read as follows:

"Raffle," as used in this title, means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

**NEW SECTION. Sec. 5.** A new section is added to chapter 77.12 RCW to read as follows:

(1) The commission in consultation with the director may authorize hunting of big game animals and wild turkeys through auction. The department may conduct the auction for the hunt or contract with a nonprofit wildlife conservation organization to conduct the auction for the hunt.

(2) The commission in consultation with the director may authorize hunting of up to a total of fifteen big game animals and wild turkeys per year through raffle. The department may conduct raffles or contract with a nonprofit wildlife conservation organization to conduct raffles for hunting these animals. In consultation with the gambling commission, the director may adopt rules for the implementation of raffles involving hunting.

(3) The director shall establish the procedures for the hunts, which shall require any participants to obtain any required license, permit, or tag. Representatives of the department may participate in the hunt upon the request of the commission to ensure that the animals to be killed are properly identified.

(4) After deducting the expenses of conducting an auction or raffle, any revenues retained by a nonprofit organization, as specified under contract with the department, shall be devoted solely for wildlife conservation, consistent with its qualification as a bona fide nonprofit organization for wildlife conservation.

(5) The department's share of revenues from auctions and raffles shall be deposited in the state wildlife fund. The revenues shall be used to improve the habitat, health, and welfare of the species auctioned or raffled and shall supplement, rather than replace, other funds budgeted for management of that species. The commission may solicit input from groups or individuals with special interest in and expertise on a species in determining how to use these revenues.

(6) A nonprofit wildlife conservation organization may petition the commission to authorize an auction or raffle for a special hunt for big game animals and wild turkeys.

**NEW SECTION. Sec. 6.** A new section is added to chapter 77.12 RCW to read as follows:

If a private entity has a private lands wildlife management area agreement in effect with the department, the commission may authorize the private entity to conduct raffles for access to hunt for big game animals and wild turkeys to meet the conditions of the agreement. The private entity shall comply with all applicable rules adopted under section 5 of this act for the implementation of raffles; however, raffle hunts conducted pursuant to this section shall not be counted toward the number of raffle hunts the commission may authorize under section 5 of this act. The director shall establish the procedures for the hunts, which shall require any participants to obtain any required license, permit, or tag. Representatives of the department may participate in the hunt upon the request of the commission to ensure that the animals to be killed are properly identified.

**Sec. 7.** RCW 77.12.170 and 1989 c 314 s 4 are each amended to read as follows:

(1) There is established in the state treasury the state wildlife fund which consists of moneys received from:

- (a) Rentals or concessions of the department;
- (b) The sale of real or personal property held for department purposes;
- (c) The sale of licenses, permits, tags, stamps, and punchcards required by this title;
- (d) Fees for informational materials published by the department;
- (e) Fees for personalized vehicle license plates as provided in chapter 46.16 RCW;
- (f) Articles or wildlife sold by the director under this title;
- (g) Compensation for wildlife losses or gifts or grants received under RCW 77.12.320;
- (h) Excise tax on anadromous game fish collected under chapter 82.27 RCW; ~~((and))~~
- (i) The sale of personal property seized by the department for wildlife violations; and
- (j) The department's share of revenues from auctions and raffles authorized by the commission.

(2) State and county officers receiving any moneys listed in subsection (1) of this section shall deposit them in the state treasury to be credited to the state wildlife fund.

**Sec. 8.** RCW 77.32.050 and 1995 c 116 s 1 are each amended to read as follows:

Licenses, permits, tags, and stamps required by this chapter and raffle tickets authorized under chapter 77.12 RCW shall be issued under the authority of the commission. The director may authorize department personnel, county auditors, or other reputable citizens to issue licenses, permits, tags, ~~((and))~~ stamps, and raffle tickets, and collect the appropriate fees. The authorized persons shall pay on demand or before the tenth day of the following month the fees collected and shall make reports as required by the director. The director may adopt rules for issuing licenses, permits, tags, ~~((and))~~ stamps, and raffle tickets, collecting and paying fees, and making reports.

**Sec. 9.** RCW 77.32.060 and 1995 c 116 s 2 are each amended to read as follows:

The director may adopt rules establishing the amount a license dealer may charge and keep for each license, tag, permit, ~~((øø)) stamp, or raffle ticket~~ issued. The director shall establish the amount to be retained by dealers to be at least fifty cents for each license issued, and twenty-five cents for each tag, permit, ~~((øø)) stamp, or raffle ticket~~, issued. The director shall report to the next regular session of the legislature explaining any increase in the amount retained by license dealers. Fees retained by dealers shall be uniform throughout the state.

**Sec. 10.** RCW 77.32.090 and 1995 c 116 s 4 are each amended to read as follows:

The director may adopt rules pertaining to the form, period of validity, use, possession, and display of licenses, permits, tags, and stamps required by this chapter and raffle tickets authorized under chapter 77.12 RCW.

**Sec. 11.** RCW 77.32.230 and 1994 c 255 s 12 are each amended to read as follows:

(1) A person sixty-five years of age or older who is an honorably discharged veteran of the United States armed forces having a service-connected disability and who is a resident may receive upon written application a hunting and fishing license free of charge.

(2) Residents who are honorably discharged veterans of the United States armed forces with a thirty percent or more service-connected disability may receive upon written application a hunting and fishing license free of charge.

(3) An honorably discharged veteran who is a resident and is confined to a wheelchair shall receive upon application a hunting license free of charge.

(4) A person who is blind, or a person with a developmental disability as defined in RCW 71A.10.020 with documentation of the disability from the department of social and health services, or a physically handicapped person confined to a wheelchair may receive upon written application a fishing license free of charge.

(5) A person who is blind or a physically handicapped person confined to a wheelchair who has been issued a card for a permanent disability under RCW 46.16.381 may use that card in place of a fishing license.

(6) A fishing license is not required for residents under the age of fifteen.

(7) Tags, permits, stamps, and steelhead licenses required by this chapter and raffle tickets authorized under chapter 77.12 RCW shall be purchased separately by persons receiving a free or reduced-fee license.

(8) Licenses issued at no charge under this section shall be issued from Olympia as provided by rule of the director, and are valid for five years.

**Sec. 12.** RCW 77.32.250 and 1995 c 116 s 5 are each amended to read as follows:

Licenses, permits, tags, and stamps required by this chapter and raffle tickets authorized under chapter 77.12 RCW shall not be transferred and, unless otherwise provided in this chapter, are void on January 1st following the year for which the license, permit, tag, ~~((øø)) stamp, or raffle ticket~~ was issued.

Upon request of a wildlife agent or ex officio wildlife agent, persons licensed, operating under a permit, or possessing wildlife under the authority of this chapter shall produce required licenses, permits, tags, ~~((øø)) stamps, or raffle tickets~~ for inspection and write their signatures for comparison and in addition display their wildlife. Failure to comply with the request is prima facie evidence that the person has no license or is not the person named.

**NEW SECTION. Sec. 13.** RCW 77.12.700 and 1987 c 506 s 56 are each repealed."

On page 1, line 2 of the title, after "commission;" strike the remainder of the title and insert "amending RCW 9.46.010, 77.12.170, 77.32.050, 77.32.060, 77.32.090, 77.32.230, and 77.32.250; adding a new section to chapter 9.46 RCW; adding a new section to chapter 77.08 RCW; adding new sections to chapter 77.12 RCW; creating a new section; and repealing RCW 77.12.700.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Drew, the Senate concurred in the House amendments to Substitute Senate Bill No. 6533.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6533, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6533, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Sutherland, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 44.

Excused: Senators Haugen, Owen, Smith, Strannigan and Thibaudeau - 5.

SUBSTITUTE SENATE BILL NO. 6533, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator West was excused.

MESSAGE FROM THE HOUSE

February 27, 1996

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6551 with the following amendment(s):

On page 1, line 8, after "agricultural" strike ", grazing" and insert "lands, grazing lands"

On page 1, line 12, after "standards" strike "presented in" and insert "developed under"

On page 2, line 30, after "implementation" insert "of this act", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Drew, the Senate concurred in the House amendments to Substitute Senate Bill No. 6551.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6551, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6551, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, Winsley, Wojahn, Wood and Zarelli - 44.

Absent: Senator Schow - 1.

Excused: Senators Owen, Smith, Thibaudeau and West - 4.

SUBSTITUTE SENATE BILL NO. 6551, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

February 29, 1996

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6556 with the following amendment(s):

On page 4, line 13, after "implementing" insert "electronic access and"

On page 14, line 10, strike "6" and insert "8", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Sutherland, the Senate concurred in the House amendments to Engrossed Second Substitute Senate Bill No. 6556.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6556, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6556, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senator Rinehart - 1.

Excused: Senators Owen and West - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6556, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 29, 1996

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6566 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.10.040 and 1986 c 16 s 2 are each amended to read as follows:

Application for registration shall be made to the department in ~~((such))~~ the manner and upon ~~((such))~~ forms ~~((as))~~ the department ~~((shall))~~ prescribes, and shall state the name and address of each owner of the snowmobile to be registered, and shall be signed by at least one such owner, and shall be accompanied by an annual registration fee to be established by the commission, after consultation with the committee~~((, at no more than fifteen dollars))~~ and any state-wide snowmobile user groups. ~~((However,))~~ The fee shall be ~~((ten))~~ fifteen dollars pending action by the commission to increase the fee. ~~((Any increase in the fee shall not exceed two dollars and fifty cents annually, up to the registration fee limit of fifteen dollars))~~ The commission shall increase the fee by two dollars and fifty cents effective September 30, 1996, and the commission shall increase the fee by another two dollars and fifty cents effective September 30, 1997. After the fee increase effective September 30, 1997, the commission shall not increase the fee. Upon receipt of the application and the application fee, ~~((such))~~ the snowmobile shall be registered and a registration number assigned, which shall be affixed to the snowmobile in a manner provided in RCW 46.10.070.

The registration provided in this section shall be valid for a period of one year. At the end of ~~((such))~~ the period of registration, every owner of a snowmobile in this state shall renew his or her registration in ~~((such))~~ the manner ~~((as))~~ the department ~~((shall))~~ prescribes, for an additional period of one year, upon payment of the annual registration fee as determined by the commission.

Any person acquiring a snowmobile already validly registered under the provisions of this chapter must, within ten days of the acquisition or purchase of ~~((such))~~ the snowmobile, make application to the department for transfer of ~~((such))~~ the registration, and ~~((such))~~ the application shall be accompanied by a transfer fee of one dollar.

A snowmobile owned by a resident of another state or Canadian province where registration is not required by law may be issued a nonresident registration permit valid for not more than sixty days. Application for ~~((such a))~~ the permit shall state the name and address of each owner of the snowmobile to be registered and shall be signed by at least one ~~((such))~~ owner and shall be accompanied by a registration fee of five dollars. The registration permit shall be carried on the vehicle at all times during its operation in this state.

The registration fees provided in this section shall be in lieu of any personal property or excise tax heretofore imposed on snowmobiles by this state or any political subdivision thereof, and no city, county, or other municipality, and no state agency shall hereafter impose any other registration or license fee on any snowmobile in this state.

The department shall make available a pair of uniform decals consistent with the provisions of RCW 46.10.070. In addition to the registration fee provided ~~((herein))~~ in this section the department shall charge each applicant for registration the actual cost of ~~((said))~~ the decal. The department shall make available replacement decals for a fee equivalent to the actual cost of the decals.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Fraser, the Senate concurred in the House amendment to Engrossed Senate Bill No. 6566.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6566, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6566, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senator Rinehart - 1.

Excused: Senators Owen and West - 2.

ENGROSSED SENATE BILL NO. 6566, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

#### MOTION

On motion of Senator Loveland, Senator Rinehart was excused.

#### MESSAGE FROM THE HOUSE

February 29, 1996

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6684 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 28A.160.150 and 1990 c 33 s 141 are each amended to read as follows:

Funds allocated for transportation costs shall be in addition to the basic education allocation. The distribution formula developed in RCW 28A.160.150 through 28A.160.180 shall be for allocation purposes only and shall not be construed as mandating specific levels of pupil transportation services by local districts. Operating costs as determined under RCW 28A.160.150 through 28A.160.180 shall be funded at one hundred percent or as close thereto as reasonably possible for transportation of an eligible student to and from school as defined in RCW 28A.160.160(3). In addition, funding shall be provided for transportation services for students living within one radius mile from school as determined under RCW 28A.160.180(2).

**Sec. 2.** RCW 28A.160.160 and 1995 c 77 s 17 are each amended to read as follows:

For purposes of RCW 28A.160.150 through 28A.160.190, except where the context shall clearly indicate otherwise, the following definitions apply:

(1) "Eligible student" means any student served by the transportation program of a school district or compensated for individual transportation arrangements authorized by RCW 28A.160.030 whose route stop is more than one radius mile from the student's school, except if the student to be transported(~~(;-(a))~~) is disabled under RCW 28A.155.020 and is either not ambulatory or not capable of protecting his or her own welfare while traveling to or from the school or agency where special education services are provided, in which case no mileage distance restriction applies(~~(; or (b) qualifies for an exemption due to hazardous walking conditions)~~).

(2) "Superintendent" means the superintendent of public instruction.

(3) "To and from school" means the transportation of students for the following purposes:

(a) Transportation to and from route stops and schools;

(b) Transportation to and from schools pursuant to an interdistrict agreement pursuant to RCW 28A.335.160;

(c) Transportation of students between schools and learning centers for instruction specifically required by statute; and

(d) Transportation of students with disabilities to and from schools and agencies for special education services.

Extended day transportation shall not be considered part of transportation of students "to and from school" for the purposes of chapter 61, Laws of 1983 1st ex. sess.

(4) (~~("Hazardous walking conditions" means those instances of the existence of dangerous walkways documented by the board of directors of a school district which meet criteria specified in rules adopted by the superintendent of public instruction. A school district that receives an exemption for hazardous walking conditions should demonstrate that good faith efforts are being made to alleviate the problem and that the district, in cooperation with other state and local governing authorities, is attempting to reduce the incidence of hazardous walking conditions. The superintendent of public instruction shall appoint an advisory committee to prepare guidelines and procedures for determining the existence of hazardous walking conditions. The committee shall include but not be limited to representatives from law enforcement agencies, school districts, the department of transportation, city and county government, the insurance industry, parents, school directors and legislators.)~~) "Transportation services" for students living within one radius mile from school means school transportation services including the use of buses, funding of crossing guards, and matching funds for local and state transportation projects intended to mitigate hazardous walking conditions. Priority for transportation services shall be given to students in grades kindergarten through five.

**Sec. 3.** RCW 28A.160.180 and 1995 c 77 s 18 are each amended to read as follows:

Each district's annual student transportation allocation shall be based on differential rates determined by the superintendent of public instruction in the following manner:

(1) The superintendent shall annually calculate a standard student mile allocation rate for determining the transportation allocation for those services provided for in RCW 28A.160.150. "Standard student mile allocation rate," as used in this chapter, means the per mile allocation rate for transporting an eligible student. The standard student mile allocation rate may be adjusted to include such additional differential factors as distance; restricted passenger load; circumstances that require use of special types of transportation vehicles; student with disabilities load; and small fleet maintenance. (2) For transportation services for students living within one radius mile from school, the allocation shall be based on the number of students in grades kindergarten through five living within one radius mile as specified in the biennial appropriations act.

(3) The superintendent of public instruction shall annually calculate allocation rate(s), which shall include vehicle amortization, for determining the transportation allocation for transporting students in district-owned passenger cars, as defined in RCW 46.04.382, pursuant to RCW 28A.160.010 for services provided for in RCW 28A.160.150 if a school district deems it advisable to use such vehicles after the school district board of directors has considered the safety of the students being transported as well as the economy of utilizing a district-owned passenger car in lieu of a school bus.

~~((3))~~ (4) Prior to June 1st of each year the superintendent shall submit to the office of financial management, and the committees on education and ways and means of the senate and house of representatives a report outlining the methodology and rationale used in determining the allocation rates to be used the following year.

NEW SECTION. Sec. 4. This act shall be effective for school transportation programs in the 1996-97 school year and thereafter.

NEW SECTION. Sec. 5. If specific funding for purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1996, in the supplemental omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "school;" strike the remainder of the title and insert "amending RCW 28A.160.150, 28A.160.160, and 28A.160.180; and creating new sections.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator McAuliffe, the Senate concurred in the House amendments to Senate Bill No. 6684.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6684, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6684, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Owen and Rinehart - 2.

SENATE BILL NO. 6684, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### INTRODUCTION AND FIRST READING

SB 6782 by Senators Sutherland, Bauer and Zarelli

AN ACT Relating to department of transportation quarry revenue; amending RCW 47.13.010; reenacting and amending RCW 43.84.092; and adding a new section to chapter 47.13 RCW.

Referred to Committee on Transportation.

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

EHB 2953 by Representatives Benton, L. Thomas, Mulliken, Chappell, McMahan, Pelesky, Dyer, Casada, Pennington, Silver, Sheldon, Stevens, Boldt, Hatfield, Keiser, Romero, Linville, Basich, Clements, Morris, Johnson, Robertson, Smith, Elliot, Kessler, Hymes, Brumsickle, Schoesler, Campbell, Grant, Quall, Costa, B. Thomas and Lambert

Allowing relief from interest and penalties on delinquent taxes on property in flood disaster areas.

Referred to Committee on Ways and Means.

MOTION

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

SENATE RESOLUTION 1996-8708

By Senators Kohl, Spanel, Wojahn, Rasmussen and Fraser

WHEREAS, The Washington State Commercial Fishing Fleet leaves in March and the Blessing of the Fleet will occur at Fisherman's Terminal in Ballard tomorrow, March 3, 1996; and

WHEREAS, The Washington State Commercial Fishing Fleet is one of the world's largest distant water fleets; and

WHEREAS, The commercial fishing industry directly and indirectly employs thousands of people; and

WHEREAS, The harvest annually generates millions of dollars each year in direct economic contribution; and

WHEREAS, The life of a fisher is one fraught with danger and hardship that most of us will never face; and

WHEREAS, Strength and courage are basic requirements for anyone who chooses to work on the high seas, battling the elements in order to harvest the nature's bounty; and

WHEREAS, The men and women who work on boats, living between God and the sea, and never certain which will claim them first, deserve our admiration, our thanks, and, when tragedy strikes, our remembrance; and

WHEREAS, Too often fishers do lose their lives, and their deaths devastate not only the tightly knit fabric that is the community of fishing families in our region, but our entire state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate extends its condolences to the families and friends of all our fishermen and women who have lost their lives at sea, and wishes the entire commercial fishing fleet a safe and prosperous season and that all fishing men and women will return home safely to their families, friends and communities.

MOTION

At 12:48 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Monday, March 4, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-FIFTH DAY, MARCH 2, 1996

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**FIFTY-SEVENTH DAY**

MORNING SESSION

Senate Chamber, Olympia, Monday, March 4, 1996

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Tarah Evans and Lorenzo Erickson, presented the Colors. Reverend Phil Rue, pastor of the Gloria Dei Lutheran Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 2, 1996

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to FOURTH SUBSTITUTE HOUSE BILL NO. 2009 and passed the bill as amended by the Senate.

TIMOTHY A. MARTIN, Chief Clerk

March 2, 1996

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2343 and passed the bill as amended by the Senate.

TIMOTHY A. MARTIN, Chief Clerk

March 2, 1996

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following House Bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 2498,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2592,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2640,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2793.

TIMOTHY A. MARTIN, Chief Clerk

March 2, 1996

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following House Bills and passed the bills as amended by the Senate:

SECOND SUBSTITUTE HOUSE BILL NO. 1289,  
HOUSE BILL NO. 1627,  
ENGROSSED HOUSE BILL NO. 1647,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1704,  
SECOND SUBSTITUTE HOUSE BILL NO. 1860,  
SUBSTITUTE HOUSE BILL NO. 1990,  
HOUSE BILL NO. 2134,  
SUBSTITUTE HOUSE BILL NO. 2151,  
SUBSTITUTE HOUSE BILL NO. 2192,  
SUBSTITUTE HOUSE BILL NO. 2195,  
HOUSE BILL NO. 2291,  
SECOND SUBSTITUTE HOUSE BILL NO. 2293,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2309,  
SUBSTITUTE HOUSE BILL NO. 2310,  
SUBSTITUTE HOUSE BILL NO. 2371,  
ENGROSSED HOUSE BILL NO. 2396.

TIMOTHY A. MARTIN, Chief Clerk

March 2, 1996

MR. PRESIDENT:

The Speaker has signed:  
SUBSTITUTE HOUSE BILL NO. 2191,

SUBSTITUTE HOUSE BILL NO. 2256,  
HOUSE BILL NO. 2333,  
SUBSTITUTE HOUSE BILL NO. 2394,  
HOUSE BILL NO. 2604,  
SUBSTITUTE HOUSE BILL NO. 2758, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 2, 1996

MR. PRESIDENT:

The Speaker has signed:  
SENATE BILL NO. 5500,  
SENATE BILL NO. 6171,  
SENATE BILL NO. 6222,  
SUBSTITUTE SENATE BILL NO. 6267,  
SENATE BILL NO. 6292, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 2191,  
SUBSTITUTE HOUSE BILL NO. 2256,  
HOUSE BILL NO. 2333,  
SUBSTITUTE HOUSE BILL NO. 2394,  
HOUSE BILL NO. 2604,  
SUBSTITUTE HOUSE BILL NO. 2758.

MOTION

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

SENATE RESOLUTION 1996-8702

By Senators Prince and West

WHEREAS, It is the policy of the Washington State Senate to recognize citizens who act with courage and compassion in life-threatening situations; and

WHEREAS, Elizabeth Porter exemplified these qualities when visiting her husband, Technical Sergeant Dane Porter, while he was stationed in Pisa, Italy, for Operation Deny Flight in support of NATO peace efforts in Bosnia; and

WHEREAS, The life of an Italian citizen was saved by the prompt action of Elizabeth Porter in administering mouth-to-mouth resuscitation; and

WHEREAS, The actions of Elizabeth Porter reflect honor on the Washington Air National Guard, the state of Washington, and the United States of America; and

WHEREAS, Elizabeth Porter has been awarded the Washington Air National Guard "Guardsmen's Medal" bestowed upon individuals whose actions save a life and bring credit to the Washington Air National Guard;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate pay tribute to Elizabeth Porter for her heroic and compassionate act of saving the life of a stranger; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Technical Sergeant Dane Porter and Mrs. Elizabeth Porter; to Major General Gregory Barlow, Adjutant General, Washington State Military Department; Brigadier General Frank Scoggins, Adjutant General, Washington Air National Guard; Brigadier General Selectee James McDevitt, State Director of Operations, Washington Air National Guard; Colonel Walter L. Hodgen, Commander, 141 Air Refueling Wing, Washington Air National Guard at Fairchild Air Force Base; and the Honorable Jack Geraghty, Mayor of Spokane.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Elizabeth Porter and her family, who were seated in the gallery.

MOTION

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

SENATE RESOLUTION 1996-8703

By Senators Moyer, Newhouse, Anderson, Hale, McCaslin, Deccio, Morton, Long, Oke, Zarelli, Winsley, Rasmussen, Fairley, Thibaudeau, Franklin, Cantu, Sellar, Prince, Wojahn, West, Goings, Haugen, Drew, Sheldon, Kohl, Loveland, Spanel and Bauer

WHEREAS, It is the policy of the Washington State Senate to recognize young people who act in a responsible manner and who make good choices; and

WHEREAS, It is vital to the health of our state and nation to encourage young people not to begin smoking and to encourage people who do smoke to quit; and

WHEREAS, Mike Podobnik of Spokane and Misty Jurgensen of SeaTac have been chosen to represent Washington State in the Smoke Free Class of 2000 Program, administered by the American Cancer Society, the American Lung Association and the American Heart Association; and

WHEREAS, The Washington State Health Report shows that seventy-five percent of smokers become addicted to tobacco while in their teens; and

WHEREAS, Smoking by children is on the rise and nearly three out of four high school smokers are still smoking seven to nine years later; and

WHEREAS, Children do not comprehend the serious economic and health related costs of tobacco use; and

WHEREAS, Children are influenced by tobacco advertising and promotion; and

WHEREAS, Most children want to quit smoking within a few years of using tobacco; and

WHEREAS, The U.S. Surgeon General reports that smoking is the single most important preventable cause of death in our society; and

WHEREAS, In Washington State in 1990, an estimated 7,993 deaths were attributable to all uses of tobacco;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Mike Podobnik, Misty Jurgensen and all young people who participate in activities and programs to discourage smoking among their peers; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Mike Podobnik of Spokane; Misty Jurgensen of SeaTac; Judith A. Billings, Superintendent of Public Instruction; Bruce Miyahara, Secretary of the Department of Health; Alison Olzendam, Principal of Chase Middle School, Spokane School District No. 81; Roy Adler, Principal of Chinook Middle School, Highline School District No. 401; Ann Marie Pomerinke, Executive Vice President, American Cancer Society, Washington Division; Mark Rieck, Executive Director, American Heart Association of Washington; Astrid Berg, Executive Director, American Lung Association of Washington.

Senators Moyer and Oke spoke to Senate Resolution 1996-8703.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mike Podobnik of Spokane and Misty Jurgensen of SeaTac, who were seated in the gallery.

#### MOTION

At 10:23 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 12:15 p.m. by President Pritchard.

At 12:15 p.m., the President recessed the Senate until 1:30 p.m.

The Senate was called to order at 1:39 p.m. by President Pritchard.

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

#### MESSAGE FROM THE HOUSE

March 2, 1996

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2446 and passed the bill as amended by the Senate.

TIMOTHY A. MARTIN, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 6089,

SENATE BILL NO. 6090,

SUBSTITUTE SENATE BILL NO. 6091,

SUBSTITUTE SENATE BILL NO. 6126,

SENATE BILL NO. 6129,

SENATE BILL NO. 6138,

SUBSTITUTE SENATE BILL NO. 6169,

SUBSTITUTE SENATE BILL NO. 6189,

SUBSTITUTE SENATE BILL NO. 6214,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6266,

SENATE BILL NO. 6289,

SENATE BILL NO. 6312,

SUBSTITUTE SENATE BILL NO. 6315,

SUBSTITUTE SENATE BILL NO. 6379,

SENATE BILL NO. 6403,

ENGROSSED SENATE BILL NO. 6423,

SUBSTITUTE SENATE BILL NO. 6533,

SUBSTITUTE SENATE BILL NO. 6551,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6556,

ENGROSSED SENATE BILL NO. 6566,

SENATE BILL NO. 6684.

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

#### INTRODUCTION AND FIRST READING

SCR 8431 by Senator Snyder

Exempting Senate Bill No. 6069 from cutoff dates.

#### MOTIONS

On motion of Senator Snyder, the rules were suspended, Senate Concurrent Resolution No. 8431 was advanced to second reading and read the second time.

Senator Snyder moved that the rules be suspended and Senate Concurrent Resolution No. 8431 be advanced to third reading, the second reading considered the third and the concurrent resolution be placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Snyder to suspend the rules and advance Senate Concurrent Resolution No. 8431 to third reading and final passage.

The motion by Senator Snyder carried and Senate Concurrent Resolution No. 8431 was placed on third reading and final passage. SENATE CONCURRENT RESOLUTION NO. 8431 was adopted by voice vote.

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

#### REPORT OF STANDING COMMITTEE

March 4, 1996

SB 6069 Prime Sponsor, Senator Rinehart: Relating to fiscal matters. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6069 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Hargrove, Kohl, Long, Pelz, Quigley, Sheldon, Snyder, Spanel, Sutherland, Winsley and Wojahn.

#### MOTION

On motion of Senator Spanel, the rules were suspended, Senate Bill No. 6069 was advanced to second reading and placed on the second reading calendar.

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

#### SECOND READING

SENATE BILL NO. 6069, by Senator Rinehart

Relating to fiscal matters.

#### MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 6069 was substituted for Senate Bill No. 6069 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rinehart, the rules were suspended, Substitute Senate Bill No. 6069 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6069.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6069 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Kohl, Long, Loveland, McAuliffe, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, Winsley, Wojahn and Wood - 30.

Voting nay: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hochstatter, Johnson, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Roach, Schow, Sellar, Strannigan, Swecker, West and Zarelli - 19.

SUBSTITUTE SENATE BILL NO. 6069, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Snyder, Substitute Senate Bill No. 6069 was immediately transmitted to the House of Representatives.

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

#### MOTION

On motion of Senator Thibaudeau, Senator Drew was excused.

MESSAGE FROM THE HOUSE

February 29, 1996

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5167 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 4.28.080 and 1991 sp.s. c 30 s 28 are each amended to read as follows:

Service made in the modes provided in this section shall be taken and held to be personal service. The summons shall be served by delivering a copy thereof, as follows:

(1) If the action be against any county in this state, to the county auditor or, during normal office hours, to the deputy auditor, or in the case of a charter county, summons may be served upon the agent, if any, designated by the legislative authority.

(2) If against any town or incorporated city in the state, to the mayor, city manager, or, during normal office hours, to the mayor's or city manager's designated agent or the city clerk thereof.

(3) If against a school or fire district, to the superintendent or commissioner thereof or by leaving the same in his or her office with an assistant superintendent, deputy commissioner, or business manager during normal business hours.

(4) If against a railroad corporation, to any station, freight, ticket or other agent thereof within this state.

(5) If against a corporation owning or operating sleeping cars, or hotel cars, to any person having charge of any of its cars or any agent found within the state.

(6) If against a domestic insurance company, to any agent authorized by such company to solicit insurance within this state.

(7) If against a foreign or alien insurance company, as provided in chapter 48.05 RCW.

(8) If against a company or corporation doing any express business, to any agent authorized by said company or corporation to receive and deliver express matters and collect pay therefor within this state.

(9) If the suit be against a company or corporation other than those designated in the preceding subdivisions of this section, to the president or other head of the company or corporation, the registered agent, secretary, cashier or managing agent thereof or to the secretary, stenographer or office assistant of the president or other head of the company or corporation, registered agent, secretary, cashier or managing agent.

(10) If the suit be against a foreign corporation or nonresident joint stock company, partnership or association doing business within this state, to any agent, cashier or secretary thereof.

(11) If against a minor under the age of fourteen years, to such minor personally, and also to his or her father, mother, guardian, or if there be none within this state, then to any person having the care or control of such minor, or with whom he or she resides, or in whose service he or she is employed, if such there be.

(12) If against any person for whom a guardian has been appointed for any cause, then to such guardian.

(13) If against a foreign or alien steamship company or steamship charterer, to any agent authorized by such company or charterer to solicit cargo or passengers for transportation to or from ports in the state of Washington.

(14) If against a self-insurance program regulated by chapter 48.62 RCW, as provided in chapter 48.62 RCW.

(15) In all other cases, to the defendant personally, or by leaving a copy of the summons at the house of his or her usual abode with some person of suitable age and discretion then resident therein.

~~((Service made in the modes provided in this section shall be taken and held to be personal service.))~~

(16) In lieu of service under subsection (15) of this section, where the person cannot with reasonable diligence be served as described, the summons may be served as provided in this subsection, and shall be deemed complete on the tenth day after the required mailing:

(a) By leaving a copy at his or her usual mailing address other than a United States postal service post office box with a person of suitable age and discretion then resident therein or, if the address is a place of business, with the secretary, office manager, vice-president, president, or other head of the company, or with the secretary or office assistant to such secretary, office manager, vice-president, president, or other head of the company, and by thereafter mailing a copy by first class mail, postage prepaid, to the person to be served at his or her usual mailing address other than a United States postal service post office box; or

(b) By leaving a copy at his or her place of employment, during usual business hours, with the secretary, office manager, vice-president, president, or other head of the company, or with the secretary or office assistant to such secretary, office manager, vice-president, president, or other head of the company, and by thereafter mailing a copy by first class mail, postage prepaid, to the person to be served at his or her place of employment.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Smith, the Senate concurred in the House amendment to Substitute Senate Bill No. 5167.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5167, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5167, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Voting nay: Senator Schow - 1.

Absent: Senator Rinehart - 1.

Excused: Senator Drew - 1.

SUBSTITUTE SENATE BILL NO. 5167, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Thibaudeau, Senator Rinehart was excused.

MESSAGE FROM THE HOUSE

February 27, 1996

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5175 with the following amendment(s):  
On page 1, line 13, after "liquor" strike "primarily"  
On page 2, line 2, after "more than" strike "three thousand" and insert "two thousand four hundred", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Pelz, the Senate concurred in the House amendments to Second Substitute Senate Bill No. 5175.  
The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5175, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5175, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Drew and Rinehart - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5175, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

#### MOTION

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

#### SENATE RESOLUTION 1996-8699

By Senators Kohl, Rasmussen, Goings, Thibaudeau, Fairley, Sheldon, McAuliffe and Quigley

WHEREAS, Children are our most precious resource and represent the hope of our nation's future; and  
WHEREAS, Our state has thousands of dedicated workers who provide quality care in homes, centers, and schools; and  
WHEREAS, Child care workers typically earn low wages and have limited access to and financial support for training; and  
WHEREAS, Parent fees are insufficient to fully cover the cost of high quality child care; and  
WHEREAS, Many early childhood programs cannot afford to pay staff living wages and benefits; and  
WHEREAS, Nationally, centers are experiencing a forty percent turnover in staff each year; and  
WHEREAS, Participating in programs with high staff turnover causes childrens' language skills and development to suffer. Both are critical areas for emotional adjustment and school success; and  
WHEREAS, Teachers in centers generally earn one-half the salary of public school teachers with similar levels of preparation and job responsibility; and  
WHEREAS, Adequate staff compensation attracts and maintains high quality staff; and  
WHEREAS, A good learning environment for children is a good working environment for adults; and  
WHEREAS, Early childhood caregivers, both in centers and family child care homes, have subsidized the provision of services by accepting wages far below the value and importance of their work;  
NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the Senate recognize May 1, 1996, as Worthy Wage Day in the state of Washington, and urges all citizens to recognize the valuable contribution of the thousands of professional child care providers across the state who are the foundation of our state's child care system.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the professional child care providers, who were seated in the gallery.

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

#### MESSAGE FROM THE HOUSE

February 27, 1996

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5250 with the following amendment(s):  
Strike everything after the enacting clause and insert the following:  
NEW SECTION. Sec. 1. The legislature finds and declares that constructive leisure pursuits by Washington citizens is most important. This act is intended to encourage responsible participation in the hobby of collecting, preserving, restoring, and maintaining motor vehicles of historic and special interest, which hobby contributes to the enjoyment of the citizens and the preservation of Washington's automotive memorabilia.

NEW SECTION. Sec. 2. A new section is added to chapter 46.04 RCW to read as follows:

"Collector" means the owner of one or more vehicles described in RCW 46.16.305(1) who collects, purchases, acquires, trades, or disposes of the vehicle or parts of it, for his or her personal use, in order to preserve, restore, and maintain the vehicle for hobby or historical purposes.

**NEW SECTION. Sec. 3.** A new section is added to chapter 46.04 RCW to read as follows:

"Parts car" means a motor vehicle that is owned by a collector to furnish parts for restoration or maintenance of a vehicle described in RCW 46.16.305(1), thus enabling a collector to preserve, restore, and maintain such a vehicle.

**NEW SECTION. Sec. 4.** A new section is added to chapter 46.04 RCW to read as follows:

"Street rod vehicle" is a motor vehicle, other than a motorcycle, that meets the following conditions:

(1) The vehicle was manufactured before 1949, or the vehicle has been assembled or reconstructed using major component parts of a motor vehicle manufactured before 1949; and

(2) The vehicle has been modified in its body style or design through the use of nonoriginal or reproduction components, such as frame, engine, drive train, suspension, or brakes in a manner that does not adversely affect its safe performance as a motor vehicle or render it unlawful for highway use.

**NEW SECTION. Sec. 5.** A new section is added to chapter 46.04 RCW to read as follows:

"Kit vehicle" means a passenger car or light truck assembled from a manufactured kit, and is either (1) a complete kit consisting of a prefabricated body and chassis used to construct a new vehicle, or (2) a kit consisting of a prefabricated body to be mounted on an existing vehicle chassis and drive train, commonly referred to as a donor vehicle.

**NEW SECTION. Sec. 6.** A new section is added to chapter 46.12 RCW to read as follows:

The state patrol shall inspect a street rod vehicle and assign a vehicle identification number in accordance with this chapter.

A street rod vehicle shall be titled as the make and year of the vehicle as originally manufactured. The title shall be branded with the designation "street rod."

**NEW SECTION. Sec. 7.** A new section is added to chapter 46.12 RCW to read as follows:

The owner of a parts car must possess proof of ownership for each such vehicle.

**NEW SECTION. Sec. 8.** A new section is added to chapter 46.12 RCW to read as follows:

The following procedures must be followed when applying for a certificate of ownership for a kit vehicle:

(1) The vehicle identification number (VIN) of a new vehicle kit and of a body kit will be taken from the manufacturer's certificate of origin belonging to that vehicle. If the VIN is not available, the Washington state patrol shall assign a VIN at the time of inspection.

(2) The model year of a manufactured new vehicle kit and manufactured body kit is the year reflected on the manufacturer's certificate of origin.

(3) The make shall be listed as "KITV," and the series and body designation must describe what the vehicle looks like, i.e. Bradley GT, 57 MG, and must include the word "replica."

(4) Except for kit vehicles licensed under section 10(5) of this act, kit vehicles must comply with chapter 204-90 WAC.

(5) The application for the certificate of ownership must be accompanied by the following documents:

(a) For a manufactured new vehicle kit, the manufacturer's certificate of origin or equivalent document;

(b)(i) For a manufactured body kit, the manufacturer's certificate of origin or equivalent document; (ii) for the frame, the title or a certified copy or equivalent document;

(c) Bills of sale or invoices for all major components used in the construction of the vehicle. The bills of sale must be notarized unless the vendor is registered with the department of revenue for the collection of retail sales or use tax. The bills of sale must include the names and addresses of the seller and purchaser, a description of the vehicle or part being sold, including the make, model, and identification or serial number, the date of sale, and the purchase price of the vehicle or part;

(d) A statement as defined in WAC 308-56A-150 by an authorized inspector of the Washington state patrol or other person authorized by the department of licensing verifying the vehicle identification number, and year and make when applicable;

(e) A completed declaration of value form (TD 420-737) to determine the value for excise tax if the purchase cost and year is unknown or incomplete.

(6) A Washington state patrol VIN inspector must ensure that all parts are documented by titles, notarized bills of sale, or business receipts such as obtained from a wrecking yard purchase. The bills of sale must contain the VIN of the vehicle the parts came from, or the yard number if from a wrecking yard.

**NEW SECTION. Sec. 9.** A new section is added to chapter 46.12 RCW to read as follows:

The following documents are required for issuance of a certificate of ownership or registration for a kit vehicle:

(1) For a new vehicle kit or a manufactured body kit, the owner shall supply a manufacturer's certificate of origin or a factory invoice.

(2) For a manufactured body kit, proof of ownership for all major parts used in the construction of the vehicle is required.

(a) Major parts include:

(i) Frame;

(ii) Engine;

(iii) Axles;

(iv) Transmission;

(v) Any other parts that carry vehicle identification numbers.

(b) If the frame from a donor vehicle is used and the remainder of the donor vehicle is to be sold or destroyed, the title is required as an ownership document to the buyer. The agent or subagent may make a certified copy of the title for documentation of the frame for this transaction.

(3) Payment of use tax on the frame and all component parts used is required, unless proof of payment of the sales or use tax is submitted.

(4) A completed declaration of value form (TD 420-737) to determine the value of the vehicle for excise tax purposes is required if the purchase cost and year of purchase is unknown.

(5) An odometer disclosure statement is required on all originals and transfers of title for vehicles under ten years old, unless otherwise exempt by law.

**NEW SECTION. Sec. 10.** A new section is added to chapter 46.16 RCW to read as follows:

All kit vehicles are licensed as original transactions when first titled in Washington, and the following provisions apply:

(1) The department of licensing shall charge original licensing fees and issue new plates appropriate to the use class.

(2) An inspection by the Washington state patrol is required to determine the correct identification number, and year or make if needed.

(3) The use class is the actual use of the vehicle, i.e. passenger car or truck.

(4) The make shall be listed as "KITV," and the series and body designation must describe what the vehicle looks like, i.e. 48 Bradley GT, 57 MG, and must include the word "replica."

(5) Upon payment of original licensing fees the department may license a kit vehicle under RCW 46.16.305(1) as a street rod if the vehicle is manufactured to have the same appearance as a similar vehicle manufactured before 1949.

(6) For a manufactured new vehicle kit and a manufactured body kit, the model year of the vehicle is the year reflected on the manufacturer's certificate of origin for that vehicle. If this is not available, the Washington state patrol shall assign a model year at the time of inspection.

(7) The vehicle identification number (VIN) of a new vehicle kit and body kit is the vehicle identification number as reflected on the manufacturer's certificate of origin. If the VIN is not available, the Washington state patrol shall assign a VIN at the time of inspection.

**NEW SECTION. Sec. 11.** A new section is added to chapter 46.16 RCW to read as follows:

A collector's vehicle licensed under RCW 46.16.305(1) may only be used for participation in club activities, exhibitions, tours, parades, and occasional pleasure driving.

**NEW SECTION. Sec. 12.** A new section is added to chapter 46.37 RCW to read as follows:

Notwithstanding the requirements of this chapter, hoods and bumpers are optional equipment on street rods and kit vehicles. Street rods and kit vehicles must comply with fender requirements under RCW 46.37.500(2) and the windshield requirement of RCW 46.37.410(1)."

On line 1 of the title, after "equipment;" strike the remainder of the title and insert "adding new sections to chapter 46.04 RCW; adding new sections to chapter 46.12 RCW; adding new sections to chapter 46.16 RCW; adding a new section to chapter 46.37 RCW; and creating a new section.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Owen, the Senate concurred in the House amendments to Substitute Senate Bill No. 5250.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5250, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5250, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Drew and Rinehart - 2.

SUBSTITUTE SENATE BILL NO. 5250, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 4, 1996

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following House Bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1018,  
HOUSE BILL NO. 1712,  
SUBSTITUTE HOUSE BILL NO. 1964,  
SUBSTITUTE HOUSE BILL NO. 2075,  
SUBSTITUTE HOUSE BILL NO. 2339,  
HOUSE BILL NO. 2414.

TIMOTHY A. MARTIN, Chief Clerk

#### MESSAGE FROM THE HOUSE

February 27, 1996

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5417 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.42.010 and 1986 c 250 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Basic necessities of life" means food, water, shelter, clothing, and health care, including but not limited to health-related treatment or activities, hygiene, oxygen, and medication.

(2)(a) "Bodily injury" means physical pain or injury, illness, or an impairment of physical condition;

(b) "Substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part;

(c) "Great bodily harm" means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily part or organ.

(3) "Child" means a person under eighteen years of age.

(4) "Dependent person" means a person who, because of physical or mental disability, or because of extreme advanced age, is dependent upon another person to provide the basic necessities of life.

(5) "Employed" means hired by a dependent person, another person acting on behalf of a dependent person, or by an organization or governmental entity, to provide to a dependent person any of the basic necessities of life. A person may be "employed" regardless of whether the person is paid for the services or, if paid, regardless of who pays for the person's services.

(6) "Parent" has its ordinary meaning and also includes a guardian and the authorized agent of a parent or guardian.

(7) "Abandons" means leaving a child or other dependent person without the means or ability to obtain one or more of the basic necessities of life.

**NEW SECTION. Sec. 2.** A new section is added to chapter 9A.42 RCW to read as follows:

(1) A person is guilty of the crime of abandonment of a dependent person in the first degree if:

(a) The person is the parent of a child, a person entrusted with the physical custody of a child or other dependent person, or a person employed to provide to the child or other dependent person any of the basic necessities of life;

(b) The person recklessly abandons the child or other dependent person; and

(c) As a result of being abandoned, the child or other dependent person suffers great bodily harm.  
 (2) Abandonment of a dependent person in the first degree is a class B felony.  
**NEW SECTION. Sec. 3.** A new section is added to chapter 9A.42 RCW to read as follows:  
 (1) A person is guilty of the crime of abandonment of a dependent person in the second degree if:  
 (a) The person is the parent of a child, a person entrusted with the physical custody of a child or other dependent person, or a person employed to provide to the child or other dependent person any of the basic necessities of life; and  
 (b) The person recklessly abandons the child or other dependent person; and  
 (i) As a result of being abandoned, the child or other dependent person suffers substantial bodily harm; or  
 (ii) Abandoning the child or other dependent person creates an imminent and substantial risk that the child or other dependent person will die or suffer great bodily harm.  
 (2) Abandonment of a dependent person in the second degree is a class C felony.  
**NEW SECTION. Sec. 4.** A new section is added to chapter 9A.42 RCW to read as follows:  
 (1) A person is guilty of the crime of abandonment of a dependent person in the third degree if:  
 (a) The person is the parent of a child, a person entrusted with the physical custody of a child or other dependent person, or a person employed to provide to the child or other dependent person any of the basic necessities of life; and  
 (b) The person recklessly abandons the child or other dependent person; and  
 (i) As a result of being abandoned, the child or other dependent person suffers bodily harm; or  
 (ii) Abandoning the child or other dependent person creates an imminent and substantial risk that the child or other person will suffer substantial bodily harm.  
 (2) Abandonment of a dependent person in the third degree is a gross misdemeanor.  
**NEW SECTION. Sec. 5.** A new section is added to chapter 9A.42 RCW to read as follows:  
 It is an affirmative defense to the charge of abandonment of a dependent person, that the person employed to provide any of the basic necessities of life to the child or other dependent person, gave reasonable notice of termination of services and the services were not terminated until after the termination date specified in the notice. The notice must be given to the child or dependent person, and to other persons or organizations that have requested notice of termination of services furnished to the child or other dependent person.  
 The department of social and health services and the department of health shall adopt rules establishing procedures for termination of services to children and other dependent persons.  
**Sec. 6.** RCW 9.94A.320 and 1995 c 385 s 2, 1995 c 285 s 28, and 1995 c 129 s 3 (Initiative Measure No. 159) are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XV Aggravated Murder 1 (RCW 10.95.020)
- XIV Murder 1 (RCW 9A.32.030)
  - Homicide by abuse (RCW 9A.32.055)
- XIII Murder 2 (RCW 9A.32.050)
- XII Assault 1 (RCW 9A.36.011)
  - Assault of a Child 1 (RCW 9A.36.120)
- XI Rape 1 (RCW 9A.44.040)
  - Rape of a Child 1 (RCW 9A.44.073)
- X Kidnapping 1 (RCW 9A.40.020)
  - Rape 2 (RCW 9A.44.050)
  - Rape of a Child 2 (RCW 9A.44.076)
  - Child Molestation 1 (RCW 9A.44.083)
  - Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))
    - Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 (RCW 69.50.406)
  - Leading Organized Crime (RCW 9A.82.060(1)(a))
- IX Assault of a Child 2 (RCW 9A.36.130)
  - Robbery 1 (RCW 9A.56.200)
  - Manslaughter 1 (RCW 9A.32.060)
  - Explosive devices prohibited (RCW 70.74.180)
  - Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
  - Endangering life and property by explosives with threat to human being (RCW 70.74.270)
    - Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
  - Controlled Substance Homicide (RCW 69.50.415)
  - Sexual Exploitation (RCW 9.68A.040)
  - Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
  - Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
- VIII Arson 1 (RCW 9A.48.020)
  - Promoting Prostitution 1 (RCW 9A.88.070)
  - Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
    - Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
    - Manufacture, deliver, or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
  - Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- VII Burglary 1 (RCW 9A.52.020)
  - Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
  - Introducing Contraband 1 (RCW 9A.76.140)
  - Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

- Child Molestation 2 (RCW 9A.44.086)
- Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
- Involving a minor in drug dealing (RCW 69.50.401(f))
- Reckless Endangerment 1 (RCW 9A.36.045)
- Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))
- VI Bribery (RCW 9A.68.010)
  - Manslaughter 2 (RCW 9A.32.070)
  - Rape of a Child 3 (RCW 9A.44.079)
  - Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
  - Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
  - Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
  - Incest 1 (RCW 9A.64.020(1))
  - Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) (RCW 69.50.401(a)(1)(i))
  - Intimidating a Judge (RCW 9A.72.160)
  - Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
  - Theft of a Firearm (RCW 9A.56.300)
- V Persistent prison misbehavior (RCW 9.94.070)
  - Criminal Mistreatment 1 (RCW 9A.42.020)
  - Abandonment of dependent person 1 (section 2 of this act)
  - Rape 3 (RCW 9A.44.060)
  - Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
  - Child Molestation 3 (RCW 9A.44.089)
  - Kidnapping 2 (RCW 9A.40.030)
  - Extortion 1 (RCW 9A.56.120)
  - Incest 2 (RCW 9A.64.020(2))
  - Perjury 1 (RCW 9A.72.020)
  - Extortionate Extension of Credit (RCW 9A.82.020)
  - Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
  - Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
  - Rendering Criminal Assistance 1 (RCW 9A.76.070)
  - Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
  - Sexually Violating Human Remains (RCW 9A.44.105)
  - Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
  - Possession of a Stolen Firearm (RCW 9A.56.310)
- IV Residential Burglary (RCW 9A.52.025)
  - Theft of Livestock 1 (RCW 9A.56.080)
  - Robbery 2 (RCW 9A.56.210)
  - Assault 2 (RCW 9A.36.021)
  - Escape 1 (RCW 9A.76.110)
  - Arson 2 (RCW 9A.48.030)
  - Commercial Bribery (RCW 9A.68.060)
  - Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
  - Malicious Harassment (RCW 9A.36.080)
  - Threats to Bomb (RCW 9.61.160)
  - Willful Failure to Return from Furlough (RCW 72.66.060)
  - Hit and Run — Injury Accident (RCW 46.52.020(4))
  - Vehicular Assault (RCW 46.61.522)
  - Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana or methamphetamines) (RCW 69.50.401(a)(1)(ii) through (iv))
  - Influencing Outcome of Sporting Event (RCW 9A.82.070)
  - Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
  - Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- III Criminal Mistreatment 2 (RCW 9A.42.030)
  - Abandonment of dependent person 2 (section 3 of this act)
  - Extortion 2 (RCW 9A.56.130)
  - Unlawful Imprisonment (RCW 9A.40.040)
  - Assault 3 (RCW 9A.36.031)
  - Assault of a Child 3 (RCW 9A.36.140)
  - Custodial Assault (RCW 9A.36.100)
  - Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))
  - Harassment (RCW 9A.46.020)
  - Promoting Prostitution 2 (RCW 9A.88.080)
  - Willful Failure to Return from Work Release (RCW 72.65.070)
  - Burglary 2 (RCW 9A.52.030)
  - Introducing Contraband 2 (RCW 9A.76.150)
  - Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
  - Patronizing a Juvenile Prostitute (RCW 9.68A.100)
  - Escape 2 (RCW 9A.76.120)
  - Perjury 2 (RCW 9A.72.030)
  - Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))

- Intimidating a Public Servant (RCW 9A.76.180)
- Tampering with a Witness (RCW 9A.72.120)
- Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
- Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
- Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
- Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
- Theft of livestock 2 (RCW 9A.56.080)
- Securities Act violation (RCW 21.20.400)
- II Unlawful Practice of Law (RCW 2.48.180)
  - Malicious Mischief 1 (RCW 9A.48.070)
  - Possession of Stolen Property 1 (RCW 9A.56.150)
  - Theft 1 (RCW 9A.56.030)
  - Trafficking in Insurance Claims (RCW 48.30A.015)
  - Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
  - Health Care False Claims (RCW 48.80.030)
  - Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
  - Possession of phencyclidine (PCP) (RCW 69.50.401(d))
  - Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
  - Computer Trespass 1 (RCW 9A.52.110)
  - Escape from Community Custody (RCW 72.09.310)
- I Theft 2 (RCW 9A.56.040)
  - Possession of Stolen Property 2 (RCW 9A.56.160)
  - Forgery (RCW 9A.60.020)
  - Taking Motor Vehicle Without Permission (RCW 9A.56.070)
  - Vehicle Prowl 1 (RCW 9A.52.095)
  - Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
  - Malicious Mischief 2 (RCW 9A.48.080)
  - Reckless Burning 1 (RCW 9A.48.040)
  - Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
  - Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
  - False Verification for Welfare (RCW 74.08.055)
  - Forged Prescription (RCW 69.41.020)
  - Forged Prescription for a Controlled Substance (RCW 69.50.403)
  - Non-narcotic from Schedule I-V (except phencyclidine) (RCW 69.50.401(d))

**NEW SECTION. Sec. 7.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application to other persons or circumstances is not affected.  
Correct the title accordingly., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Smith, the Senate refuses to concur in the House amendment to Second Substitute Senate Bill No. 5417 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

February 29, 1996

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5516 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** It is the intent of the legislature to promote drug-free workplaces to improve the safety of the workplace, protect the health of workers, and afford employers in this state the opportunity to maximize their levels of productivity, enhance their competitive positions in the marketplace, and reach their desired levels of success without experiencing the costs, delays, and tragedies associated with work-related accidents resulting from substance abuse by employees.

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

(1) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

(2) "Alcohol test" means a chemical, biological, or physical instrumental analysis administered for the purpose of determining the presence or absence of alcohol within an individual's body systems.

(3) "Chain of custody" means the methodology of tracking specimens for the purpose of maintaining control and accountability from initial collection to final disposition for all specimens and providing for accountability at each stage in handling, testing, and storing specimens and reporting test results.

(4) "Collection site" means a place where individuals present themselves for the purpose of providing a urine, breath, or other specimen to be analyzed for the presence of drugs or alcohol.

(5) "Confirmation test" or "confirmed test" means a second analytical procedure used to identify the presence of a specific drug or metabolic in a specimen. Drug tests must be confirmed as specified in section 6(5) of this act. Alcohol tests must be confirmed by a second breath test or as specified for drug tests.

(6) "Department" means the department of social and health services.

(7) "Drug" means amphetamines, cannabinoids, cocaine, phencyclidine (PCP), methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphene, or a metabolite of any such substances.

(8) "Drug test" means a chemical, biological, or physical instrumental analysis administered on a specimen sample for the purpose of determining the presence or absence of a drug or its metabolites within the sample.

(9) "Employee" means a person who is employed for salary, wages, or other remuneration by an employer.

(10) "Employee assistance program" means a program designed to assist in the identification and resolution of job performance problems associated with employees impaired by personal concerns. A minimum level of core services must include: Consultation and

professional, confidential, appropriate, and timely problem assessment services; short-term problem resolution; referrals for appropriate diagnosis, treatment, and assistance; follow-up and monitoring; employee education; and supervisory training.

(11) "Employer" means an employer subject to Title 51 RCW but does not include the state or any department, agency, or instrumentality of the state; any county; any city; any school district or educational service district; or any municipal corporation.

(12) "Initial test" means a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens. An initial drug test must use an immunoassay procedure or an equivalent procedure or must use a more accurate scientifically accepted method approved by the national institute on drug abuse as more accurate technology becomes available in a cost-effective form.

(13) "Injury" means a sudden and tangible happening, of a traumatic nature, producing an immediate or prompt result and occurring from without, and such physical conditions as result therefrom.

(14) "Job applicant" means a person who has applied for employment with an employer and has been offered employment conditioned upon successfully passing a drug test and may have begun work pending the results of the drug test.

(15) "Last-chance agreement" means a notice to an employee who is referred to the employee assistance program due to a verified positive alcohol or drug test or for violating an alcohol or drug-related employer rule that states the terms and conditions of continued employment with which the employee must comply.

(16) "Medical review officer" means a licensed physician trained in the field of drug testing who provides medical assessment of positive test results, requests reanalysis if necessary, and makes a determination whether or not drug misuse has occurred.

(17) "Nonprescription medication" means a drug or medication authorized under federal or state law for general distribution and use without a prescription in the treatment of human disease, ailments, or injuries.

(18) "Prescription medication" means a drug or medication lawfully prescribed by a physician, or other health care provider licensed to prescribe medication, for an individual and taken in accordance with the prescription.

(19) "Rehabilitation program" means a program approved by the department that is capable of providing expert identification, assessment, and resolution of employee drug or alcohol abuse in a confidential and timely service. Any rehabilitation program under this chapter must contain a two-year continuing care component.

(20) "Specimen" means breath or urine. "Specimen" may include other products of the human body capable of revealing the presence of drugs or their metabolites or of alcohol, if approved by the United States department of health and human services and permitted by rules adopted under section 13 of this act.

(21) "Substance" means drugs or alcohol.

(22) "Substance abuse test" or "test" means a chemical, biological, or physical instrumental analysis administered on a specimen sample for the purpose of determining the presence or absence of a drug or its metabolites or of alcohol within the sample.

(23) "Threshold detection level" means the level at which the presence of a drug or alcohol can be reasonably expected to be detected by an initial and confirmation test performed by a laboratory meeting the standards specified in this chapter. The threshold detection level indicates the level at which a valid conclusion can be drawn that the drug or alcohol is present in the employee's specimen.

(24) "Verified positive test result" means a confirmed positive test result obtained by a laboratory meeting the standards specified in this chapter that has been reviewed and verified by a medical review officer in accordance with medical review officer guidelines promulgated by the United States department of health and human services.

(25) "Workers' compensation premium" means the medical aid fund premium and the accident fund premium under Title 51 RCW.

**NEW SECTION. Sec. 3.** (1) An employer, except an employer that is self-insured for the purposes of Title 51 RCW, implementing a drug-free workplace program in accordance with section 4 of this act shall qualify for a five percent workers' compensation premium discount under Title 51 RCW if the employer:

(a) Is certified by the division of alcohol and substance abuse of the department as provided in section 13 of this act. The employer must maintain an alcohol and drug-free workplace program in accordance with the standards, procedures, and rules established in or under this chapter. If the employer fails to maintain the program as required, the employer shall not qualify for the premium discount provided under this section;

(b) Is in good standing and remains in good standing with the department of labor and industries with respect to the employer's workers' compensation premium obligations and any other premiums and assessments under Title 51 RCW; and

(c) Has medical insurance available to its full-time employees through an employer, union, or jointly sponsored medical plan.

(2) The premium discount must remain in effect as long as the employer is certified under section 13 of this act, up to a maximum of three years from the date of initial certification.

(3) A certified employer may discontinue operating a drug-free workplace program at any time. The qualification for a premium discount shall expire in accordance with decertification rules adopted by the department under section 13 of this act.

(4) An employer whose substance abuse testing program reasonably meets, as of July 1, 1996, the requirements for the premium discount provided in this section is not eligible for certification.

(5) Nothing in this chapter creates or alters an obligation on the part of an employer seeking to participate in this program to bargain with a collective bargaining representative of its employees.

(6) An employer may not receive premium discounts from the department of labor and industries under more than one premium discount program. An employer participating in and meeting all of the requirements for the discount provided in this section and also participating in another premium discount program offered by the department of labor and industries is only entitled to the premium discount that is the highest.

(7) The department of labor and industries will notify self-insured employers of the value of drug-free workplace programs and encourage them to implement programs that are in accord with section 4 of this act.

**NEW SECTION. Sec. 4.** (1) A drug-free workplace program established under this chapter must contain all of the following elements:

(a) A written policy statement in compliance with section 5 of this act;

(b) Substance abuse testing in compliance with section 6 of this act;

(c) An employee assistance program in compliance with section 7 of this act;

(d) Employee education in compliance with section 9 of this act; and

(e) Supervisor training in compliance with section 10 of this act.

(2) In addition to the requirements of subsection (1) of this section, a drug-free workplace program established under this chapter must be implemented in compliance with the confidentiality standards provided in section 12 of this act.

**NEW SECTION. Sec. 5.** (1) An alcohol and drug-free workplace program established under this chapter must contain a written substance abuse policy statement in order to qualify for the premium discount provided under section 3 of this act. The policy must:

(a) Notify employees that the use or being under any influence of alcohol during working hours is prohibited;

(b) Notify employees that the use, purchase, possession, or transfer of drugs or having illegal drugs in their system is prohibited and that prescription or nonprescription medications are not prohibited when taken in accordance with a lawful prescription or consistent with standard dosage recommendations;

(c) Identify the types of testing an employee or job applicant may be required to submit to or other basis used to determine when such a test will be required;

(d) Identify the actions the employer may take against an employee or job applicant on the basis of a verified positive test result;

(e) Contain a statement advising an employee or job applicant of the existence of this chapter;

- (f) Contain a general statement concerning confidentiality;
  - (g) Identify the consequences of refusing to submit to a drug test;
  - (h) Contain a statement advising an employee of the employee assistance program;
  - (i) Contain a statement that an employee or job applicant who receives a verified positive test result may contest or explain the result to the employer within five working days after receiving written notification of the positive test result;
  - (j) Contain a statement informing an employee of the provisions of the federal drug-free workplace act, if applicable to the employer; and
  - (k) Notify employees that the employer may discipline an employee for failure to report an injury in the workplace.
- (2) An employer not having a substance abuse testing program in effect on July 1, 1996, shall ensure that at least sixty days elapse between a general one-time notice to all employees that a substance abuse testing program is being implemented and the beginning of the actual testing. An employer having a substance abuse testing program in place before July 1, 1996, is not required to provide a sixty-day notice period.

(3) An employer shall include notice of substance abuse testing to all job applicants. A notice of the employer's substance abuse testing policy must also be posted in an appropriate and conspicuous location on the employer's premises, and copies of the policy must be made available for inspection by the employees or job applicants of the employer during regular business hours in the employer's personnel office or other suitable locations. An employer with employees or job applicants who have trouble communicating in English shall make reasonable efforts to help the employees understand the policy statement.

**NEW SECTION. Sec. 6.** (1) In conducting substance abuse testing under this chapter, the employer must comply with the standards and procedures established in this chapter and all applicable rules adopted by the department under this chapter and must:

- (a) Require job applicants to submit to a drug test after extending an offer of employment. The employer may use a refusal to submit to a drug test or a verified positive test as a basis for not hiring the job applicant;
- (b) Investigate each workplace injury that results in a worker needing off-site medical attention and require an employee to submit to drug and alcohol tests if the employer reasonably believes the employee has caused or contributed to an injury which resulted in the need for off-site medical attention. An employer need not require that an employee submit to drug and alcohol tests if a supervisor, trained in accordance with section 10 of this act, reasonably believes that the injury was due to the inexperience of the employee or due to a defective or unsafe product or working condition, or other circumstances beyond the control of the employee. Under this chapter, a first-time verified positive test result may not be used as a basis to terminate an employee's employment. However, nothing in this section prohibits an employee from being terminated for reasons other than the positive test result;
- (c) If the employee in the course of employment is referred to the employee assistance program by the employer as a result of a verified positive drug or alcohol test or an alcohol or drug-related incident in violation of employer rules, require the employee to submit to drug and alcohol testing in conjunction with any recommended rehabilitation program. If the employee assistance program determines that the employee does not require treatment services, the employee must still be required to participate in follow-up testing. However, if an employee voluntarily enters an employee assistance program, without a verified positive drug or alcohol test or a violation of any drug or alcohol related employer rule, follow-up testing is not required. If follow-up testing is conducted, the frequency of the testing shall be at least four times a year for a two-year period after completion of the rehabilitation program and advance notice of the testing date may not be given. A verified positive follow-up test result shall normally require termination of employment.

(2) This section does not prohibit an employer from conducting other drug or alcohol testing, such as upon reasonable suspicion or a random basis.

(3) Specimen collection and substance abuse testing under this section must be performed in accordance with regulations and procedures approved by the United States department of health and human services and the United States department of transportation regulations for alcohol and drug testing and must include testing for marijuana, cocaine, amphetamines, opiates, and phencyclidine. Employers may test for any drug listed in section 2(7) of this act.

(a) A specimen must be collected with due regard to the privacy of the individual providing the specimen and in a manner reasonably calculated to prevent substitution or contamination of the specimen.

(b) Specimen collection and analysis must be documented. The documentation procedures must include:

- (i) Labeling of specimen containers so as to reasonably preclude the likelihood of erroneous identification of test results; and
- (ii) An opportunity for the employee or job applicant to provide to a medical review officer information the employee or applicant considers relevant to the drug test, including identification of currently or recently used prescription or nonprescription medication or other relevant medical information.

(c) Specimen collection, storage, and transportation to the testing site must be performed in a manner that reasonably precludes specimen contamination or adulteration.

(d) An initial and confirmation test conducted under this section, not including the taking or collecting of a specimen to be tested, must be conducted by a laboratory as described in subsection (4) of this section.

(e) A specimen for a test may be taken or collected by any of the following persons:

- (i) A physician, a physician's assistant, a registered professional nurse, a licensed practical nurse, a nurse practitioner, or a certified paramedic who is present at the scene of an accident for the purpose of rendering emergency medical service or treatment;
- (ii) A qualified person certified or employed by a laboratory certified by the substance abuse and mental health administration or the college of American pathologists; or
- (iii) A qualified person certified or employed by a collection company using collection procedures adopted by the United States department of health and human services and the United States department of transportation for alcohol collection.

(f) Within five working days after receipt of a verified positive test result from the laboratory, an employer shall inform an employee or job applicant in writing of the positive test result, the consequences of the result, and the options available to the employee or job applicant.

(g) The employer shall provide to the employee or job applicant, upon request, a copy of the test results.

(h) An initial test having a positive result must be verified by a confirmation test.

(i) An employer who performs drug testing or specimen collection shall use chain of custody procedures to ensure proper recordkeeping, handling, labeling, and identification of all specimens to be tested.

(j) An employer shall pay the cost of all drug or alcohol tests, initial and confirmation, that the employer requires of employees.

(k) An employee or job applicant shall pay the cost of additional tests not required by the employer.

(4)(a) A laboratory may not analyze initial or confirmation drug specimens unless:

- (i) The laboratory is approved by the substance abuse and mental health administration or the college of American pathologists;
- (ii) The laboratory has written procedures to ensure the chain of custody; and
- (iii) The laboratory follows proper quality control procedures including, but not limited to:

(A) The use of internal quality controls including the use of samples of known concentrations that are used to check the performance and calibration of testing equipment, and periodic use of blind samples for overall accuracy;

(B) An internal review and certification process for test results, conducted by a person qualified to perform that function in the testing laboratory;

(C) Security measures implemented by the testing laboratory to preclude adulteration of specimens and test results; and

(D) Other necessary and proper actions taken to ensure reliable and accurate drug test results.

(b) A laboratory shall disclose to the employer a written test result report within seven working days after receipt of the sample. A laboratory report of a substance abuse test result must, at a minimum, state:

- (i) The name and address of the laboratory that performed the test and the positive identification of the person tested;
- (ii) Positive results on confirmation tests only, or negative results, as applicable;
- (iii) A list of the drugs for which the drug analyses were conducted; and
- (iv) The type of tests conducted for both initial and confirmation tests and the threshold detection levels of the tests.

A report may not disclose the presence or absence of a drug other than a specific drug and its metabolites listed under this chapter.

(c) A laboratory shall provide technical assistance through the use of a medical review officer to the employer, employee, or job applicant for the purpose of interpreting a positive confirmed drug test result that could have been caused by prescription or nonprescription medication taken by the employee or job applicant. The medical review officer shall interpret and evaluate the laboratory's positive drug test result and eliminate test results that could have been caused by prescription medication or other medically documented sources in accordance with the United States department of health and human services medical review officer manual.

(5) A positive initial drug test must be confirmed using the gas chromatography/mass spectrometry method or an equivalent or more accurate scientifically accepted method approved by the substance abuse and mental health administration as the technology becomes available in a cost-effective form.

**NEW SECTION. Sec. 7.** (1) The employee assistance program required under this chapter shall provide the employer with a system for dealing with employees whose job performances are declining due to unresolved problems, including alcohol or other drug-related problems, marital problems, or legal or financial problems.

(2) To ensure appropriate assessment and referral to treatment:

(a) The employer must notify the employees of the benefits and services of the employee assistance program;

(b) The employer shall publish notice of the employee assistance program in conspicuous places and explore alternative routine and reinforcing means of publicizing the services; and

(c) The employer shall provide the employee with notice of the policies and procedures regarding access to and use of the employee assistance program.

(3) A list of approved employee assistance programs must be provided by the department according to recognized program standards.

**NEW SECTION. Sec. 8.** (1)(a) Rehabilitation of employees suffering from either or both alcohol or drug addiction shall be a primary focus of an employee assistance program.

(b) Under any program under this chapter, the employer may not use a first-time verified positive drug or alcohol test as the basis for termination of an employee. After a first-time verified positive test result, the employee must be given an opportunity to keep his or her job through the use of a last-chance agreement. The last-chance agreement shall require an employee to:

(i) Submit to an employee assistance program evaluation for chemical dependency;

(ii) Comply with any treatment recommendations;

(iii) Be subject to follow-up drug and alcohol testing for two years;

(iv) Meet the same standards of performance and conduct that are set for other employees; and

(v) Authorize the employer to receive all relevant information regarding the employee's progress in treatment, if applicable.

Failure to comply with all the terms of this agreement normally will result in termination of employment.

(2) When substance abuse treatment is necessary, employees must use treatment services approved by the department, which include a continuing care component lasting for two years.

(a) The employee assistance program shall monitor the employee's progress while in treatment, including the two-year continuing care component, and notify the employer when an employee is not complying with the programs's treatment recommendations.

(b) The employer shall monitor job performance and conduct follow-up testing.

(3) An employer may terminate an employee for the following reasons:

(a) Refusal to submit to a drug or alcohol test;

(b) Refusal to agree to or failure to comply with the conditions of a last-chance agreement;

(c) A second verified positive drug or alcohol test result; or

(d) After the first verified positive drug or alcohol test, any violation of employer rules pertaining to alcohol and drugs.

(4) Nothing in this chapter limits the right of any employer who participates in the worker's compensation premium discount program under this chapter to terminate employment for any other reason.

**NEW SECTION. Sec. 9.** As part of a program established under this chapter, an employer shall provide all employees with an annual education program on substance abuse, in general, and its effects on the workplace, specifically. An employer with employees who have difficulty communicating in English shall make reasonable efforts to help the employees understand the substance of the education program. An education program for a minimum of one hour should include but is not limited to the following information:

(1) The explanation of the disease model of addiction for alcohol and drugs;

(2) The effects and dangers of the commonly abused substances in the workplace; and

(3) The employer's policies and procedures regarding substance abuse in the workplace and how employees who wish to obtain substance abuse treatment can do so.

**NEW SECTION. Sec. 10.** In addition to the education program provided in section 9 of this act, an employer shall provide all supervisory personnel with a minimum of two hours of supervisor training, that should include but is not limited to the following information:

(1) How to recognize signs of employee substance abuse;

(2) How to document and collaborate signs of employee substance abuse;

(3) How to refer employees to the employee assistance program or proper treatment providers; and

(4) Circumstances and procedures for postinjury testing.

**NEW SECTION. Sec. 11.** (1) A physician-patient relationship is not created between an employee or job applicant and an employer, medical review officer, or person performing or evaluating a drug or alcohol test solely by the establishment, implementation, or administration of a drug or alcohol testing program.

(2) This chapter may not be construed to prevent an employer from establishing reasonable work rules related to employee possession, use, sale, or solicitation of drugs, including convictions for drug-related offenses, and taking action based upon a violation of any of those rules.

(3) This chapter may not be construed to operate retroactively. This chapter does not abrogate the right of an employer under state or federal law to conduct drug or alcohol tests or implement employee drug or alcohol testing programs. However, only those programs that meet the criteria outlined in this chapter qualify for workers' compensation insurance premiums discounts.

(4) This chapter may not be construed to prohibit an employer from conducting medical screening or other tests required, permitted, or not disallowed by a statute or rule for the purpose of monitoring exposure of employees to toxic or other unhealthy materials in the workplace or in the performance of job responsibilities. The screening or tests must be limited to testing for the specific material expressly identified in the statute or rule, unless prior written consent of the employee is obtained for other tests.

(5) This chapter does not establish a legal duty for employers to conduct alcohol or drug tests of employees or job applicants. A cause of action may not arise in favor of a person based upon the failure of an employer to establish or conduct a program or policy for substance abuse testing or to conduct a program or policy in conformance with the standards and procedures established in this chapter. This

chapter does not create individual rights of action and may be enforced only by the department by denial of the workers' compensation premium discount provided in section 3 of this act.

**NEW SECTION. Sec. 12.** Confidentiality standards that apply to substance abuse testing programs implemented under this chapter include the following:

(1) Information, interviews, reports, statements, memoranda, and test results, written or otherwise, received through a substance abuse testing program are confidential communications, and may not be used or received in evidence, obtained in discovery, or disclosed in a civil or administrative proceeding, except as provided in subsection (5) of this section.

(2) An employer, laboratory, medical review officer, employee assistance program, drug or alcohol rehabilitation program, and their agents who receive or have access to information concerning test results shall keep the information confidential, except as provided in subsection (5) of this section.

(3) Any release of the information must be pursuant to a written consent form that complies with RCW 70.02.030 and is signed voluntarily by the person tested, unless the release is compelled by the division of alcohol and substance abuse of the department or a court of competent jurisdiction in accordance with state and federal confidentiality laws, or unless required by a professional or occupational licensing board in a related disciplinary proceeding. Any disclosure by any agency approved by the department must be in accordance with RCW 70.96A.150. The consent form must contain at a minimum:

- (a) The name of the person who is authorized to obtain the information;
- (b) The purpose of the disclosure;
- (c) The precise information to be disclosed;
- (d) The duration of the consent; and
- (e) The signature of the person authorizing release of the information.

(4) Information on test results may not be released or used in a criminal proceeding against the employee or job applicant. Information released contrary to this subsection is inadmissible as evidence in a criminal proceeding.

(5) Nothing in this chapter prohibits:

(a) An employer from using information concerning an employee or job applicant's substance abuse test results in a lawful manner with respect to that employee or applicant; or

(b) An entity that obtains the information from disclosing or using the information in a lawful manner as part of a matter relating to the substance abuse test, the test result, or an employer action with respect to the job applicant or employee.

**NEW SECTION. Sec. 13.** The department shall adopt by rule procedures and forms for the certification of employers who establish and maintain a drug-free workplace that complies with this chapter. The department shall adopt by rule procedures for the decertification of employers formally certified for the workers' compensation premium discount provided under this chapter. The department may charge a fee for the certification of a drug-free workplace program in an amount that must approximate its administrative costs related to the certification. Certification of an employer is required for each year in which a premium discount is granted. The department may adopt any other rules necessary for the implementation of this chapter.

**NEW SECTION. Sec. 14.** (1) The department of labor and industries may adopt rules necessary for the implementation of this chapter including but not limited to provisions for penalties and repayment of premium discounts by employers that are decertified by the department of social and health services under section 13 of this act.

(2) The department of labor and industries shall conduct an evaluation of the effect of the premium discount provided for under section 3 of this act on workplace safety and the state of Washington industrial insurance fund. The department of labor and industries shall report its preliminary findings to the appropriate committees of the legislature on September 1 of 1997 and 1998 and shall issue a comprehensive final report on December 1, 1999.

**NEW SECTION. Sec. 15.** The department shall conduct an evaluation to determine the costs and benefits of the program under this chapter. If the department contracts for the performance of any or all of the evaluation, no more than ten percent of the contract amount may be used to cover indirect expenses. The department shall report its preliminary findings to the legislature on September 1 of 1997 and 1998 and shall issue a comprehensive final report on December 1, 1999.

**NEW SECTION. Sec. 16.** Notwithstanding any other provisions of this chapter, the total premium discounts available under section 3 of this act shall not exceed five million dollars during any fiscal year.

**NEW SECTION. Sec. 17.** Sections 1 through 16 of this act shall constitute a new chapter in Title 49 RCW.

**NEW SECTION. Sec. 18.** Sections 1 through 16 of this act shall expire January 1, 2001."

On page 1, line 1 of the title, after "workplaces;" strike the remainder of the title and insert "adding a new chapter to Title 49 RCW; and providing an expiration date.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Owen, the Senate concurred in the House amendments to Second Substitute Senate Bill No. 5516.

#### MOTION

On motion of Senator Thibaudeau, Senator McAuliffe was excused.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5516, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5516, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Excused: Senators Drew, McAuliffe and Rinehart - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5516, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Sheldon, Senator Thibaudeau was excused.

MESSAGE FROM THE HOUSE

February 28, 1996

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5676 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 26.09.191 and 1994 c 267 s 1 are each amended to read as follows:

(1) The permanent parenting plan shall not require mutual decision-making or designation of a dispute resolution process other than court action if it is found that a parent has engaged in any of the following conduct: (a) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (b) physical, sexual, or a pattern of emotional abuse of a child; or (c) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

(2)(a) The parent's residential time with the child shall be limited if it is found that the parent has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; ~~((or))~~ (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm; or (iv) the parent has been convicted as an adult of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (a)(iv)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (a)(iv)(A) through (H) of this subsection.

This subsection (2)(a) shall not apply when (c) or (d) of this subsection applies.

(b) The parent's residential time with the child shall be limited if it is found that the parent resides with a person who has engaged in any of the following conduct: (i) Physical, sexual, or a pattern of emotional abuse of a child; ~~((or))~~ (ii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault that causes grievous bodily harm or the fear of such harm; or (iii) the person has been convicted as an adult or as a juvenile has been adjudicated of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (b)(iii)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (b)(iii)(A) through (H) of this subsection.

This subsection (2)(b) shall not apply when (c) or (e) of this subsection applies.

(c) If a parent has been ~~((convicted as an adult of a sexual offense under RCW 9A.64.020 or chapter 9.68A or 9A.44 RCW, or has been))~~ found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter. If a parent resides with an adult or a juvenile who has been ~~((convicted, or with a juvenile who has been adjudicated, of a sexual offense under RCW 9A.64.020 or chapter 9.68A or 9A.44 RCW, or who has been))~~ found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with the parent's child except contact that occurs outside that person's presence.

(d) There is a rebuttable presumption that a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection poses a present danger to a child. Unless the parent rebuts this presumption, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (d)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (d)(i) through (vii) of this subsection.

(e) There is a rebuttable presumption that a parent who resides with a person who, as an adult, has been convicted, or as a juvenile has been adjudicated, of the sex offenses listed in (e)(i) through (ix) of this subsection places a child at risk of abuse or harm when that parent exercises residential time in the presence of the convicted or adjudicated person. Unless the parent rebuts the presumption, the court shall restrain the parent from contact with the parent's child except for contact that occurs outside of the convicted or adjudicated person's presence:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (e)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (e)(i) through (vii) of this subsection.

(f) The presumption established in (d) of this subsection may be rebutted only after a written finding that:

(i) If the child was not the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, and (B) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the parent requesting residential time, (A) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the offending parent is in the child's best interest, and (B) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child.

(g) The presumption established in (e) of this subsection may be rebutted only after a written finding that:

(i) If the child was not the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent residing with the convicted or adjudicated person is appropriate and that parent is able to protect the child in the presence of the convicted or adjudicated person, and (B) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the parent residing with the convicted or adjudicated person in the presence of the convicted or adjudicated person is in the child's best interest, and (B) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes contact between the parent and child in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child.

(h) If the court finds that the parent has met the burden of rebutting the presumption under (f) of this subsection, the court may allow a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection to have residential time with the child supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(i) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who has been adjudicated as a juvenile of a sex offense listed in (e)(i) through (ix) of this subsection to have residential time with the child in the presence of the person adjudicated as a juvenile, supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(j) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who, as an adult, has been convicted of a sex offense listed in (e)(i) through (ix) of this subsection to have residential time with the child in the presence of the convicted person supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(k) A court shall not order unsupervised contact between the offending parent and a child of the offending parent who was sexually abused by that parent. A court may order unsupervised contact between the offending parent and a child who was not sexually abused by the parent after the presumption under (d) of this subsection has been rebutted and supervised residential time has occurred for at least two years with no further arrests or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW and (i) the sex offense of the offending parent was not committed against a child of the offending parent, and (ii) the court finds that unsupervised contact between the child and the offending parent is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treating child sexual abuse victims who has supervised at least one period of residential time between the parent and the child, and after consideration of evidence of the offending parent's compliance with community supervision requirements, if any. If the offending parent was not ordered by a court to participate in treatment for sex offenders, then the parent shall obtain a psychosexual evaluation conducted by a state-certified sex offender treatment provider indicating that the offender has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child.

(l) A court may order unsupervised contact between the parent and a child which may occur in the presence of a juvenile adjudicated of a sex offense listed in (e)(i) through (ix) of this subsection who resides with the parent after the presumption under (e) of this subsection has been rebutted and supervised residential time has occurred for at least two years during which time the adjudicated juvenile has had no further arrests, adjudications, or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW, and (i) the court finds that unsupervised contact between the child and the parent that may occur in the presence of the adjudicated juvenile is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treatment of child sexual abuse victims who has supervised at least one period of residential time between the parent and the child in the presence of the adjudicated juvenile, and after consideration of evidence of the adjudicated juvenile's compliance with community supervision or parole requirements, if any. If the adjudicated juvenile was not ordered by a court to participate in treatment for sex offenders, then the adjudicated juvenile shall obtain a psychosexual evaluation conducted by a state-certified sex offender treatment provider indicating that the adjudicated juvenile has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child which may occur in the presence of the adjudicated juvenile who is residing with the parent.

(m)(i) The limitations imposed by the court under (a) or (b) of this subsection shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting residential time. If the court expressly finds based on the evidence that limitations on the residential time with the child will not adequately protect the child from

the harm or abuse that could result if the child has contact with the parent requesting residential time, the court shall restrain the parent requesting residential time from all contact with the child.

(ii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused the child, except upon recommendation by an evaluator or therapist for the child that the child is ready for contact with the parent and will not be harmed by the contact. The court shall not enter an order allowing a parent to have contact with the child in the offender's presence if the parent resides with a person who has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused a child, unless the court finds that the parent accepts that the person engaged in the harmful conduct and the parent is willing to and capable of protecting the child from harm from the person.

(iii) If the court limits residential time under (a) or (b) of this subsection to require supervised contact between the child and the parent, the court shall not approve of a supervisor for contact between a child and a parent who has engaged in physical, sexual, or a pattern of emotional abuse of the child unless the court finds based upon the evidence that the supervisor accepts that the harmful conduct occurred and is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing to or capable of protecting the child.

~~((e))~~ (n) If the court expressly finds based on the evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of (a), (b), and ~~((d))~~ (m)(i) and (iii) of this subsection, or if the court expressly finds that the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a), (b), and ~~((d))~~ (m)(i) and (iii) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court. This subsection shall not apply when (c) ~~(and (d)(ii))~~, (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this subsection apply.

(3) A parent's involvement or conduct may have an adverse effect on the child's best interests, and the court may preclude or limit any provisions of the parenting plan, if any of the following factors exist:

(a) A parent's neglect or substantial nonperformance of parenting functions;

(b) A long-term emotional or physical impairment which interferes with the parent's performance of parenting functions as defined in RCW 26.09.004;

(c) A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions;

(d) The absence or substantial impairment of emotional ties between the parent and the child;

(e) The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development;

(f) A parent has withheld from the other parent access to the child for a protracted period without good cause; or

(g) Such other factors or conduct as the court expressly finds adverse to the best interests of the child.

(4) In entering a permanent parenting plan, the court shall not draw any presumptions from the provisions of the temporary parenting plan.

(5) In determining whether any of the conduct described in this section has occurred, the court shall apply the civil rules of evidence, proof, and procedure.

(6) For the purposes of this section, a parent's child means that parent's natural child, adopted child, or stepchild.

**Sec. 2.** RCW 26.10.160 and 1994 c 267 s 2 are each amended to read as follows:

(1) A parent not granted custody of the child is entitled to reasonable visitation rights except as provided in subsection (2) of this section.

(2)(a) Visitation with the child shall be limited if it is found that the parent seeking visitation has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; ~~((e))~~ (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm; or (iv) the parent has been convicted as an adult of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (a)(iv)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (a)(iv)(A) through (H) of this subsection.

This subsection (2)(a) shall not apply when (c) or (d) of this subsection applies.

(b) The parent's ~~(residential time)~~ visitation with the child shall be limited if it is found that the parent resides with a person who has engaged in any of the following conduct: (i) Physical, sexual, or a pattern of emotional abuse of a child; ~~((e))~~ (ii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault ~~(which)~~ that causes grievous bodily harm or the fear of such harm; or (iii) the person has been convicted as an adult or as a juvenile has been adjudicated of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (b)(iii)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (b)(iii)(A) through (H) of this subsection.

This subsection (2)(b) shall not apply when (c) or (e) of this subsection applies.

(c) If a parent has been (convicted as an adult of a sexual offense under RCW 9A.64.020 or chapter 9.68A or 9A.44 RCW, or has been) found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter. If a parent resides with an adult or a juvenile who has been (convicted, or with a juvenile who has been adjudicated, of a sexual offense under RCW 9A.64.020 or chapter 9.68A or 9A.44 RCW, or who has been) found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with the parent's child except contact that occurs outside that person's presence.

(d) There is a rebuttable presumption that a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection poses a present danger to a child. Unless the parent rebuts this presumption, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (d)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (d)(i) through (vii) of this subsection.

(e) There is a rebuttable presumption that a parent who resides with a person who, as an adult, has been convicted, or as a juvenile has been adjudicated, of the sex offenses listed in (e)(i) through (ix) of this subsection places a child at risk of abuse or harm when that parent exercises visitation in the presence of the convicted or adjudicated person. Unless the parent rebuts the presumption, the court shall restrain the parent from contact with the parent's child except for contact that occurs outside of the convicted or adjudicated person's presence:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (e)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (e)(i) through (vii) of this subsection.

(f) The presumption established in (d) of this subsection may be rebutted only after a written finding that:

(i) If the child was not the victim of the sex offense committed by the parent requesting visitation, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, and (B) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the parent requesting visitation, (A) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the offending parent is in the child's best interest, and (B) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child.

(g) The presumption established in (e) of this subsection may be rebutted only after a written finding that:

(i) If the child was not the victim of the sex offense committed by the person who is residing with the parent requesting visitation, (A) contact between the child and the parent residing with the convicted or adjudicated person is appropriate and that parent is able to protect the child in the presence of the convicted or adjudicated person, and (B) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the person who is residing with the parent requesting visitation, (A) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the parent residing with the convicted or adjudicated person in the presence of the convicted or adjudicated person is in the child's best interest, and (B) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes contact between the parent and child in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child.

(h) If the court finds that the parent has met the burden of rebutting the presumption under (f) of this subsection, the court may allow a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection to have visitation with the child supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such visitation. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(i) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who has been adjudicated as a juvenile of a sex offense listed in (e)(i) through (ix) of this subsection to have visitation with the child in the presence of the person adjudicated as a juvenile, supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such visitation. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(j) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who, as an adult, has been convicted of a sex offense listed in (e)(i) through (ix) of this subsection to have visitation with the child in the presence of the convicted person supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such visitation. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(k) A court shall not order unsupervised contact between the offending parent and a child of the offending parent who was sexually abused by that parent. A court may order unsupervised contact between the offending parent and a child who was not sexually abused by the

parent after the presumption under (d) of this subsection has been rebutted and supervised visitation has occurred for at least two years with no further arrests or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW and (i) the sex offense of the offending parent was not committed against a child of the offending parent, and (ii) the court finds that unsupervised contact between the child and the offending parent is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treating child sexual abuse victims who has supervised at least one period of visitation between the parent and the child, and after consideration of evidence of the offending parent's compliance with community supervision requirements, if any. If the offending parent was not ordered by a court to participate in treatment for sex offenders, then the parent shall obtain a psychosexual evaluation conducted by a state-certified sex offender treatment provider indicating that the offender has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child.

(l) A court may order unsupervised contact between the parent and a child which may occur in the presence of a juvenile adjudicated of a sex offense listed in (e)(i) through (ix) of this subsection who resides with the parent after the presumption under (e) of this subsection has been rebutted and supervised visitation has occurred for at least two years during which time the adjudicated juvenile has had no further arrests, adjudications, or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW, and (i) the court finds that unsupervised contact between the child and the parent that may occur in the presence of the adjudicated juvenile is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treatment of child sexual abuse victims who has supervised at least one period of visitation between the parent and the child in the presence of the adjudicated juvenile, and after consideration of evidence of the adjudicated juvenile's compliance with community supervision or parole requirements, if any. If the adjudicated juvenile was not ordered by a court to participate in treatment for sex offenders, then the adjudicated juvenile shall obtain a psychosexual evaluation conducted by a state-certified sex offender treatment provider indicating that the adjudicated juvenile has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child which may occur in the presence of the adjudicated juvenile who is residing with the parent.

(m)(i) The limitations imposed by the court under (a) or (b) of this subsection shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting visitation. If the court expressly finds based on the evidence that limitations on visitation with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting visitation, the court shall restrain the person seeking visitation from all contact with the child.

(ii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused the child, except upon recommendation by an evaluator or therapist for the child that the child is ready for contact with the parent and will not be harmed by the contact. The court shall not enter an order allowing a parent to have contact with the child in the offender's presence if the parent resides with a person who has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused a child, unless the court finds that the parent accepts that the person engaged in the harmful conduct and the parent is willing to and capable of protecting the child from harm from the person.

(iii) If the court limits (~~residential time~~) visitation under (a) or (b) of this subsection to require supervised contact between the child and the parent, the court shall not approve of a supervisor for contact between a child and a parent who has engaged in physical, sexual, or a pattern of emotional abuse of the child unless the court finds based upon the evidence that the supervisor accepts that the harmful conduct occurred and is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing to or capable of protecting the child.

~~((e))~~ (n) If the court expressly finds based on the evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of (a), (b), and ~~((d))~~ (m) (i) and (iii) of this subsection, or if the court expressly finds (~~based on the evidence~~) that the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a), (b), and ~~((d))~~ (m)(i) and (iii) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court. This subsection shall not apply when (c) ~~(and (d)(ii))~~, (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this subsection apply.

(3) Any person may petition the court for visitation rights at any time including, but not limited to, custody proceedings. The court may order visitation rights for any person when visitation may serve the best interest of the child whether or not there has been any change of circumstances.

(4) The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child. Modification of a parent's visitation rights shall be subject to the requirements of subsection (2) of this section.

(5) For the purposes of this section, a parent's child means that parent's natural child, adopted child, or stepchild.

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

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Smith, the Senate refuses to concur in the House amendment to Engrossed Second Substitute Senate Bill No. 5676 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

February 29, 1996

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5818 with the following amendment(s):

On page 1, after line 16, insert the following:

"Sec. 2. RCW 41.40.270 and 1995 c 144 s 5 are each amended to read as follows:

(1) Should a member die before the date of retirement the amount of the accumulated contributions standing to the member's credit in the employees' savings fund, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, at the time of death:

(a) Shall be paid to the member's estate, or such person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department; or

(b) If there be no such designated person or persons still living at the time of the member's death, or if a member fails to file a new beneficiary designation subsequent to marriage, remarriage, dissolution of marriage, divorce, or reestablishment of membership following termination by withdrawal or retirement, such accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the surviving spouse as if in fact such spouse had been nominated by written designation as aforesaid, or if there be no such surviving spouse, then to the member's legal representatives.

(2) Upon the death in service, or while on authorized leave of absence for a period not to exceed one hundred and twenty days from the date of payroll separation, of any member who is qualified but has not applied for a service retirement allowance or has completed ten years of service at the time of death, the designated beneficiary, or the surviving spouse as provided in subsection (1) of this section, may elect to waive the payment provided by subsection (1) of this section. Upon such an election, a joint and one hundred percent survivor option under RCW 41.40.188, calculated under the retirement allowance described in RCW 41.40.185 or 41.40.190, whichever is greater, actuarially reduced by the amount of any lump sum benefit identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670 shall automatically be given effect as if selected for the benefit of the designated beneficiary. If the member is not then qualified for a service retirement allowance, such benefit shall be based upon the actuarial equivalent of the sum necessary to pay the accrued regular retirement allowance commencing when the deceased member would have first qualified for a service retirement allowance.

(3) Subsection (1) of this section, unless elected, shall not apply to any member who has applied for service retirement in RCW 41.40.180, as now or hereafter amended, and thereafter dies between the date of separation from service and the member's effective retirement date, where the member has selected a survivorship option under RCW 41.40.188. In those cases the beneficiary named in the member's final application for service retirement may elect to receive either a cash refund, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, or monthly payments according to the option selected by the member.

(4) For deaths occurring between July 1, 1995, and June 30, 1997, if a member who: (a) Has applied for nonduty disability under RCW 41.40.230; (b) has submitted adequate evidence to support a disability determination; and (c) has selected a retirement under RCW 41.40.188, dies before receiving the first retirement payment, the beneficiary named in the member's final application for disability retirement may elect to receive either a cash refund, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, or monthly payments according to the option selected by the member."

On line 2 of the title, after "retirement;" insert "amending RCW 41.40.270;", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Loveland, the Senate concurred in the House amendments to Substitute Senate Bill No. 5818.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5818, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5818, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yeas: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 45.

Excused: Senators Drew, McAuliffe, Rinehart and Thibaudeau - 4.

SUBSTITUTE SENATE BILL NO. 5818, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 27, 1996

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5865 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The Washington state lottery act under chapter 7, Laws of 1982 2nd ex. sess., provides, among other things, that the right of any person to a prize shall not be assignable, except to the estate of a deceased prize winner, or to a person designated pursuant to an appropriate judicial order. Current law and practices provide that those who win lotto jackpots are paid in annual installments over a period of twenty years. The legislature recognizes that some prize winners, particularly elderly persons, those seeking to acquire a small business, and others with unique needs, may not want to wait to be paid over the course of up to twenty years. It is the intent of the legislature to provide a restrictive means to accommodate those prize winners who wish to enjoy more of their winnings currently, without impacting the current fiscal structure of the Washington state lottery commission.

**Sec. 2.** RCW 67.70.100 and 1982 2nd ex.s. c 7 s 10 are each amended to read as follows:

(1) Except under subsection (2) of this section, no right of any person to a prize drawn is assignable, except that payment of any prize drawn may be paid to the estate of a deceased prize winner, and except that any person pursuant to an appropriate judicial order may be paid the prize to which the winner is entitled.

(2)(a) The payment of the remainder of an annuity may be assigned to another person, pursuant to a voluntary assignment of the right to receive future annual prize payments, if the assignment is made pursuant to an appropriate judicial order of the Thurston county superior court or the superior court of the county in which the prize winner resides, if the winner is a resident of Washington state. If the prize winner is not a resident of Washington state, the winner must seek an appropriate order from the Thurston county superior court.

(b) If there is a voluntary assignment under (a) of this subsection, a copy of the petition for an order under (a) of this subsection and all notices of any hearing in the matter shall be served on the attorney general no later than ten days before any hearing or entry of any order.

(c) The court receiving the petition may issue an order approving the assignment and directing the director to pay to the assignee the remainder of an annuity so assigned upon finding that all of the following conditions have been met:

(i) The assignment has been memorialized in writing and executed by the assignor and is subject to Washington law;

(ii) The assignor provides a sworn declaration to the court attesting to the facts that the assignor has had the opportunity to be represented by independent legal counsel in connection with the assignment, has received independent financial and tax advice concerning the effects of the assignment, and is of sound mind and not acting under duress, and the court makes findings determining so; and

(iii) The proposed assignment does not and will not include or cover payments or portions of payments subject to offsets pursuant to RCW 67.70.255 unless appropriate provision is made in the order to satisfy the obligations giving rise to the offset.

(d) The commission may intervene as of right in any proceeding under this section but shall not be deemed an indispensable or necessary party.

(3) The director will not pay the assignee an amount in excess of the annual payment entitled to the assignor.

(4) The commission may adopt rules pertaining to the assignment of prizes under this section, including recovery of actual costs incurred by the commission. The recovery of actual costs shall be deducted from the initial annuity payment made to the assignee.

(5) No voluntary assignment under this section is effective unless and until the national office of the federal internal revenue service provides a ruling that declares that the voluntary assignment of prizes will not affect the federal income tax treatment of prize winners who do not assign their prizes.

(6) The commission and the director shall be discharged of all further liability upon payment of a prize pursuant to this section."

On page 1, line 2 of the title, after "winners;" strike the remainder of the title and insert "amending RCW 67.70.100; and creating a new section.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Pelz, the Senate concurred in the House amendments to Substitute Senate Bill No. 5865.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5865, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5865, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 44.

Voting nay: Senator Quigley - 1.

Excused: Senators Drew, McAuliffe, Rinehart and Thibaudeau - 4.

SUBSTITUTE SENATE BILL NO. 5865, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 1, 1996

#### MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6078 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 81.104.140 and 1992 c 101 s 25 are each amended to read as follows:

(1) Agencies authorized to provide high capacity transportation service, including transit agencies and regional transit authorities, are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160, and 81.104.170, are authorized only for agencies located in (a) each county with a population of two hundred ten thousand or more and (b) each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described under (a) of this subsection. In any county with a population of one million or more or in any county having a population of four hundred thousand or more bordering a county with a population of one million or more, these funding sources may be imposed only by a regional transit authority.

(2) Agencies planning to construct and operate a high capacity transportation system should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

- (a) Acceptability;
- (b) Ease of administration;
- (c) Equity;
- (d) Implementation feasibility;
- (e) Revenue reliability; and
- (f) Revenue yield.

(4) Agencies participating in regional high capacity transportation system development are authorized to levy and collect the following voter-approved local option funding sources:

- (a) Employer tax as provided in RCW 81.104.150;
- (b) Special motor vehicle excise tax as provided in RCW 81.104.160; and
- (c) Sales and use tax as provided in RCW 81.104.170.

Revenues from these taxes may be used only to support those purposes prescribed in subsection (10) of this section. Before the date of an election authorizing an agency to impose any of the taxes enumerated in this section and authorized in RCW 81.104.150, 81.104.160, and 81.104.170, the agency must comply with the process prescribed in RCW 81.104.100 (1) and (2) and 81.104.110. No construction on exclusive right of way may occur before the requirements of RCW 81.104.100(3) are met.

(5) Authorization in subsection (4) of this section shall not adversely affect the funding authority of transit agencies not provided for in this chapter. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. Except when a regional transit authority exists, local jurisdictions shall retain control over moneys generated within their boundaries, although funds may be commingled with those generated in other areas for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Agencies planning to construct and operate high capacity transportation systems may contract with the state for collection and transference of voter-approved local option revenue.

(7) Dedicated high capacity transportation funding sources authorized in RCW 81.104.150, 81.104.160, and 81.104.170 shall be subject to voter approval by a simple majority. A single ballot proposition may seek approval for one or more of the authorized taxing sources. ((The ballot title shall reference the document identified in subsection (8) of this section.))

(8) ((Agencies shall provide to the registered voters in the area a document describing the systems plan and the financing plan set forth in RCW 81.104.100. It shall also describe the relationship of the system to regional issues such as development density at station locations and activity centers, and the interrelationship of the system to adopted land use and transportation demand management goals within the region. This document shall be provided to the voters at least twenty days prior to the date of the election.)) When making public representations about revenues available to support a proposed project, agencies shall not assume, nor imply the availability of, state funds unless those funds have been specifically authorized. Any assumptions of federal funds shall be based on authorizations in the current six-year transportation authorization law and subsequent appropriations therefrom.

(9) For any election in which voter approval is sought for a high capacity transportation system plan and financing plan pursuant to RCW 81.104.040, a local voter's pamphlet shall be produced as provided in chapter 29.81A RCW.

(10) Agencies providing high capacity transportation service shall retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation systems and commuter rail systems, personal rapid transit, busways, bus sets, and entrained and linked buses."

On line 2 of the title, after "projects;" strike the remainder of the title and insert "and amending RCW 81.104.140.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Owen, the Senate concurred in the House amendments to Substitute Senate Bill No. 6078. The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6078, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6078, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 3; Absent, 1; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 41.

Voting nay: Senators Fairley, Kohl and Pelz - 3.

Absent: Senator Hargrove - 1.

Excused: Senators Drew, McAuliffe, Rinehart and Thibaudeau - 4.

SUBSTITUTE SENATE BILL NO. 6078, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 1, 1996

#### MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6120 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1) The legislature recognizes the role of health care providers as the appropriate authority to determine and establish the delivery of quality health care services to maternity patients and their newly born children. It is the intent of the legislature to recognize patient preference and the clinical sovereignty of providers as they make determinations regarding services provided and the length of time individual patients may need to remain in a health care facility after giving birth. It is not the intent of the legislature to diminish a carrier's ability to utilize managed care strategies but to ensure the clinical judgment of the provider is not undermined by restrictive carrier contracts or utilization review criteria that fail to recognize individual postpartum needs.

(2) Unless otherwise specifically provided, the following definitions apply throughout this section:

(a) "Attending provider" means a provider who: Has clinical hospital privileges consistent with RCW 70.43.020; is included in a provider network of the carrier that is providing coverage; and is a physician licensed under chapter 18.57 or 18.71 RCW, a certified nurse midwife licensed under chapter 18.79 RCW, a midwife licensed under chapter 18.50 RCW, a physician's assistant licensed under chapter 18.57A or 18.71A RCW, or an advanced registered nurse practitioner licensed under chapter 18.79 RCW.

(b) "Health carrier" or "carrier" means disability insurers regulated under chapter 48.20 or 48.21 RCW, health care services contractors regulated under chapter 48.44 RCW, health maintenance organizations regulated under chapter 48.46 RCW, plans operating under the health care authority under chapter 41.05 RCW, the state health insurance pool operating under chapter 48.41 RCW, and insuring entities regulated under this chapter.

(3)(a) Every health carrier that provides coverage for maternity services must permit the attending provider, in consultation with the mother, to make decisions on the length of inpatient stay, rather than making such decisions through contracts or agreements between providers, hospitals, and insurers. These decisions must be based on accepted medical practice.

(b) Covered eligible services may not be denied for inpatient, postdelivery care to a mother and her newly born child after a vaginal delivery or a cesarean section delivery for such care as ordered by the attending provider in consultation with the mother.

(c) At the time of discharge, determination of the type and location of follow-up care, including in-person care, must be made by the attending provider in consultation with the mother rather than by contract or agreement between the hospital and the insurer. These decisions must be based on accepted medical practice.

(d) Covered eligible services may not be denied for follow-up care as ordered by the attending provider in consultation with the mother. Coverage for providers of follow-up services must include, but need not be limited to, attending providers as defined in this section, home health agencies licensed under chapter 70.127 RCW, and registered nurses licensed under chapter 18.79 RCW.

(e) Nothing in this section shall be construed to require attending providers to authorize care they believe to be medically unnecessary.

(f) Coverage for the newly born child must be no less than the coverage of the child's mother for no less than three weeks, even if there are separate hospital admissions.

(4) No carrier that provides coverage for maternity services may deselect, terminate the services of, require additional documentation from, require additional utilization review of, reduce payments to, or otherwise provide financial disincentives to any attending provider or health care facility solely as a result of the attending provider or health care facility ordering care consistent with the provisions of this section. Nothing in this section shall be construed to prevent any insurer from reimbursing an attending provider or health care facility on a capitated, case rate, or other financial incentive basis.

(5) Every carrier that provides coverage for maternity services must provide notice to policyholders regarding the coverage required under this section. The notice must be in writing and must be transmitted at the earliest of the next mailing to the policyholder, the yearly summary of benefits sent to the policyholder, or January 1 of the year following the effective date of this section.

(6) This section is not intended to establish a standard of medical care.

(7) This section shall apply to coverage for maternity services under a contract issued or renewed by a health carrier after the effective date of this section and shall apply to plans operating under the health care authority under chapter 41.05 RCW beginning January 1, 1998.

**NEW SECTION. Sec. 2.** Consistent with funds available for this purpose, the Washington health care policy board, created by chapter 43.73 RCW, shall conduct an analysis of the effects of this act, addressing: The financial impact on health carriers in the public and private individual and group insurance markets; the impact on utilization of health care services; and, to the extent possible, the impact on the health status of mothers and their newly born children. The board shall submit a final report to the appropriate committees of the legislature by December 15, 1998.

**NEW SECTION. Sec. 3.** This act shall be known as "the Erin Act."

On page 1, line 2 of the title, after "child;" strike the remainder of the title and insert "adding a new section to chapter 48.43 RCW; and creating new sections.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Quigley, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 6120. The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6120, as amended by the House.  
Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6120, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 46.

Excused: Senators McAuliffe, Rinehart and Thibaudeau - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6120, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 29, 1996

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6173 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.70.023 and 1995 c 7 s 1 are each amended to read as follows:

(1) An "established place of business" requires a permanent, enclosed commercial building located within the state of Washington easily accessible at all reasonable times. ~~((An established place of business shall have an improved display area of not less than three thousand square feet in or immediately adjoining the building, or a display area large enough to display six or more vehicles of the type the dealer is licensed to sell, whichever area is larger.))~~ The business of a vehicle dealer ~~((including the display of vehicles, may))~~ must be lawfully carried on at an established place of business in accordance with the terms of all applicable building code, zoning, and other land-use regulatory ordinances. A vehicle dealer may display a vehicle for sale only at its established place of business, licensed subagency, or temporary subagency site, except at auction. The dealer shall keep the building open to the public so that ~~((they))~~ the public may contact the vehicle dealer or the dealer's salespersons at all reasonable times. The books, records, and files necessary to conduct the business shall be kept and maintained at that place. The established place of business shall display an exterior sign with the business name and nature of the business, such as auto sales, permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. ~~((In no event may))~~ A room or rooms in a hotel, rooming house, or apartment house building or part of a single or multiple-unit dwelling house may not be considered an "established place of business" unless the ground floor of such a dwelling is devoted principally to and occupied for commercial purposes and the dealer offices are located on the ground floor. A mobile office or mobile home may be used as an office if it is connected to utilities and is set up in accordance with state law. A state-wide trade association representing manufactured housing dealers shall be permitted to use a manufactured home as an office if the office complies with all other applicable building code, zoning, and other land-use regulatory ordinances. This subsection does not apply to auction companies that do not own vehicle inventory or sell vehicles from an auction yard.

(2) An auction company shall have office facilities within the state. The books, records, and files necessary to conduct the business shall be maintained at the office facilities. All storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. An auction company shall maintain a telecommunications system.

(3) Auction companies shall post their vehicle dealer license at each auction where vehicles are offered, and shall provide the department with the address of the auction at least three days before the auction.

(4) If a dealer maintains a place of business at more than one location or under more than one name in this state, he or she shall designate one location as the principal place of business of the firm, one name as the principal name of the firm, and all other locations or names as subagencies. A subagency license is required for each and every subagency: **PROVIDED**, That the department may grant an exception to the subagency requirement in the specific instance where a licensed dealer is unable to locate their used vehicle sales facilities adjacent to or at the established place of business. This exception shall be granted and defined under the promulgation of rules consistent with the Administrative Procedure Act.

(5) All vehicle dealers shall maintain ownership or leasehold throughout the license year of the real property from which they do business. The dealer shall provide the department with evidence of ownership or leasehold whenever the ownership changes or the lease is terminated.

(6) A subagency shall comply with all requirements of an established place of business, except that subagency records may be kept at the principal place of business designated by the dealer. Auction companies shall comply with the requirements in subsection (2) of this section.

(7) A temporary subagency shall meet all local zoning and building codes for the type of merchandising being conducted. The dealer license certificate shall be posted at the location. No other requirements of an established place of business apply to a temporary subagency. Auction companies are not required to obtain a temporary subagency license.

(8) A wholesale vehicle dealer shall have office facilities in a commercial building within this state, and all storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. A wholesale vehicle dealer shall maintain a telecommunications system. An exterior sign visible from the nearest street shall identify the business name and the nature of business. A wholesale dealer need not maintain a display area as required in this section. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory, if any, must be physically segregated and clearly identified.

(9) A retail vehicle dealer shall be open during normal business hours, maintain office and display facilities in a commercially zoned location or in a location complying with all applicable building and land use ordinances, and maintain a business telephone listing in the local directory. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory shall be physically segregated and clearly identified.

(10) A listing dealer need not have a display area if the dealer does not physically maintain any vehicles for display.

(11) A subagency license is not required for a mobile home dealer to display an on-site display model, a consigned mobile home not relocated from its site, or a repossessed mobile home if sales are handled from a principal place of business or subagency. A mobile home dealer shall identify on-site display models, repossessed mobile homes, and those consigned at their sites with a sign that includes the dealer's name and telephone number.

(12) Every vehicle dealer shall advise the department of the location of each and every place of business of the firm and the name or names under which the firm is doing business at such location or locations. If any name or location is changed, the dealer shall notify the department of such change within ten days. The license issued by the department shall reflect the name and location of the firm and shall be posted in a conspicuous place at that location by the dealer.

(13) A vehicle dealer's license shall upon the death or incapacity of an individual vehicle dealer authorize the personal representative of such dealer, subject to payment of license fees, to continue the business for a period of six months from the date of the death or incapacity.

**Sec. 2.** RCW 46.70.051 and 1993 c 307 s 7 are each amended to read as follows:

(1) After the application has been filed, the fee paid, and bond posted, if required the department shall, if no denial order is in effect and no proceeding is pending under RCW 46.70.101, issue the appropriate license, which license, in the case of a vehicle dealer, shall designate the classification of the dealer. Nothing prohibits a vehicle dealer from obtaining licenses for more than one classification, and nothing prevents any vehicle dealer from dealing in other classes of vehicles on an isolated basis.

(2) An auction company licensed under chapter 18.11 RCW may sell at auction all classifications of vehicles under a motor vehicle dealer's license issued under this chapter including motor vehicles, miscellaneous type vehicles, and mobile homes and travel trailers.

(3) At the time the department issues a vehicle dealer license, the department shall provide to the dealer a current, up-to-date vehicle dealer manual setting forth the various statutes and rules applicable to vehicle dealers. In addition, at the time any such license is renewed under RCW 46.70.083, the department shall provide the dealer with any updates or current revisions to the vehicle dealer manual.

**Sec. 3.** RCW 46.70.101 and 1991 c 140 s 3 are each amended to read as follows:

The director may by order deny, suspend, or revoke the license of any vehicle dealer or vehicle manufacturer or, in lieu thereof or in addition thereto, may by order assess monetary penalties of a civil nature not to exceed one thousand dollars per violation, if the director finds that the order is in the public interest and that the applicant or licensee:

(1) In the case of a vehicle dealer:

(a) The applicant or licensee, or any partner, officer, director, owner of ten percent or more of the assets of the firm, or managing employee:

(i) Was the holder of a license issued pursuant to this chapter, which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled or which license was assessed a civil penalty and the assessed amount has not been paid;

(ii) Has been adjudged guilty of a crime which directly relates to the business of a vehicle dealer and the time elapsed since the adjudication is less than ten years, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion. For the purposes of this section, adjudged guilty shall mean in addition to a final conviction in either a state or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the sentence is deferred or the penalty is suspended;

(iii) Has knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto, or in any matter under investigation by the department;

(iv) Has knowingly, or with reason to know, provided the department with false information relating to the number of vehicle sales transacted during the past one year in order to obtain a vehicle dealer license plate;

(v) Does not have an established place of business as required in this chapter;

(vi) Refuses to allow representatives or agents of the department to inspect during normal business hours all books, records, and files maintained within this state;

(vii) Sells, exchanges, offers, brokers, auctions, solicits, or advertises a new or current model vehicle to which a factory new vehicle warranty attaches and fails to have a valid, written service agreement as required by this chapter, or having such agreement refuses to honor the terms of such agreement within a reasonable time or repudiates the same;

(viii) Is insolvent, either in the sense that their liabilities exceed their assets, or in the sense that they cannot meet their obligations as they mature;

(ix) Fails to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after such assessment becomes final;

(x) Fails to notify the department of bankruptcy proceedings in the manner required by RCW 46.70.183;

(xi) Knowingly, or with reason to know, allows a salesperson employed by the dealer, or acting as their agent, to commit any of the prohibited practices set forth in subsection (1)(a) of this section and RCW 46.70.180.

(b) The applicant or licensee, or any partner, officer, director, owner of ten percent of the assets of the firm, or any employee or agent:

(i) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;

(ii) Has defrauded or attempted to defraud the state, or a political subdivision thereof of any taxes or fees in connection with the sale or transfer of a vehicle;

(iii) Has forged the signature of the registered or legal owner on a certificate of title;

(iv) Has purchased, sold, disposed of, or has in his or her possession any vehicle which he or she knows or has reason to know has been stolen or appropriated without the consent of the owner;

(v) Has willfully failed to deliver to a purchaser a certificate of ownership to a vehicle which he has sold;

(vi) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates or manufacturer license plates;

(vii) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(viii) Has engaged in practices inimical to the health or safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction or safety of vehicles;

(ix) Has aided or assisted an unlicensed dealer or salesperson in unlawful activity through active or passive participation in sales, allowing use of facilities, dealer license number, or by any other means;

(x) Converts or appropriates, whether temporarily or permanently, property or funds belonging to a customer, dealer, or manufacturer, without the consent of the owner of the property or funds; or

(xi) Has sold any vehicle with actual knowledge that:

(A) It has ("REBUILT") any of the following brands on the title: "SALVAGE/REBUILT," "JUNK," or "DESTROYED"; or

(B) It has been declared totaled out by an insurance carrier and then rebuilt; or

(C) The vehicle title contains the specific comment that the vehicle is "rebuilt"; without clearly disclosing that ~~((fact))~~ brand or comment in writing.

(c) The licensee or any partner, officer, director, or owner of ten percent or more of the assets of the firm holds or has held any such position in any other vehicle dealership licensed pursuant to this chapter which is subject to final proceedings under this section.

(2) In the case of a manufacturer, or any partner, officer, director, or majority shareholder:

(a) Was or is the holder of a license issued pursuant to this chapter which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled, or which license was assessed a civil penalty and the assessed amount has not been paid;

(b) Has knowingly or with reason to know, made a false statement of a material fact in his application for license, or any data attached thereto, or in any matter under investigation by the department;

(c) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;

(d) Has defrauded or attempted to defraud the state or a political subdivision thereof, of any taxes or fees in connection with the sale or transfer of a vehicle;

(e) Has purchased, sold, disposed of, or has in his possession, any vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(f) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates and manufacturer license plates;

(g) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(h) Sells or distributes in this state or transfers into this state for resale, any new or unused vehicle to which a warranty attaches or has attached and refuses to honor the terms of such warranty within a reasonable time or repudiates the same;

(i) Fails to maintain one or more resident employees or agents to provide service or repairs to vehicles located within the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured and which are or have been sold or distributed in this state or transferred into this state for resale unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department;

(j) Fails to reimburse within a reasonable time any vehicle dealer within the state of Washington who in good faith incurs reasonable obligations in giving effect to warranties that attach or have attached to any new or unused vehicle sold or distributed in this state or transferred into this state for resale by any such manufacturer;

(k) Engaged in practices inimical to the health and safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles;

(l) Is insolvent either in the sense that his or her liabilities exceed his or her assets or in the sense that he or she cannot meet his or her obligations as they mature;

(m) Fails to notify the department of bankruptcy proceedings in the manner required by RCW 46.70.183.

**Sec. 4.** RCW 46.70.120 and 1990 c 238 s 7 are each amended to read as follows:

A dealer shall complete and maintain for a period of at least five years a record of the purchase and sale of all vehicles purchased or sold by him. The records shall consist of:

(1) The license and title numbers of the state in which the last license was issued;

(2) A description of the vehicle;

(3) The name and address of the person from whom purchased;

(4) The name of the legal owner, if any;

(5) The name and address of the purchaser;

(6) If purchased from a dealer, the name, business address, dealer license number, and resale tax number of the dealer;

(7) The price paid for the vehicle and the method of payment;

(8) The vehicle odometer disclosure statement given by the seller to the dealer, and the vehicle odometer disclosure statement given by the dealer to the purchaser;

(9) The written agreement to allow a dealer to sell between the dealer and the consignor, or the listing dealer and the seller;

(10) Trust account records of receipts, deposits, and withdrawals;

(11) All sale documents, which shall show the full name of dealer employees involved in the sale; and

(12) Any additional information the department may require. However, the department may not require a dealer to collect or retain the hardback copy of a temporary license permit after the permanent license plates for a vehicle have been provided to the purchaser, if the dealer maintains some other copy of the temporary license permit together with a log of the permits issued.

Such records shall be maintained separate ((and apart)) from all other business records of the dealer ((and shall at all times)). Records older than two years may be kept at a location other than the dealer's place of business if those records are made available in hard copy for inspection within three calendar days, exclusive of Saturday, Sunday, or a legal holiday, after a request by the director or the director's authorized agent. Records kept at the vehicle dealer's place of business must be available for inspection by the director or ((his duly)) the director's authorized agent during normal business hours.

Dealers may maintain their recordkeeping and filing systems in accordance with their own particular business needs and practices. Nothing in this chapter requires dealers to maintain their records in any particular order or manner, as long as the records identified in this section are maintained in the dealership's recordkeeping system.

**Sec. 5.** RCW 46.70.130 and 1973 1st ex.s. c 132 s 16 are each amended to read as follows:

(1) Before the execution of a contract or chattel mortgage or the consummation of the sale of any vehicle, the seller must furnish the buyer an itemization in writing signed by the seller separately disclosing to the buyer the finance charge, insurance costs, taxes, and other charges which are paid or to be paid by the buyer.

(2) Notwithstanding subsection (1) of this section, an itemization of the various license and title fees paid or to be paid by the buyer, which itemization must be the same as that disclosed on the registration/application for title document issued by the department, may be required only on the title application at the time the application is submitted for title transfer. A vehicle dealer may not be required to separately or individually itemize the license and title fees on any other document, including but not limited to the purchase order and lease agreement. No fee itemization may be required on the temporary permit.

**Sec. 6.** RCW 46.70.180 and 1995 c 256 s 26 are each amended to read as follows:

Each of the following acts or practices is unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a vehicle when a down payment is in fact required, or that a vehicle may be purchased for a smaller down payment than is actually required;

(b) That a certain percentage of the sale price of a vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific vehicle to be sold;

(e) That a vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2) To incorporate within the terms of any purchase and sale agreement any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price of a vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale. However, expenses or fees charged by a dealer that are necessary or required to be paid by a dealer to a third party in order to obtain a lien release or a vehicle identification number inspection or verification, or to otherwise clear title to the vehicle, or in order to license or transfer title to a vehicle, do not violate this section if such expenses or fees are disclosed or itemized on the purchase order.

(3) To set up, promote, or aid in the promotion of a plan by which vehicles are to be sold to a person for a consideration and upon further consideration that the purchaser agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser being given the right to secure money, credits, goods, or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of "bushing" which is defined as follows: Taking from a prospective buyer of a vehicle a written order or offer to purchase, or a contract document signed by the buyer, which:

(a) Is subject to the dealer's, or his or her authorized representative's future acceptance, and the dealer fails or refuses within ~~((forty-eight hours))~~ three calendar days, exclusive of Saturday, Sunday, or a legal holiday, and prior to any further negotiations with said buyer, either: (i) To deliver to the buyer ~~((either))~~ the dealer's signed acceptance, or ~~((all copies of))~~ (ii) to void the order, offer, or contract document ((together with)) and tender the return of any initial payment or security made or given by the buyer, including but not limited to money, check, promissory note, vehicle keys, a trade-in, or certificate of title to a trade-in; or

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a vehicle delivered or to be delivered by the buyer as part of the purchase price, for any reason except:

(i) Failure to disclose that the vehicle's certificate of ownership has ~~((been branded for any reason, including, but not limited to, status as a rebuilt vehicle as provided in RCW 46.12.050 and 46.12.075; and))~~ any of the following brands: "SALVAGE/REBUILT" or "JUNK" or "DESTROYED," or has been declared totaled out by an insurance carrier and then rebuilt, or that the vehicle title contains the specific comment that the vehicle is "rebuilt"; or

(ii) Substantial physical damage or latent mechanical defect occurring before the dealer took possession of the vehicle and which could not have been reasonably discoverable at the time of the taking of the order, offer, or contract; or

(iii) Excessive additional miles or a discrepancy in the mileage. "Excessive additional miles" means the addition of five hundred miles or more, as reflected on the vehicle's odometer, between the time the vehicle was first valued by the dealer for purposes of determining its trade-in value and the time of actual delivery of the vehicle to the dealer. "A discrepancy in the mileage" means: (A) A discrepancy between the mileage reflected on the vehicle's odometer and the stated mileage on the signed odometer statement; or (B) a discrepancy between the mileage stated on the signed odometer statement and the actual mileage on the vehicle; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs within a reasonable time.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570. A violation of this subsection is a class C felony punishable under chapter 9A.20 RCW.

(6) For any vehicle dealer or vehicle ~~((salesman))~~ salesperson to refuse to furnish, upon request of a prospective purchaser, ~~((the name and address of the previous registered owner of any used vehicle offered for sale))~~ for vehicles previously registered to a business or governmental entity, the name and address of such business or governmental entity.

(7) To commit any other offense under RCW 46.37.423, 46.37.424, or 46.37.425.

(8) To commit any offense relating to a dealer's temporary license permit, including but not limited to failure to properly complete each such permit, or the issuance of more than one such permit on any one vehicle. However, a dealer shall be entitled to issue a second temporary permit on a vehicle if the following conditions are met:

(a) The lienholder fails to deliver the vehicle title to the dealer within the required time period;

(b) The dealer has satisfied the lien; and

(c) The dealer has proof that payment of the lien was made within two calendar days, exclusive of Saturday, Sunday, or a legal holiday, after the sales contract has been executed by all parties and all conditions and contingencies in the sales contract have been met or otherwise satisfied.

(9) For a dealer, salesman, or mobile home manufacturer, having taken an instrument or cash "on deposit" from a purchaser prior to the delivery of the bargained-for vehicle, to commingle the "on deposit" funds with assets of the dealer, salesman, or mobile home manufacturer instead of holding the "on deposit" funds as trustee in a separate trust account until the purchaser has taken delivery of the bargained-for vehicle. Delivery of a manufactured home shall be deemed to occur in accordance with RCW 46.70.135(5). Failure, immediately upon receipt, to endorse "on deposit" instruments to such a trust account, or to set aside "on deposit" cash for deposit in such trust account, and failure to deposit such instruments or cash in such trust account by the close of banking hours on the day following receipt thereof, shall be evidence of intent to commit this unlawful practice: PROVIDED, HOWEVER, That a motor vehicle dealer may keep a separate trust account which equals his or her customary total customer deposits for vehicles for future delivery. For purposes of this section, "on deposit" funds received from a purchaser of a manufactured home means those funds that a seller requires a purchaser to advance before ordering the manufactured home, but does not include any loan proceeds or moneys that might have been paid on an installment contract.

(10) For a dealer or manufacturer to fail to comply with the obligations of any written warranty or guarantee given by the dealer or manufacturer requiring the furnishing of goods and services or repairs within a reasonable period of time, or to fail to furnish to a purchaser, all parts which attach to the manufactured unit including but not limited to the undercarriage, and all items specified in the terms of a sales agreement signed by the seller and buyer.

(11) For a vehicle dealer to pay to or receive from any person, firm, partnership, association, or corporation acting, either directly or through a subsidiary, as a buyer's agent for consumers, any compensation, fee, gratuity, or reward in connection with the purchase or sale of a new motor vehicle.

(12) For a buyer's agent acting directly or through a subsidiary to pay to or to receive from any motor vehicle dealer any compensation, fee, gratuity, or reward in connection with the purchase or sale of a new motor vehicle.

(13) For a buyer's agent to arrange for or to negotiate the purchase, or both, of a new motor vehicle through an out-of-state dealer without disclosing in writing to the customer that the new vehicle would not be subject to chapter 19.118 RCW.

(14) Being a manufacturer, other than a motorcycle manufacturer governed by chapter 46.94 RCW, to:

(a) Coerce or attempt to coerce any vehicle dealer to order or accept delivery of any vehicle or vehicles, parts or accessories, or any other commodities which have not been voluntarily ordered by the vehicle dealer: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute coercion;

(b) Cancel or attempt to renew the franchise or selling agreement of any vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his or her capital investment which shall include but not be limited to tools, equipment, and parts inventory possessed by the dealer on the day he or she is notified of such cancellation or termination and which are still

within the dealer's possession on the day the cancellation or termination is effective, if: (i) The capital investment has been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (ii) the cancellation or nonrenewal was not done in good faith. Good faith is defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute a lack of good faith.

(c) Encourage, aid, abet, or teach a vehicle dealer to sell vehicles through any false, deceptive, or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any vehicle publicly advertised for immediate delivery to any duly licensed vehicle dealer having a franchise or contractual agreement for the retail sale of new and unused vehicles sold or distributed by such manufacturer within sixty days after such dealer's order has been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation, or utility services, or by any labor or production difficulty, or by any cause beyond the reasonable control of the manufacturer;

(f) To provide under the terms of any warranty that a purchaser of any new or unused vehicle that has been sold, distributed for sale, or transferred into this state for resale by the vehicle manufacturer may only make any warranty claim on any item included as an integral part of the vehicle against the manufacturer of that item.

Nothing in this section may be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative, or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor does the requirement of such performance constitute a violation of any of the provisions of this section if any such contract or the terms thereof requiring performance, have been freely entered into and executed between the contracting parties. This paragraph and subsection (14)(b) of this section do not apply to new motor vehicle manufacturers governed by chapter 46.96 RCW.

(15) Unlawful transfer of an ownership interest in a motor vehicle as defined in RCW 19.116.050.

**NEW SECTION. Sec. 7.** The department of licensing, in consultation with interested parties, shall develop and provide to the legislative transportation committee by December 1, 1996, recommendations on changes to comments and brands on vehicle certificates of ownership and registration. The recommendations shall address, but are not limited to, whether references to rebuilt, former taxi, former for hire, former rental, and former government vehicles should be portrayed as comments or title brands, and how the "nonstandard" brand can be replaced with a brand or brands that provide more specific information."

On line 1 of the title, after "dealers;" strike the remainder of the title and insert "amending RCW 46.70.023, 46.70.051, 46.70.101, 46.70.120, 46.70.130, and 46.70.180; creating a new section; and prescribing penalties.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Pelz, the Senate concurred in the House amendments to Substitute Senate Bill No. 6173.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6173, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6173, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Rinehart and Thibaudeau - 2.

SUBSTITUTE SENATE BILL NO. 6173, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Sheldon, Senator Pelz was excused.

#### MESSAGE FROM THE HOUSE

February 29, 1996

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6180 with the following amendment(s):

On page 1, line 9, after "court." strike all material through "~~1996~~.)" on line 11

On page 1, line 9, after "court." insert the following material:

"The King county legislative authority may phase in the additional ((~~twelve~~)) nine judges, as authorized by the 1992 amendments to this section, over a period of time not to extend beyond July 1, ((~~1996~~)) 2006.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Smith, the Senate concurred in the House amendments to Substitute Senate Bill No. 6180.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6180, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6180, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Pelz and Rinehart - 2.

SUBSTITUTE SENATE BILL NO. 6180, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 28, 1996

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6247 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.163.210 and 1994 c 238 s 4 are each amended to read as follows:

For the purpose of facilitating economic development in the state of Washington and encouraging the employment of Washington workers at meaningful wages:

(1) The authority may develop and conduct a program or programs to provide nonrecourse revenue bond financing for the project costs for no more than five economic development activities, per fiscal year, included under the authority's general plan of economic development finance objectives(§). In addition, the authority may issue tax-exempt bonds to finance ten manufacturing or processing activities, per fiscal year, for which the total project cost is less than one million dollars per project.

(2) The authority may also develop and conduct a program that will stimulate and encourage the development of new products within Washington state by the infusion of financial aid for invention and innovation in situations in which the financial aid would not otherwise be reasonably available from commercial sources. The authority is authorized to provide nonrecourse revenue bond financing for this program.

(a) For the purposes of this program, the authority shall have the following powers and duties:

(i) To enter into financing agreements with eligible persons doing business in Washington state, upon terms and on conditions consistent with the purposes of this chapter, for the advancement of financial and other assistance to the persons for the development of specific products, procedures, and techniques, to be developed and produced in this state, and to condition the agreements upon contractual assurances that the benefits of increasing or maintaining employment and tax revenues shall remain in this state and accrue to it;

(ii) Own, possess, and take license in patents, copyrights, and proprietary processes and negotiate and enter into contracts and establish charges for the use of the patents, copyrights, and proprietary processes when the patents and licenses for products result from assistance provided by the authority;

(iii) Negotiate royalty payments to the authority on patents and licenses for products arising as a result of assistance provided by the authority;

(iv) Negotiate and enter into other types of contracts with eligible persons that assure that public benefits will result from the provision of services by the authority; provided that the contracts are consistent with the state Constitution;

(v) Encourage and provide technical assistance to eligible persons in the process of developing new products;

(vi) Refer eligible persons to researchers or laboratories for the purpose of testing and evaluating new products, processes, or innovations; and

(vii) To the extent permitted under its contract with eligible persons, to consent to a termination, modification, forgiveness, or other change of a term of a contractual right, payment, royalty, contract, or agreement of any kind to which the authority is a party.

(b) Eligible persons seeking financial and other assistance under this program shall forward an application, together with an application fee prescribed by rule, to the authority. An investigation and report concerning the advisability of approving an application for assistance shall be completed by the staff of the authority. The investigation and report may include, but is not limited to, facts about the company under consideration as its history, wage standards, job opportunities, stability of employment, past and present financial condition and structure, pro forma income statements, present and future markets and prospects, integrity of management as well as the feasibility of its proposed product and invention to be granted financial aid, including the state of development of the product as well as the likelihood of its commercial feasibility. After receipt and consideration of the report set out in this subsection and after other action as is deemed appropriate, the application shall be approved or denied by the authority. The applicant shall be promptly notified of action by the authority. In making the decision as to approval or denial of an application, priority shall be given to those persons operating or planning to operate businesses of special importance to Washington's economy, including, but not limited to: (i) Existing resource-based industries of agriculture, forestry, and fisheries; (ii) existing advanced technology industries of electronics, computer and instrument manufacturing, computer software, and information and design; and (iii) emerging industries such as environmental technology, biotechnology, biomedical sciences, materials sciences, and optics.

(3) The authority may also develop and implement, if authorized by the legislature, such other economic development financing programs adopted in future general plans of economic development finance objectives developed under RCW 43.163.090.

(4) The authority may not issue any bonds for the programs authorized under this section after June 30, 2000.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Sheldon, the Senate refuses to concur in the House amendment to Senate Bill No. 6247 and requests of the House a conference thereon.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 6247 and the House amendment thereto: Senators Sheldon, Winsley and Loveland.

#### MOTION

On motion of Senator Heavey, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

February 29, 1996

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 6260 with the following amendment(s):  
On page 5, line 14, after "36.57A.010" insert "and includes passenger services of the Washington state ferries"  
On page 5, line 19, after "46.74.010" insert ", including ride sharing on Washington state ferries", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Owen, the Senate concurred in the House amendments to Second Substitute Senate Bill No. 6260.  
The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6260, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6260, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 45.

Voting nay: Senator Wojahn - 1.

Absent: Senator McDonald - 1.

Excused: Senators Pelz and Rinehart - 2.

SECOND SUBSTITUTE SENATE BILL NO. 6260, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

February 29, 1996

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6277 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.32.360 and 1995 c 116 s 7 are each amended to read as follows:

(1) Each person who returns a steelhead catch record card to an authorized license dealer within thirty days following the period for which it was issued shall be given a credit equal to five dollars towards that day's purchase of any license, permit, transport tag, or stamp required by this chapter. This subsection does not apply to annual steelhead catch record cards for persons under the age of fifteen.

(2) Each person who returns a steelhead catch record card to the department within thirty days following the period for which it was issued shall be issued a nontransferable credit equal to five dollars towards the purchase of the next year's steelhead fishing license. Lost, stolen, or destroyed credits will not be replaced. This subsection does not apply to annual steelhead catch record cards for persons under the age of fifteen.

(3) Catch record cards necessary for proper management of the state's game fish resources shall be administered under rules adopted by the director and issued at no charge.

NEW SECTION. Sec. 2. A new section is added to chapter 77.32 RCW to read as follows:

(1) Each person who returns a 1995 steelhead fishing license to the department shall be issued a nontransferable credit equal to six dollars towards a 1997 steelhead fishing license. A person who purchased a 1995 steelhead fishing license but is no longer in possession of the license may apply to the department for a six-dollar credit by completing a written affidavit provided by the department.

(2) Each person who returns a 1995 juvenile steelhead fishing license to the department shall be issued a nontransferable credit equal to two dollars towards the appropriate 1997 steelhead fishing license. A person who purchased a 1995 juvenile steelhead fishing license but is no longer in possession of the license may apply to the department for a two-dollar credit by completing a written affidavit provided by the department.

(3) A person who purchased a 1995 steelhead fishing license or a 1995 juvenile steelhead fishing license is eligible for no more than one credit issued under this section.

(4) This section expires December 31, 1997."

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 77.32.360; adding a new section to chapter 77.32 RCW; and providing an expiration date.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Spanel, the Senate concurred in the House amendments to Engrossed Senate Bill No. 6277.  
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6277, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6277, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Rinehart - 1.

ENGROSSED SENATE BILL NO. 6277, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

February 28, 1996

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6286 with the following amendment(s):

On page 3, line 3, after "paid." insert "This lien does not have priority over any security interest in the die, mold, form, or pattern that is perfected at the time the fabricator acquires the lien."

On page 3, line 34, after "paid to" strike "previous" and insert "subsequent", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

Senator Pelz moved that the Senate do concur in the House amendments to Senate Bill No. 6286.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Pelz that the Senate do concur in the House amendments to Senate Bill No. 6286.

The motion by Senator Pelz carried and the Senate concurred in the House amendments to Senate Bill No. 6286.

MOTION

On motion of Senator Wood, Senator McDonald was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6286, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6286, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yeas: Senators Anderson, A., Bauer, Cantu, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senator Drew - 1.

Excused: Senators McDonald and Rinehart - 2.

SENATE BILL NO. 6286, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Thibaudeau, Senators Fairley and Quigley were excused.

MESSAGE FROM THE HOUSE

February 28, 1996

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6322 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.16.063 and 1980 c 60 s 2 are each amended to read as follows:

In addition to other fees for the licensing of vehicles there shall be paid and collected annually for each camper, travel trailer, and motor home as the same are defined in RCW 82.50.010 a fee of ~~((one))~~ three dollars to be deposited in the RV account of the motor vehicle fund. Under RCW 43.135.055, the department of transportation may increase RV account fees by a percentage that exceeds the fiscal growth factor. After consultation with citizen representatives of the recreational vehicle user community, the department of transportation may implement RV account fee adjustments no more than once every four years. RV account fee adjustments must be preceded by evaluation of the following factors: Maintenance of a self-supporting program, levels of service at existing RV sanitary disposal facilities, identified needs for improved RV service at safety rest areas state-wide, sewage treatment costs, and inflation. If the department chooses to adjust the RV account fee, it shall notify the department of licensing six months before implementation of the fee increase. Adjustments in the RV account fee must be in increments of no more than fifty cents per biennium.

Sec. 2. RCW 46.68.170 and 1980 c 60 s 3 are each amended to read as follows:

There is hereby created in the motor vehicle fund the RV account. All moneys hereafter deposited in said account shall be used by the department of transportation for the construction ~~((and))~~, maintenance, and operation of recreational vehicle sanitary disposal systems at safety rest areas ~~((on federal aid highways))~~ in accordance with the department's highway system plan as prescribed in chapter 47.06 RCW.

Sec. 3. RCW 47.38.050 and 1980 c 60 s 1 are each amended to read as follows:

The department of transportation shall construct and maintain recreational vehicle sanitary disposal systems in the following safety rest areas lying along highways which are a part of the interstate highway system:

- (1) Gee Creek safety rest area, northbound and southbound on Interstate 5 in Clark county;
- (2) Sea-Tac safety rest area, northbound on Interstate 5 in King county;
- (3) Silver Lake safety rest area, southbound on Interstate 5 in Snohomish county;
- (4) Winchester Wasteway safety rest area, eastbound and westbound on Interstate 90 in Grant county;
- (5) Sprague safety rest area, eastbound on Interstate 90 in Lincoln county; ~~((and))~~
- (6) Selah Creek safety rest area, northbound and southbound on Interstate 82 in Yakima county;
- (7) Indian John Hill safety rest area, eastbound and westbound on Interstate 90 in Kittitas county;
- (8) Smokey Point safety rest area, northbound and southbound on Interstate 5 in Snohomish county;
- (9) Schrag safety rest area, westbound on Interstate 90 in Adams county.

**NEW SECTION. Sec. 4.** Section 1 of this act takes effect with motor vehicle fees due or to become due September 1, 1996." On line 2 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 46.16.063, 46.68.170, and 47.38.050; and providing an effective date.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Owen, the Senate concurred in the House amendments to Substitute Senate Bill No. 6322. The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6322, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6322, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45.

Excused: Senators Fairley, McDonald, Quigley and Rinehart - 4.

SUBSTITUTE SENATE BILL NO. 6322, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Thibaudeau, Senators Loveland and Wojahn were excused.

MESSAGE FROM THE HOUSE

February 28, 1996

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6428 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 85.08.850 and 1957 c 94 s 4 are each amended to read as follows:

The petition requesting the merger shall be signed by the board of supervisors of, or by ten owners of land located within, the drainage improvement district, joint drainage improvement district, or consolidated drainage improvement district and presented to the clerk or clerks of the appropriate ((~~board or boards of county commissioners~~)) county legislative authority or authorities, at a regular or special meeting ((~~of the board or boards~~)).

**Sec. 2.** RCW 36.93.800 and 1993 c 235 s 10 are each amended to read as follows:

This chapter does not apply to the merger of irrigation districts authorized under RCW 87.03.530(2) and 87.03.845 through 87.03.855 or to the merger of a drainage improvement district, joint drainage improvement district, or consolidated drainage improvement district into an irrigation district authorized by RCW 87.03.720 through 87.03.745 and 85.08.830 through 85.08.890.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate concurred in the House amendment to Senate Bill No. 6428. The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6428, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6428, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 44.

Excused: Senators Fairley, Loveland, Quigley, Rinehart and Wojahn - 5.

SENATE BILL NO. 6428, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

February 28, 1996

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6514 with the following amendment(s):

On page 1, line 5, after "following:" insert "(1) Prevent unnecessary out-of-home placement by targeting services to families most at risk;"

Renumber the remaining subsections accordingly.

On page 6, beginning on line 19, strike section 5., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Hargrove, the Senate concurred in the House amendments to Substitute Senate Bill No. 6514.  
The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6514, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6514, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yeas: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 44.

Excused: Senators Fairley, Loveland, Quigley, Rinehart and Wojahn - 5.

SUBSTITUTE SENATE BILL NO. 6514, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator McCaslin, Senator Wood was excused.

#### MESSAGE FROM THE HOUSE

February 29, 1996

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6521 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** A new section is added to chapter 19.28 RCW to read as follows:

The department may deny renewal of a certificate or license issued under this chapter, if the applicant for renewal owes outstanding penalties for a final judgment under this chapter. The department shall notify the applicant of the denial by registered mail, return receipt requested, to the address on the application. The applicant may appeal the denial within twenty days by filing a notice of appeal with the department accompanied by a certified check for two hundred dollars which shall be returned to the applicant if the decision of the department is not upheld by the board. The office of administrative hearings shall conduct the hearing under chapter 34.05 RCW. The electrical board shall review the proposed decision at the next regularly scheduled board meeting. If the board sustains the decision of the department, the two hundred dollars must be applied to the cost of the hearing.

**NEW SECTION. Sec. 2.** A new section is added to chapter 19.28 RCW to read as follows:

The department may audit the records of an electrical contractor that has verified the hours of experience submitted by an electrical trainee to the department under RCW 19.28.510(2) in the following circumstances: Excessive hours were reported; hours reported outside the normal course of the contractor's business; the type of hours reported do not reasonably match the type of permits purchased; or for other similar circumstances in which the department demonstrates a likelihood of excessive hours being reported. The department shall limit the audit to records necessary to verify hours. The department shall adopt rules implementing audit procedures. Information obtained from an electrical contractor under the provisions of this section is confidential and is not open to public inspection under chapter 42.17 RCW.

**Sec. 3.** RCW 19.28.125 and 1988 c 81 s 6 are each amended to read as follows:

(1) Each applicant for an electrical contractor's license, other than an individual, shall designate a supervisory employee or member of the firm to take the required administrator's examination. Effective July 1, 1987, a supervisory employee designated as the administrator shall be a full-time supervisory employee. This person shall be designated as administrator under the license. No person may qualify as administrator for more than one contractor. If the relationship of the administrator with the electrical contractor is terminated, the contractor's license is void within ninety days unless another administrator is qualified by the board. However, if the administrator dies, the contractor's license is void within one hundred eighty days unless another administrator is qualified by the board. A certificate issued under this section is valid for two years from the nearest birthdate of the administrator, unless revoked or suspended, and further is nontransferable. The department may deny an application for an administrator's certificate for up to two years if the applicant's previous administrator's certificate has been revoked for a serious violation and all appeals concerning the revocation have been exhausted. For the purposes of this section only, a serious violation is a violation that presents imminent danger to the public. The certificate may be renewed for a two-year period without examination by appropriate application unless the certificate has been revoked, suspended, or not renewed within ninety days after the expiration date. If the certificate is not renewed before the expiration date, the individual shall pay twice the usual fee. An individual holding more than one administrator's certificate under this chapter shall not be required to pay annual fees for more than one certificate. A person may take the administrator's test as many times as necessary without limit.

(2) The administrator shall:

(a) Be a member of the firm or a supervisory employee and shall be available during working hours to carry out the duties of an administrator under this section;

(b) Ensure that all electrical work complies with the electrical installation laws and rules of the state;

(c) Ensure that the proper electrical safety procedures are used;

(d) Ensure that all electrical labels, permits, and licenses required to perform electrical work are used;

(e) See that corrective notices issued by an inspecting authority are complied with; and

(f) Notify the department in writing within ten days if the administrator terminates the relationship with the electrical contractor.

(3) The department shall not by rule change the administrator's duties under subsection (2) of this section.

**Sec. 4.** RCW 19.28.210 and 1992 c 240 s 2 are each amended to read as follows:

(1) The director shall cause an inspector to inspect all wiring, appliances, devices, and equipment to which this chapter applies. Nothing contained in this chapter may be construed as providing any authority for any subdivision of government to adopt by ordinance any provisions contained or provided for in this chapter except those pertaining to cities and towns pursuant to RCW 19.28.010((2)) (3).

(2) Upon request, electrical inspections will be made by the department within forty-eight hours, excluding holidays, Saturdays, and Sundays. If, upon written request, the electrical inspector fails to make an electrical inspection within twenty-four hours, the serving utility may immediately connect electrical power to the installation if the necessary electrical work permit is displayed: PROVIDED, That if the request is for an electrical inspection that relates to a mobile home installation, the applicant shall provide proof of a current building permit issued by the local government agency authorized to issue such permits as a prerequisite for inspection approval or connection of electrical power to the mobile home.

(3) Whenever the installation of any wiring, device, appliance, or equipment is not in accordance with this chapter, or is in such a condition as to be dangerous to life or property, the person, firm, partnership, corporation, or other entity owning, using, or operating it shall be notified by the department and shall within fifteen days, or such further reasonable time as may upon request be granted, make such repairs

and changes as are required to remove the danger to life or property and to make it conform to this chapter. The director, through the inspector, is hereby empowered to disconnect or order the discontinuance of electrical service to conductors or equipment that are found to be in a dangerous or unsafe condition and not in accordance with this chapter. Upon making a disconnection the inspector shall attach a notice stating that the conductors have been found dangerous to life or property and are not in accordance with this chapter. It is unlawful for any person to reconnect such defective conductors or equipment without the approval of the department, and until the conductors and equipment have been placed in a safe and secure condition, and in a condition that complies with this chapter.

(4) The director, through the electrical inspector, has the right during reasonable hours to enter into and upon any building or premises in the discharge of his or her official duties for the purpose of making any inspection or test of the installation of new construction or altered electrical wiring, electrical devices, equipment, or material contained in or on the buildings or premises. No electrical wiring or equipment subject to this chapter may be concealed until it has been approved by the inspector making the inspection. At the time of the inspection, electrical wiring or equipment subject to this chapter must be sufficiently accessible to permit the inspector to employ any testing methods that will verify conformance with the national electrical code and any other requirements of this chapter.

(5) Persons, firms, partnerships, corporations, or other entities making electrical installations shall obtain inspection and approval from an authorized representative of the department as required by this chapter before requesting the electric utility to connect to the installations. Electric utilities may connect to the installations if approval is clearly indicated by certification of the electrical work permit required to be affixed to each installation or by equivalent means, except that increased or relocated services may be reconnected immediately at the discretion of the utility before approval if an electrical work permit is displayed. The permits shall be furnished upon payment of the fee to the department.

(6) The director, subject to the recommendations and approval of the board, shall set by rule a schedule of license and electrical work permit fees that will cover the costs of administration and enforcement of this chapter. The rules shall be adopted in accordance with the administrative procedure act, chapter 34.05 RCW. No fee may be charged for plug-in mobile homes, recreational vehicles, or portable appliances.

(7) Nothing in this chapter shall authorize the inspection of any wiring, appliance, device, or equipment, or installations thereof, by any utility or by any person, firm, partnership, corporation, or other entity employed by a utility in connection with the installation, repair, or maintenance of lines, wires, apparatus, or equipment owned by or under the control of the utility. All work covered by the national electric code not exempted by the 1981 edition of the national electric code 90-2(B)(5) shall be inspected by the department.

**Sec. 5.** RCW 19.28.310 and 1988 c 81 s 10 are each amended to read as follows:

The department has the power, in case of ~~(continued)~~ serious noncompliance with the provisions of this chapter, to revoke or suspend for such a period as it determines, any electrical contractor license or electrical contractor administrator certificate issued under this chapter. The department shall notify the holder of the license or certificate of the revocation or suspension by certified mail. A revocation or suspension is effective ~~(fifteen)~~ twenty days after the holder receives the notice. Any revocation or suspension is subject to review by an appeal to the board. The filing of an appeal stays the effect of a revocation or suspension until the board makes its decision. The appeal shall be filed within ~~(fifteen)~~ twenty days after notice of the revocation or suspension is given by certified mail sent to the address of the holder of the license or certificate as shown on the application for the license or certificate, and shall be effected by filing a written notice of appeal with the department, accompanied by a certified check for two hundred dollars, which shall be returned to the holder of the license or certificate if the decision of the department is not sustained by the board. The hearing shall be conducted in accordance with chapter 34.05 RCW. If the board sustains the decision of the department, the two hundred dollars shall be applied by the department to the payment of the per diem and expenses of the members of the board incurred in the matter, and any balance remaining after payment of per diem and expenses shall be paid into the electrical license fund.

**Sec. 6.** RCW 19.28.510 and 1983 c 206 s 13 are each amended to read as follows:

(1) No person may engage in the electrical construction trade without having a current journeyman electrician certificate of competency or a current specialty electrician certificate of competency issued by the department in accordance with this chapter. Electrician certificate of competency specialties include, but are not limited to: Residential, domestic appliances, pump and irrigation, limited energy system, signs, and nonresidential maintenance.

(2) A person who is indentured in an apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade or who is learning the electrical construction trade may work in the electrical construction trade if supervised by a certified journeyman electrician or a certified specialty electrician in that electrician's specialty. All apprentices and individuals learning the electrical construction trade shall obtain an electrical training certificate from the department. The certificate shall authorize the holder to learn the electrical construction trade while under the direct supervision of a journeyman electrician or a specialty electrician working in his or her specialty. The holder of the electrical training certificate shall renew the certificate annually. At the time of renewal, the holder shall provide the department with an accurate list of the holder's employers in the electrical construction industry for the previous year and the number of hours worked for each employer. An annual fee shall be charged for the issuance or renewal of the certificate. The department shall set the fee by rule. The fee shall cover but not exceed the cost of administering and enforcing the trainee certification and supervision requirements of this chapter. Apprentices and individuals learning the electrical construction trade shall have their electrical training certificates in their possession at all times that they are performing electrical work. They shall show their certificates to an authorized representative of the department at the representative's request.

(3) Any person who has been issued an electrical training certificate under this chapter may work if that person is under supervision. Supervision shall consist of a person being on the same job site and under the control of either a journeyman electrician or an appropriate specialty electrician who has an applicable certificate of competency issued under this chapter. Either a journeyman electrician or an appropriate specialty electrician shall be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day unless otherwise provided in this chapter. The ratio of noncertified individuals to certified journeymen or specialty electricians working on a job site shall be:

(a) From September 1, 1979, through December 31, 1982, not more than three noncertified electricians working on any one job site for every certified journeyman or specialty electrician;

(b) Effective January 1, 1983, not more than two noncertified individuals working on any one job site for every specialty electrician or journeyman electrician working as a specialty electrician;

(c) Effective January 1, 1983, not more than one noncertified individual working on any one job site for every certified journeyman electrician.

The ratio requirements do not apply to a trade school program in the electrical construction trade established during 1946.

An individual who has a current training certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in a technical school program in the electrical construction trade in a school approved by the commission for vocational education, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter.

(4) The electrical contractor shall accurately verify and attest to the electrical trainee hours worked by electrical trainees on behalf of the electrical contractor.

**Sec. 7.** RCW 19.28.550 and 1993 c 192 s 1 are each amended to read as follows:

(1) The department shall issue a certificate of competency to all applicants who have passed the examination provided in RCW 19.28.540, and who have complied with RCW 19.28.510 through 19.28.620 and the rules adopted under this chapter. The certificate shall bear the date of issuance, and shall expire on ~~(October 31st or April 30th, not less than six months nor more than three years immediately~~

following the date of issuance)) the holder's birthday. The certificate shall be renewed every three years, upon application, on or before the holder's birthday. A fee shall be assessed for each certificate and for each annual renewal.

(2) If the certificate holder demonstrates to the department that he or she has satisfactorily completed an annual eight-hour continuing education course, the certificate may be renewed without examination by appropriate application unless the certificate has been revoked, suspended, or not renewed within ninety days after the expiration date.

(a) The contents and requirements for satisfactory completion of the continuing education course shall be determined by the director and approved by the board.

(b) The department shall accept proof of a certificate holder's satisfactory completion of a continuing education course offered in another state as meeting the requirements for maintaining a current Washington state certificate of competency if the department is satisfied the course is comparable in nature to that required in Washington state for maintaining a current certificate of competency.

(3) If the certificate is not renewed before the expiration date, the individual shall pay twice the usual fee. The department shall set the fees by rule for issuance and renewal of a certificate of competency. The fees shall cover but not exceed the costs of issuing the certificates and of administering and enforcing the electrician certification requirements of this chapter.

(4) The certificates of competency and temporary permits provided for in this chapter grant the holder the right to work in the electrical construction trade as a journeyman electrician or specialty electrician in accordance with their provisions throughout the state and within any of its political subdivisions without additional proof of competency or any other license, permit, or fee to engage in such work."

On page 1, line 1 of the title, after "procedures;" strike the remainder of the title and insert "amending RCW 19.28.125, 19.28.210, 19.28.310, 19.28.510, and 19.28.550; and adding new sections to chapter 19.28 RCW.", and the same are herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Pelz moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 6521.

#### POINT OF INQUIRY

Senator Hochstatter: "Senator Pelz, can you tell me how the 'serious noncompliance' provision of this bill is intended to be implemented by the Department of Labor and Industries?"

Senator Pelz: "Yes, the intent is for the department to adopt rules including the penalizing of electrical contractors and electrical administrators who violate the electrical construction laws. In adopting these rules, the department will form an advisory committee with representatives from the various interest groups in the electrical construction industry, including small contractors, larger contractors, and electrical employee representatives.

"It is not the intent of the Legislature to revoke or suspend an administrator's certificate or a contractor's license on the first or second offense, except in the most egregious situations which pose imminent danger to life to the public or when an individual has been judged to have committed criminal or civil fraud. I've talked with the parties, including the department, who reached agreement on this bill, as amended, and they understand that this is our intent."

The President declared the question before the Senate to be the motion by Senator Pelz that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 6521.

The motion by Senator Pelz carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 6521.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6521, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6521, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley and Zarelli - 42.

Absent: Senator Finkbeiner - 1.

Excused: Senators Fairley, Loveland, Quigley, Rinehart, Wojahn and Wood - 6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6521, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Thibaudeau, Senator Pelz was excused.

#### MESSAGE FROM THE HOUSE

February 29, 1996

#### MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6532 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 88.02.030 and 1991 c 339 s 30 are each amended to read as follows:

Vessel registration is required under this chapter except for the following:

(1) Military or public vessels of the United States, except recreational-type public vessels;

(2) Vessels owned by a state or subdivision thereof, used principally for governmental purposes and clearly identifiable as such;

(3) Vessels either (a) registered or numbered under the laws of a country other than the United States; or (b) having a valid United States customs service cruising license issued pursuant to 19 C.F.R. Sec. 4.94;

(4) Vessels that have been issued a valid number under federal law or by an approved issuing authority of the state or country of principal operation. However, a vessel that is validly registered in another state or country but that is removed to this state for principal use is subject to registration under this chapter. The issuing authority for this state shall recognize the validity of the numbers previously issued for a period of sixty days after arrival in this state;

(5) Vessels owned by a ~~((resident of another state))~~ nonresident if the vessel is located upon the waters of this state exclusively for repairs or reconstruction, or any testing related to the repair or reconstruction conducted in this state if an employee of the repair facility is on board the vessel during any testing: PROVIDED, That any vessel owned by a ~~((resident of another state))~~ nonresident is located upon the waters of this state exclusively for repairs, reconstruction or testing for a period longer than sixty days, that the nonresident shall file an affidavit with the department of revenue verifying the vessel is located upon the waters of this state for repair, reconstruction or testing and shall continue to file such affidavit every sixty days thereafter, while the vessel is located upon the waters of this state exclusively for repairs, reconstruction or testing;

(6) Vessels equipped with propulsion machinery of less than ten horsepower that:

(a) Are owned by the owner of a vessel for which a valid vessel number has been issued;

(b) Display the number of that numbered vessel followed by the suffix "1" in the manner prescribed by the department; and

(c) Are used as a tender for direct transportation between that vessel and the shore and for no other purpose;

(7) Vessels under sixteen feet in overall length which have no propulsion machinery of any type or which are not used on waters subject to the jurisdiction of the United States or on the high seas beyond the territorial seas for vessels owned in the United States and are powered by propulsion machinery of ten or less horsepower;

(8) Vessels with no propulsion machinery of any type for which the primary mode of propulsion is human power;

(9) Vessels which are temporarily in this state undergoing repair or alteration;

(10) Vessels primarily engaged in commerce which have or are required to have a valid marine document as a vessel of the United States. Commercial vessels which the department of revenue determines have the external appearance of vessels which would otherwise be required to register under this chapter, must display decals issued annually by the department of revenue that indicate the vessel's exempt status; ~~((and))~~

(11) Vessels primarily engaged in commerce which are owned by a resident of a country other than the United States; and

(12) Vessels owned by a nonresident individual brought into this state for his or her use or enjoyment while temporarily within the state for not more than six months in any continuous twelve-month period, unless the vessel is used in conducting a nontransitory business activity within the state.

NEW SECTION. Sec. 2. Section 1 of this act shall expire July 1, 1999."

On page 1, line 1 of the title, after "registration;" strike the remainder of the title and insert "amending RCW 88.02.030; and providing an expiration date.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Owen, the Senate concurred in the House amendments to Substitute Senate Bill No. 6532.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6532, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6532, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 1; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley and Zarelli - 41.

Voting nay: Senator Kohl - 1.

Excused: Senators Fairley, Loveland, Pelz, Quigley, Rinehart, Wojahn and Wood - 7.

SUBSTITUTE SENATE BILL NO. 6532, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 27, 1996

MR. PRESIDENT:

The House has passed SUBSTITUE SENATE BILL NO. 6699 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 81.66.010 and 1979 c 111 s 4 are each amended to read as follows:

The definitions set forth in this section shall apply throughout this chapter, unless the context clearly indicates otherwise.

(1) "Corporation" means a corporation, company, association, or joint stock association.

(2) "Person" means an individual, firm, or a copartnership.

(3) "Private, nonprofit transportation provider" means any private, nonprofit corporation providing transportation services for compensation solely to ~~((elderly or handicapped persons and their attendants))~~ persons with special transportation needs.

(4) ~~((("Elderly" means any person sixty years of age or older.~~

(5) ~~((("Handicapped" means all persons who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, are unable without special facilities or special planning or design to use mass transportation facilities and services as efficiently as persons who are not so affected. Handicapped people include (a) ambulatory persons whose capacities are hindered by sensory disabilities such as blindness or deafness, mental disabilities such as mental retardation or emotional illness, physical disability which still permits the person to walk comfortably, or a combination of these disabilities; (b) semiambulatory persons who require special aids to travel such as canes, crutches, walkers, respirators, or human assistance; and (c) nonambulatory persons who must use wheelchairs or wheelchair-like equipment to travel)) "Persons with special transportation needs" means those persons, including their personal attendants, who because of physical or mental disability, income status, or age are unable to transport themselves or to purchase appropriate transportation.~~

**Sec. 2.** RCW 46.74.010 and 1979 c 111 s 1 are each amended to read as follows:

The definitions set forth in this section shall apply throughout this chapter, unless the context clearly indicates otherwise.

(1) "Commuter ride sharing" means a car pool or van pool arrangement whereby a fixed group not exceeding fifteen persons including ~~((passengers and))~~ the driver, and (a) not fewer than five persons including the driver, or (b) not fewer than four persons including the driver where at least two of those persons are confined to wheelchairs when riding, is transported in a passenger motor vehicle with a gross vehicle weight not exceeding ten thousand pounds, excluding special rider equipment, between their places of abode or termini near such places, and their places of employment or educational or other institutions, in a single daily round trip where the driver is also on the way to or from his or her place of employment or educational or other institution.

(2) "Ride sharing for ~~((the elderly and the handicapped))~~ persons with special transportation needs" means ~~((a car pool or van pool))~~ an arrangement whereby a group of ~~((elderly and/or handicapped))~~ persons with special transportation needs, and their attendants, ~~((not exceeding fifteen persons including passengers and driver,))~~ is transported by a public social service agency or a private, nonprofit transportation provider as defined in RCW 81.66.010(3) in a passenger motor vehicle as defined by the department to include small buses, cutaways, and modified vans not more than twenty-eight feet long: PROVIDED, That the driver need not be ~~((neither elderly nor handicapped))~~ a person with special transportation needs.

(3) ~~((("Ride-sharing vehicle" means a passenger motor vehicle with a seating capacity not exceeding fifteen persons including the driver, while being used for commuter ride sharing or for ride sharing for the elderly and the handicapped.~~

(4)) "Ride-sharing operator" means the person, entity, or concern, not necessarily the driver, responsible for the existence and continuance of commuter ride sharing or ride sharing for ~~((the elderly and the handicapped))~~ persons with special transportation needs.

~~((("Elderly" means any person sixty years of age or older.~~

(6) "Handicapped" means all persons who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, are unable without special facilities or special planning or design to use mass transportation facilities and services as efficiently as persons who are not so affected. Handicapped people include (a) ambulatory persons whose capacities are hindered by sensory disabilities such as blindness or deafness, mental disabilities such as mental retardation or emotional illness, physical disability which still permits the person to walk comfortably, or a combination of these disabilities; (b) semiambulatory persons who require special aids to travel such as canes, crutches, walkers, respirators, or human assistance; and (c) nonambulatory persons who must use wheelchairs or wheelchair-like equipment to travel))

(4) "Persons with special transportation needs" means those persons defined in RCW 81.66.010(4).

Sec. 3. RCW 46.74.030 and 1979 c 111 s 3 are each amended to read as follows:

~~((A ride-sharing))~~ The operator and the driver of a commuter ride-sharing vehicle shall be held to a reasonable and ordinary standard of care, and are not subject to ordinances or regulations which relate exclusively to the regulation of drivers or owners of motor vehicles operated for hire, or other common carriers or public transit carriers.

Sec. 4. RCW 82.08.0287 and 1995 c 274 s 2 are each amended to read as follows:

The tax imposed by this chapter shall not apply to sales of passenger motor vehicles which are to be used ~~((as))~~ for commuter ride(-)sharing (vehicles) or ride sharing for persons with special transportation needs, as defined in RCW 46.74.010~~((3)), by not less than five persons, including the driver, with a gross vehicle weight not to exceed 10,000 pounds where the primary usage is for commuter ride-sharing, as defined in RCW 46.74.010(1), or by not less than four persons including the driver when at least two of those persons are confined to wheelchairs when riding, or passenger motor vehicles where the primary usage is for ride sharing for the elderly and the handicapped, as defined in RCW 46.74.010(2))~~, if the ride-sharing vehicles are exempt under RCW 82.44.015 for thirty-six consecutive months beginning within thirty days of application for exemption under this section. If used as a ride-sharing vehicle for less than thirty-six consecutive months, the registered owner of one of these vehicles shall notify the department of revenue upon termination of primary use of the vehicle as a ride-sharing vehicle and is liable for the tax imposed by this chapter.

To qualify for the tax exemption, those passenger motor vehicles with five or six passengers, including the driver, used for commuter ride-sharing, must be operated either within the state's eight largest counties that are required to develop commute trip reduction plans as directed by chapter 70.94 RCW or in other counties, or cities and towns within those counties, that elect to adopt and implement a commute trip reduction plan. Additionally at least one of the following conditions must apply: (1) The vehicle must be operated by a public transportation agency for the general public; or (2) the vehicle must be used by a major employer, as defined in RCW 70.94.524 as an element of its commute trip reduction program for their employees; or (3) the vehicle must be owned and operated by individual employees and must be registered either with the employer as part of its commute trip reduction program or with a public transportation agency serving the area where the employees live or work. Individual employee owned and operated motor vehicles will require certification that the vehicle is registered with a major employer or a public transportation agency. Major employers who own and operate motor vehicles for their employees must certify that the commuter ride-sharing arrangement conforms to a carpool/vanpool element contained within their commute trip reduction program.

Sec. 5. RCW 82.36.285 and 1983 c 108 s 3 are each amended to read as follows:

A private, nonprofit transportation provider ~~((certified))~~ regulated under chapter 81.66 RCW shall receive a refund of the amount of the motor vehicle fuel tax paid on each gallon of motor vehicle fuel used to provide ~~((transit))~~ transportation services for ~~((only elderly or handicapped persons, or both))~~ persons with special transportation needs, whether the vehicle fuel tax has been paid either directly to the vendor from whom the motor vehicle fuel was purchased or indirectly by adding the amount of the tax to the price of the fuel.

Sec. 6. RCW 82.38.080 and 1993 c 141 s 2 are each amended to read as follows:

There is exempted from the tax imposed by this chapter, the use of fuel for: (1) Street and highway construction and maintenance purposes in motor vehicles owned and operated by the state of Washington, or any county or municipality; (2) publicly owned fire fighting equipment; (3) special mobile equipment as defined in RCW 46.04.552; (4) power pumping units or other power take-off equipment of any motor vehicle which is accurately measured by metering devices that have been specifically approved by the department or which is established by either of the following formulae: (a) Pumping propane, or fuel or heating oils or milk picked up from a farm or dairy farm storage tank by a power take-off unit on a delivery truck, at the rate of three-fourths of one gallon for each one thousand gallons of fuel delivered or milk picked up: PROVIDED, That claimant when presenting his claim to the department in accordance with the provisions of this chapter, shall provide to said claim, invoices of propane, or fuel or heating oil delivered, or such other appropriate information as may be required by the department to substantiate his claim; or (b) operating a power take-off unit on a cement mixer truck or a load compactor on a garbage truck at the rate of twenty-five percent of the total gallons of fuel used in such a truck; and (c) the department is authorized to establish by rule additional formulae for determining fuel usage when operating other types of equipment by means of power take-off units when direct measurement of the fuel used is not feasible. The department is also authorized to adopt rules regarding the usage of on board computers for the production of records required by this chapter; (5) motor vehicles owned and operated by the United States government; (6) heating purposes; (7) moving a motor vehicle on a public highway between two pieces of private property when said moving is incidental to the primary use of the motor vehicle; (8) ~~((transit))~~ transportation services for ~~((only elderly or handicapped persons, or both,))~~ persons with special transportation needs by a private, nonprofit transportation provider ~~((certified))~~ regulated under chapter 81.66 RCW; and (9) notwithstanding any provision of law to the contrary, every urban passenger transportation system and carriers as defined by chapters 81.68 and 81.70 RCW shall be exempt from the provisions of this chapter requiring the payment of special fuel taxes. For the purposes of this section "urban passenger transportation system" means every transportation system, publicly or privately owned, having as its principal source of revenue the income from transporting persons for compensation by means of motor vehicles and/or trackless trolleys, each having a seating capacity for over fifteen persons over prescribed routes in such a manner that the routes of such motor vehicles and/or trackless trolleys, either alone or in conjunction with routes of other such motor vehicles and/or trackless trolleys subject to routing by the same transportation system, shall not extend for a distance exceeding twenty-five road miles beyond the corporate limits of the county in which the original starting points of such motor vehicles are located: PROVIDED, That no refunds or credits shall be granted on fuel used by any urban transportation vehicle or vehicle operated pursuant to chapters 81.68 and 81.70 RCW on any trip where any portion of said trip is more than twenty-five road miles beyond the corporate limits of the county in which said trip originated.

Sec. 7. RCW 82.44.015 and 1993 c 488 s 3 are each amended to read as follows:

For the purposes of this chapter, in addition to the exclusions under RCW 82.44.010, "motor vehicle" shall not include~~(((-4)))~~ passenger motor vehicles used primarily ~~((as ride-sharing vehicles))~~ for commuter ride sharing and ride sharing for persons with special

transportation needs, as defined in RCW 46.74.010((3)), by not fewer than five persons, including the driver, or not fewer than four persons including the driver, when at least two of those persons are confined to wheelchairs when riding; or (2) vehicles with a seating capacity greater than fifteen persons which otherwise qualify as ride-sharing vehicles under RCW 46.74.010(3) used exclusively for ride-sharing for the elderly or the handicapped by not fewer than seven persons, including the driver. This exemption is restricted to passenger motor vehicles with a gross vehicle weight not to exceed 10,000 pounds where the primary usage is for commuter ride-sharing as defined in RCW 46.74.010(1)). The registered owner of one of these vehicles shall notify the department of licensing upon termination of primary use of the vehicle ((as a) in commuter ride(-)sharing ((vehicle)) or ride sharing for persons with special transportation needs and shall be liable for the tax imposed by this chapter, prorated on the remaining months for which the vehicle is licensed.

To qualify for the tax exemption, those passenger motor vehicles with five or six passengers, including the driver, used for commuter ride-sharing, must be operated either within the state's eight largest counties that are required to develop commute trip reduction plans as directed by chapter 70.94 RCW or in other counties, or cities and towns within those counties, that elect to adopt and implement a commute trip reduction plan. Additionally at least one of the following conditions must apply: (1) The vehicle must be operated by a public transportation agency for the general public; or (2) the vehicle must be used by a major employer, as defined in RCW 70.94.524 as an element of its commute trip reduction program for their employees; or (3) the vehicle must be owned and operated by individual employees and must be registered either with the employer as part of its commute trip reduction program or with a public transportation agency serving the area where the employees live or work. Individual employee owned and operated motor vehicles will require certification that the vehicle is registered with a major employer or a public transportation agency. Major employers who own and operate motor vehicles for their employees must certify that the commuter ride-sharing arrangement conforms to a carpool/vanpool element contained within their commute trip reduction program.

**NEW SECTION. Sec. 8.** RCW 81.66.070 and 1979 c 111 s 10 are each repealed."

On line 2 of the title, after "needs;" strike the remainder of the title and insert "amending RCW 81.66.010, 46.74.010, 46.74.030, 82.08.0287, 82.36.285, 82.38.080, and 82.44.015; and repealing RCW 81.66.070.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Owen, the Senate concurred in the House amendments to Substitute Senate Bill No. 6699.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6699, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6699, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudau, West, Winsley and Zarelli - 44.

Excused: Senators Fairley, Quigley, Rinehart, Wojahn and Wood - 5.

SUBSTITUTE SENATE BILL NO. 6699, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Oke, Senator West was excused.

#### MESSAGE FROM THE HOUSE

February 28, 1996

#### MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6753 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.46.030 and 1995 2nd sp.s. c 19 s 2 are each amended to read as follows:

(1) The secretary or a designee shall solicit proposals from, and negotiate and enter into agreements with, private entities to undertake as appropriate, together with the department and other public entities, all or a portion of the study, planning, design, construction, operation, and maintenance of transportation systems and facilities, using in whole or in part private sources of financing.

The public-private initiatives program may develop up to six demonstration projects. Each proposal shall be weighed on its own merits, and each of the six agreements shall be negotiated individually, and as a stand-alone project.

(2) If project proposals selected prior to September 1, 1994, are terminated by the public or private sectors, the department shall not select any new projects, including project proposals submitted to the department prior to September 1, 1994, and designated by the transportation commission as placeholder projects, after June 16, 1995, until June 30, 1997.

The department, in consultation with the legislative transportation committee, shall conduct a program and fiscal audit of the public-private initiatives program for the biennium ending June 30, 1997. The department shall submit a progress report to the legislative transportation committee on the program and fiscal audit by June 30, 1996, with preliminary and final audit reports due December 1, 1996, and June 30, 1997, respectively.

The department shall develop and submit a proposed public involvement plan to the 1997 legislature to identify the process for selecting new potential projects and the associated costs of implementing the plan. The legislature must adopt the public involvement plan before the department may proceed with any activity related to project identification and selection. Following legislative adoption of the public involvement plan, the department is authorized to implement the plan and to identify potential new projects.

The public involvement plan for projects selected after June 30, 1997, shall, at a minimum, identify projects that: (a) Have the potential of achieving overall public support among users of the projects, residents of communities in the vicinity of the projects, and residents of communities impacted by the projects; (b) meet a state transportation need; (c) provide a significant state benefit; and (d) provide competition among proposers and maximum cost benefits to users. Prospective projects may include projects identified by the department or submitted by the private sector.

Projects that meet the minimum criteria established under this section and the requirements of the public involvement plan developed by the department and approved by the legislature shall be submitted to the Washington state transportation commission for its review. The commission, in turn, shall submit a list of eligible projects to the legislative transportation committee for its consideration.

Forty-five days after the submission to the legislative transportation committee of the list of eligible projects, the secretary is authorized to solicit proposals for the eligible project.

(3) Prior to entering into agreements with private entities under the requirements of RCW 47.46.040 for any project proposal selected before September 1, 1994, or after June 30, 1997, except as provided for in subsections ~~((40))~~ (11) and ~~((44))~~ (12) of this section, the department shall require an advisory vote as provided under subsections ~~((4))~~ (5) through ~~((9))~~ (10) of this section.

(4) The advisory vote shall apply to project proposals selected prior to September 1, 1994, or after June 30, 1997, that receive public opposition as demonstrated by the submission to the department of original petitions bearing at least five thousand signatures of individuals opposing the project collected and submitted in accordance with the dates established in subsections (12) and (13) of this section. The advisory vote shall be on the preferred alternative identified under the requirements of chapter 43.21C RCW and, if applicable, the national environmental policy act, 42 U.S.C. 4321 et seq. The execution by the department of the advisory vote process established in this section is subject to the prior appropriation of funds by the legislature for the purpose of conducting environmental impact studies, a public involvement program, local involvement committee activities, traffic and economic impact analyses, engineering and technical studies, and the advisory vote.

(5) In preparing for the advisory vote, the department shall conduct a comprehensive analysis of traffic patterns and economic impact to define the geographical boundary of the project area that is affected by the imposition of tolls or user fees authorized under this chapter. The area so defined is referred to in this section as the affected project area. In defining the affected project area, the department shall, at a minimum, undertake: (a) A comparison of the estimated percentage of residents of communities in the vicinity of the project and in other communities impacted by the project who could be subject to tolls or user fees and the estimated percentage of other users and transient traffic that could be subject to tolls or user fees; (b) an analysis of the anticipated traffic diversion patterns; (c) an analysis of the potential economic impact resulting from proposed toll rates or user fee rates imposed on residents, commercial traffic, and commercial entities in communities in the vicinity of and impacted by the project; (d) an analysis of the economic impact of tolls or user fees on the price of goods and services generally; and (e) an analysis of the relationship of the project to state transportation needs and benefits.

~~((5))~~ (6)(a) After determining the definition of the affected project area, the department shall establish a committee comprised of individuals who represent cities and counties in the affected project area; organizations formed to support or oppose the project; and users of the project. The committee shall be named the public-private local involvement committee, and be known as the local involvement committee.

(b) The members of the local involvement committee shall be: (i) An elected official from each city within the affected project area; (ii) an elected official from each county within the affected project area; (iii) two persons from each county within the affected project area who represent an organization formed in support of the project, if the organization exists; (iv) two persons from each county within the affected project area who represent an organization formed to oppose the project, if the organization exists; and (v) four public members active in a state-wide transportation organization. If the committee makeup results in an even number of committee members, there shall be an additional appointment of an elected official from the county in which all, or the greatest portion of the project is located.

(c) City and county elected officials shall be appointed by a majority of the members of the city or county legislative authorities of each city or county within the affected project area, respectively. The county legislative authority of each county within the affected project area shall identify and validate organizations officially formed in support of or in opposition to the project and shall make the appointments required under this section from a list submitted by the chair of the organizations. Public members shall be appointed by the governor. All appointments to the local involvement committee shall be made and submitted to the department of transportation no later than January 1, 1996, for projects selected prior to September 1, 1994, and no later than thirty days after the affected project area is defined for projects selected after June 30, 1997. Vacancies in the membership of the local involvement committee shall be filled by the appointing authority under (b)(i) through (v) of this subsection for each position on the committee.

(d) The local involvement committee shall serve in an advisory capacity to the department on all matters related to the execution of the advisory vote.

(e) Members of the local involvement committee serve without compensation and may not receive subsistence, lodging expenses, or travel expenses.

~~((6))~~ (7) The department shall conduct a minimum thirty-day public comment period on the definition of the geographical boundary of the project area. The department, in consultation with the local involvement committee, shall make adjustments, if required, to the definition of the geographical boundary of the affected project area, based on comments received from the public. Within fourteen calendar days after the public comment period, the department shall set the boundaries of the affected project area in units no smaller than a precinct as defined in RCW 29.01.120.

~~((7))~~ (8) The department, in consultation with the local involvement committee, shall develop a description for selected project proposals. After developing the description of the project proposal, the department shall publish the project proposal description in newspapers of general circulation for seven calendar days in the affected project area. Within fourteen calendar days after the last day of the publication of the project proposal description, the department shall transmit a copy of the map depicting the affected project area and the description of the project proposal to the county auditor of the county in which any portion of the affected project area is located.

~~((8))~~ (9) The department shall provide the legislative transportation committee with progress reports on the status of the definition of the affected project area and the description of the project proposal.

~~((9))~~ (10) Upon receipt of the map and the description of the project proposal, the county auditor shall, within thirty days, verify the precincts that are located within the affected project area. The county auditor shall prepare the text identifying and describing the affected project area and the project proposal using the definition of the geographical boundary of the affected project area and the project description submitted by the department and shall set an election date for the submission of a ballot proposition authorizing the imposition of tolls or user fees to implement the proposed project within the affected project area, which date may be the next succeeding general election to be held in the state, or at a special election, if requested by the department. The text of the project proposal must appear in a voter's pamphlet for the affected project area. The department shall pay the costs of publication and distribution. The special election date must be the next date for a special election provided under RCW 29.13.020 that is at least sixty days but, if authorized under RCW 29.13.020, no more than ninety days after the receipt of the final map and project description by the auditor. The department shall pay the cost of an election held under this section.

~~((40))~~ (11) Notwithstanding any other provision of law, the department may contract with a private developer of a selected project proposal to conduct environmental impact studies, a public involvement program, and engineering and technical studies funded by the legislature. For projects subject to this subsection, the department shall not enter into an agreement under RCW 47.46.040 prior to the advisory vote on the preferred alternative.

(12) Subsections ~~((4))~~ (5) through ~~((9))~~ (10) of this section shall not apply to project proposals selected prior to September 1, 1994, that have no organized public opposition as demonstrated by the submission to the department of original petitions bearing at least five thousand signatures of individuals opposing the project, collected and submitted after September 1, 1994, and by thirty calendar days after June 16, 1995.

~~((44))~~ (13) Subsections ~~((4))~~ (5) through ~~((9))~~ (10) of this section shall not apply to project proposals selected after June 30, 1997, that have no organized public opposition as demonstrated by the submission to the department of original petitions bearing at least five thousand signatures of individuals opposing the project, collected and submitted by ninety calendar days after project selection.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 3 of the title, after "program;" strike the remainder of the title and insert "amending RCW 47.46.030; and declaring an emergency.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Owen moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 6753. Debate ensued.

#### POINT OF INQUIRY

Senator Roach: "Senator Owen, this bill applies to all PPI projects selected to date and is not limited to the SR 16 corridor/Tacoma Narrows bridge improvement project. There is a little more to read here, but does that mean that there is an expansion of the plan, then, or will everybody get a vote--anytime it happens, we are going to get a vote--the people I mean?"

Senator Owen: "Before these projects can go forward, they are required to have a vote on them. This puts the process for engineering and making sure which proposal you are actually voting on is before the people before that happens. However, what we have done to increase your comfort level, I believe, at least it has increased all the other people's comfort level that have these projects in their districts, is that we didn't fund this for any others--in the budget. So, no others can go forward, except for--well, potentially for one park and ride--a project in Senator Oke's district, the little bridge over troubled waters."

The President declared the question before the Senate to be the motion by Senator Owen that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 6753.

The motion by Senator Owen carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 6753.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6753, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6753, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau and Winsley - 42.

Voting nay: Senator Zarelli - 1.

Excused: Senators Fairley, Quigley, Rinehart, West, Wojahn and Wood - 6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6753, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 27, 1996

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6757 with the following amendment(s):

On page 2, line 31, after "authorization" insert "PROVIDED FURTHER, that in the case of a first class school district, there shall be notice of the proposed contract by publication given in one or more newspapers of general circulation within the district", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator McAuliffe, the Senate concurred in the House amendment to Senate Bill No. 6757.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6757, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6757, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley and Zarelli - 43.

Excused: Senators Fairley, Quigley, Rinehart, West, Wojahn and Wood - 6.

SENATE BILL NO. 6757, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

#### INTRODUCTION AND FIRST READING

SCR 8432 by Senators Hale, Loveland and Rasmussen

Recognizing the importance of preserving the Hanford Fast Flux Test Facility.

#### MOTIONS

On motion of Senator Spanel, the rules were suspended, Senate Concurrent Resolution No. 8432 was advanced to second reading and read the second time.

On motion of Senator Hale, the rules were suspended, Senate Concurrent Resolution No. 8432 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

SENATE CONCURRENT RESOLUTION NO. 8432 was adopted by voice vote.

#### MOTION

At 3:36 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 4:28 p.m. by President Pritchard.  
There being no objection, the President returned the Senate to the fourth order of business.

#### MOTION

On motion of Senator Thibaudeau, Senators Loveland and Pelz were excused.

#### MESSAGE FROM THE HOUSE

February 28, 1996

MR. PRESIDENT:

The House has passed SENATE CONCURRENT RESOLUTION NO. 8428 with the following amendment(s):

Beginning on page 1, line 1, strike all material through "Board." on page 4, line 18, and insert the following:

"WHEREAS, Chapter 370, Laws of 1985, created the Washington Higher Education Coordinating Board to plan, coordinate, and provide policy analysis for higher education and to represent the broad public interest above the interest of individual colleges and universities; and

WHEREAS, Section 4, chapter 370, Laws of 1985, requires the board to prepare and update a master plan for higher education and requires the Legislature, by concurrent resolution, to "approve or recommend changes" to the master plan and its subsequent updates; and

WHEREAS, The provisions of the master plan that are approved by the Legislature become state higher education policy unless legislation is enacted to revise those policies; and

WHEREAS, The Washington Higher Education Coordinating Board submitted the initial master plan to the Legislature for approval in December 1987, and submitted updates to the plan in December 1992 and January 1996; and

WHEREAS, During the most recent process used to update the plan, the board, through a public opinion survey and public meetings, learned that Washington residents have high expectations for the postsecondary system including accountability, quality, and a high level of access for themselves and their children; and

WHEREAS, The board reported that Washington's public and private colleges, universities, and career schools would need to provide opportunities for a minimum of an additional 84,100 full-time equivalent students in the year 2010, if Washington is to provide its residents the education and training necessary to keep pace with the demands of an ever-changing world; and

WHEREAS, The board has identified the areas where potential solutions to the access challenge may lie and recognized that, in this era of rapid change, many questions must be addressed to clarify the role that each area may play in defining solutions to the access challenge; and

WHEREAS, The board challenged itself, the students, the institutions, and the Legislature to each accept its individual responsibilities and to collaborate in the development of potential solutions; and

WHEREAS, The Legislature and the Washington Higher Education Coordinating Board recognize that the master plan is a living document, responding to the constantly changing world of access to information and the needs of Washington citizens; and

WHEREAS, The Legislature recognizes that the historic methods and systems for delivering postsecondary education and training are constantly changing;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, the Senate concurring, That the Washington Higher Education Coordinating Board be commended for its dedication and commitment to the State of Washington in producing the 1996 update of the master plan for higher education titled "The Challenge for Higher Education"; and

BE IT FURTHER RESOLVED, That the Legislature thank the board for describing many of the daunting challenges facing the state in its attempts to provide the postsecondary education and training that our citizens need to navigate successfully in the world of the twenty-first century; and

BE IT FURTHER RESOLVED, That the Legislature approve the following recommendations of the 1996 update of the master plan:

(1) That, by the year 2010, Washington's system of postsecondary education needs to provide opportunities for at least 84,100 additional full-time equivalent students in quality programs of postsecondary education and training;

(2) That solutions to this enrollment challenge, in part, may be found in the following areas: (a) The shift in focus from teaching to learning; (b) the use of technology to increase and redefine access, improve quality, and offer alternative methods of instruction; (c) the expansion of partnerships among educational sectors, and with local communities, business, and labor; (d) the provision of financial aid for needy and meritorious students; and (e) the use of existing institutional capacities in a way that ensures provision of a cost-effective, efficient, and accountable educational enterprise; and

BE IT FURTHER RESOLVED, That the board solicit advice from a diverse group of people, including students, faculty, and staff, from all education sectors; business and labor representatives; community leaders; innovators; representatives from distinct ethnic populations; and experts from other states to further refine, through innovative approaches, the solution options described in the 1996 master plan update; and that the board report to the 1997 Legislature with refinements to the plan in areas that include, but need not be limited to:

(1) Recommendations on the governance structure and state framework for the integration of technology into the entire education enterprise while recognizing that enhancing learning through technology requires more than just the access to equipment, services, and networks; it requires new ways of teaching, new roles for learners, new learning goals, different uses of time and resources, and a strong support system for educators. The recommendations should include a location plan of sites to be connected to the higher education telecommunications network. For each potential site, the plan should include an assessment of community needs, and programming and service delivery levels that provide effective use of network resources. The recommendations should include a governance and coordination

structure for the on-going operation of the network. The recommendations should also include a state educational technology plan that is developed in cooperation with the superintendent of public instruction, the department of information services, the state board for community and technical colleges, the public baccalaureate institutions, independent institutions, and the state library. The technology plan should review existing technology planning efforts, identify community educational programming needs, identify opportunities to collaborate among educational sectors and entities, and identify areas for further development. The recommendations should also identify methods for integrating instructional technologies into the entire education enterprise;

(2) An initial list of duplicative and low-productivity programs; a process for examining those programs that might be reconfigured, consolidated, or eliminated; and a recommendation on a process to eliminate programs not conducive to consolidation or reconfiguration;

(3) Recommendations on ways institutions can increase access while maintaining quality and reducing costs. The recommendations may, in part, be based on draft restructuring plans submitted by institutions of higher education within timelines specified by the board, and may include but need not be limited to efforts to: Use technology; share resources; expand the use of the higher education system's physical plant; encourage additional collaborative projects between institutions of higher education and the common schools and among public and independent institutions; expand the use of 2 + 2 programs and extended degree centers; provide students with opportunities to make smooth transitions as they move among education levels and sectors and into the workplace; ensure equitable educational and training outcomes for persons from diverse ethnic backgrounds; improve time-to-degree; and emphasize the role of teacher preparation programs;

(4) Recommendations to the institutions and the Legislature on appropriate state and institutional roles for providing remedial and developmental education;

(5) The development of a student information system that includes a data system to track student progress between levels and sectors; and

(6) A study of existing physical capacity in public and private colleges in Washington; and  
BE IT FURTHER RESOLVED, That by December 15, 1996, the board provide to the citizens and the legislature the report required under RCW 28B.80.616, and include in the report information about the family incomes of freshmen entering the state's public and independent baccalaureate institutions; and

BE IT FURTHER RESOLVED, That the 1997 Legislature respond by concurrent resolution to the refinements brought forward by the Higher Education Coordinating Board.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Bauer, the Senate concurred in the House amendment to Senate Concurrent Resolution No. 8428.  
The President declared the question before the Senate to be the roll call on the final passage of Senate Concurrent Resolution No. 8428, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 8428, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 3; Excused, 5.

Voting yea: Senators Bauer, Cantu, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 41.

Absent: Senators Anderson, A., Deccio and Prince - 3.

Excused: Senators Fairley, Loveland, Pelz, Rinehart and Wojahn - 5.

SENATE CONCURRENT RESOLUTION NO. 8428, as amended by the House, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE HOUSE

March 2, 1996

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 2490 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives L. Thomas, Smith and Wolfe.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Prentice, the Senate grants the request of the House for a conference on House Bill No. 2490 and the Senate amendment(s) thereto.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 2490 and the Senate amendment(s) thereto: Senators Prentice, Hale and Fraser.

#### MOTION

On motion of Senator Snyder, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

March 1, 1996

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5258 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** It is the intent of this act only to make minimal clarifying, technical, and administrative revisions to the laws concerning community public health and safety networks and to the related agencies responsible for implementation of the networks.

This act is not intended to change the scope of the duties or responsibilities, nor to undermine the underlying policies, set forth in chapter 7, Laws of 1994 sp. sess.

**Sec. 2.** RCW 70.190.010 and 1995 c 399 s 200 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Assessment" has the same meaning as provided in RCW 43.70.010.

(2) "At-risk" children are children who engage in or are victims of at-risk behaviors.

(3) "At-risk behaviors" means violent delinquent acts, teen substance abuse, teen pregnancy and male parentage, teen suicide attempts, dropping out of school, child abuse or neglect, and domestic violence.

(4) "Community public health and safety networks" or "networks" means the organizations authorized under RCW 70.190.060.

(5) "Comprehensive plan" means a two-year plan that examines available resources and unmet needs for a county or multicounty area, barriers that limit the effective use of resources, and a plan to address these issues that is broadly supported by local residents.

((2)) (6) "Participating state agencies" means the office of the superintendent of public instruction, the department of social and health services, the department of health, the employment security department, the department of community, trade, and economic development, and such other departments as may be specifically designated by the governor.

((3)) (7) "Family policy council" or "council" means the superintendent of public instruction, the secretary of social and health services, the secretary of health, the commissioner of the employment security department, and the director of the department of community, trade, and economic development or their designees, one legislator from each caucus of the senate and house of representatives, and one representative of the governor.

((4)) (8) "Fiduciary interest" means (a) the right to compensation from a health, educational, social service, or justice system organization that receives public funds, or (b) budgetary or policy-making authority for an organization listed in (a) of this subsection. A person who acts solely in an advisory capacity and receives no compensation from a health, educational, social service, or justice system organization, and who has no budgetary or policy-making authority is deemed to have no fiduciary interest in the organization.

(9) "Outcome" or "outcome based" means defined and measurable outcomes ((and indicators that make it possible for communities) used to evaluate progress in ((meeting their goals and whether systems are fulfilling their responsibilities)) reducing the rate of at-risk children and youth through reducing risk factors and increasing protective factors.

((5)) (10) "Matching funds" means an amount no less than twenty-five percent of the amount budgeted for a ((consortium's project) network. Up to half of the ((consortium's) network's matching funds may be in-kind goods and services. Funding sources allowable for match include appropriate ((federal or) local levy funds, private charitable funding, and other charitable giving. Basic education funds shall not be used as a match. No state or federal funds shall be used as matching funds.

((6) "Consortium" means a diverse group of individuals that includes at least representatives of local service providers, service recipients, local government administering or funding children or family service programs, participating state agencies, school districts, existing children's commissions, ethnic and racial minority populations, and other interested persons organized for the purpose of designing and providing collaborative and coordinated services under this chapter. Consortia shall represent a county, multicounty, or municipal service area. In addition, consortia may represent Indian tribes applying either individually or collectively.)

(11) "Policy development" has the same meaning as provided in RCW 43.70.010.

(12) "Protective factors" means those factors determined by the department of health to be empirically associated with behaviors that contribute to socially acceptable and healthy nonviolent behaviors. Protective factors include promulgation, identification, and acceptance of community norms regarding appropriate behaviors in the area of delinquency, early sexual activity, alcohol and substance abuse, educational opportunities, employment opportunities, and absence of crime.

(13) "Risk factors" means those factors determined by the department of health to be empirically associated with at-risk behaviors that contribute to violence.

**Sec. 3.** RCW 70.190.060 and 1994 sp.s. c 7 s 303 are each amended to read as follows:

(1) The legislature ((intends to create)) authorizes community public health and safety networks to reconnect parents and other citizens with children, youth, families, and community institutions which support health and safety. The networks have only those powers and duties expressly authorized under this chapter. The networks should empower parents and other citizens by being a means of expressing their attitudes, spirit, and perspectives regarding safe and healthy family and community life. The legislature intends that parent and other citizen perspectives exercise a controlling influence over policy and program operations of professional organizations concerned with children and family issues within networks in a manner consistent with the Constitution and state law. It is not the intent of the legislature that health, social service, or educational professionals dominate community public health and safety network processes or programs, but rather that these professionals use their skills to lend support to parents and other citizens in expressing their values as parents and other citizens identify community needs and establish community priorities. To this end, the legislature intends full participation of parents and other citizens in community public health and safety networks. The intent is that local community values are reflected in the operations of the network.

(2) A group of persons described in subsection (3) of this section may apply ((by December 1, 1994,)) to be a community public health and safety network.

(3) Each community public health and safety network shall be composed of twenty-three people, thirteen of whom shall be citizens who live within the network boundary with no ((direct)) fiduciary interest ((in health, education, social service, or justice system organizations operating within the network area)). In selecting these members, first priority shall be given to members of community mobilization advisory boards, city or county children's services commissions, human services advisory boards, or other such organizations ((which may exist within the network)). The thirteen persons shall be selected as follows: Three by ((the)) chambers of commerce ((located in the network)), three by school board members ((of the school districts within the network boundary)), three by ((the)) county legislative authorities ((of the counties within the network boundary)), three by ((the)) city legislative authorities ((of the cities within the network boundary)), and one high school student, selected by student organizations ((within the network boundary)). The remaining ten members shall live or work within the network boundary and shall include local representation ((from)) selected by the following groups and entities: Cities((-)); counties((-)); federally recognized Indian tribes((-)); parks and recreation programs((-)); law enforcement agencies((-superior court judges-)); state children's service workers ((from within the network area,)); employment assistance workers ((from within the network area,)); private social((-educational)) service providers, broad-based nonsecular organizations, or health service providers ((from within the network area, and broad-based nonsecular organizations)); and public education.

(4) ((A list of the network members shall be submitted to the council by December 1, 1994, by the network chair who shall be selected by network members at their first meeting. The list shall become final unless the council chooses other members within twenty days after the list is submitted. The council shall accept the list unless he or she believes the proposed list does not adequately represent all parties identified in subsection (3) of this section or a member has a conflict of interest between his or her membership and his or her livelihood.)) Members of the ((community)) network shall serve terms of three years.

The terms of the initial members of each network shall be as follows: (a) One-third shall serve for one year; (b) one-third shall serve for two years; and (c) one-third shall serve for three years. Initial members may agree which shall serve fewer than three years or the decision may be made by lot. ((The same process shall be used in the selection of the chair and members for subsequent terms.)) Any vacancy occurring during the term may be filled by the chair for the balance of the unexpired term.

(5) ((The network shall select a public entity as the lead fiscal agency for the network. The lead agency may contract with a public or private entity to perform other administrative duties required by the state. In making the selection, the network shall consider: (a) Experience in administering prevention and intervention programs; (b) the relative geographical size of the network and its members; (c)

budgeting and fiscal capacity; and (d) how diverse a population each entity represents.) Not less than sixty days before the expiration of a network member's term, the chair shall submit the name of a nominee to the network for its approval. The network shall comply with subsection (3) of this section.

(6) Networks (~~(meetings)~~) are subject to the open public meetings act under chapter 42.30 RCW and the public records provisions of RCW 42.17.270 through 42.17.310.

**NEW SECTION. Sec. 4.** A new section is added to chapter 70.190 RCW to read as follows:

(1) Each network shall contract with a public entity as its lead fiscal agent. The contract shall grant the agent authority to perform fiscal, accounting, contract administration, legal, and other administrative duties, including the provision of liability insurance. Any contract under this subsection shall be submitted to the council by the network for approval prior to its execution. The council shall review the contract to determine whether the administrative costs will be held to no more than ten percent.

(2) The lead agent shall maintain a system of accounting for network funds consistent with the budgeting, accounting, and reporting systems and standards adopted or approved by the state auditor.

(3) The lead agent may contract with another public or private entity to perform duties other than fiscal or accounting duties.

**NEW SECTION. Sec. 5.** A new section is added to chapter 70.190 RCW to read as follows:

No network member may vote to authorize, or attempt to influence the authorization of, any expenditure in which the member's immediate family has a fiduciary interest. For the purpose of this section "immediate family" means a spouse, parent, grandparent, adult child, brother, or sister.

**Sec. 6.** RCW 70.190.080 and 1994 sp.s. c 7 s 305 are each amended to read as follows:

(1) The community network's plan may include a program to provide postsecondary scholarships to at-risk students who: (a) Are community role models under criteria established by the community network; (b) successfully complete high school; and (c) maintain at least a 2.5 grade point average throughout high school. Funding for the scholarships may include public and private sources.

(2) The community network's plan may also include funding of community-based home visitor programs which are designed to reduce the incidence of child abuse and neglect (~~(with-within))~~ within the network. Parents shall sign a voluntary authorization for services, which may be withdrawn at any time. The program may provide parents with education and support either in parents' homes or in other locations comfortable for parents, beginning with the birth of their first baby. The program may make the following services available to the families:

(a) Visits for all expectant or new parents, either at the parent's home or another location with which the parent is comfortable;  
(b) Screening before or soon after the birth of a child to assess the family's strengths and goals and define areas of concern in consultation with the family;

(c) Parenting education and skills development;  
(d) Parenting and family support information and referral;  
(e) Parent support groups; and

(f) Service coordination for individual families, and assistance with accessing services, provided in a manner that ensures that individual families have only one individual or agency to which they look for service coordination. Where appropriate for a family, service coordination may be conducted through interdisciplinary or interagency teams.

These programs are intended to be voluntary for the parents involved.

(3) (~~(The community network may include funding of))~~ In developing long-term comprehensive plans to reduce the rate of at-risk children and youth, the community networks shall consider increasing employment and job training opportunities in recognition that they constitute an effective network strategy and strong protective factor. The networks shall consider and may include funding of:

(a) At-risk youth job placement and training programs. The programs shall:  
(i) Identify and recruit at-risk youth for local job opportunities;  
(ii) Provide skills and needs assessments for each youth recruited;  
(iii) Provide career and occupational counseling to each youth recruited;  
(iv) Identify businesses willing to provide employment and training opportunities for at-risk youth;  
(v) Match each youth recruited with a business that meets his or her skills and training needs;  
(vi) Provide employment and training opportunities that prepare the individual for demand occupations; and  
(vii) Include, to the extent possible, collaboration of business, labor, education and training, community organizations, and local government;

(b) Employment assistance, including job development, school-to-work placement, employment readiness training, basic skills, apprenticeships, job mentoring, and private sector and community service employment;

(c) Education assistance, including tutoring, mentoring, interactions with role models, entrepreneurial education and projects, violence prevention training, safe school strategies, and employment reentry assistance services;

~~((d))~~ (4) The community network may include funding of:

~~((a))~~ (a) Peer-to-peer, group, and individual counseling, including crisis intervention, for at-risk youth and their parents;  
~~((b))~~ (b) Youth coalitions that provide opportunities to develop leadership skills and gain appropriate respect, recognition, and rewards for their positive contribution to their community;

~~((c))~~ (c) Technical assistance to applicants to increase their organizational capacity and to improve the likelihood of a successful application; and

~~((d))~~ (d) Technical assistance and training resources to successful applicants.

**Sec. 7.** RCW 70.190.090 and 1994 sp.s. c 7 s 306 are each amended to read as follows:

(1) A (~~community~~) network that has its membership finalized under RCW 70.190.060(4) shall, upon application to the council, be eligible to receive planning grants and technical assistance from the council. Planning grants may be funded through available federal funds for family preservation services. After receiving the planning grant the (~~region will be given~~) network has up to one year to submit the long-term comprehensive plan. (~~Upon application the community networks are eligible to receive funds appropriated under RCW 70.190.140.~~)

(2) The council shall enter into biennial contracts with (~~community~~) networks as part of the grant process. The contracts shall be consistent with available resources, and shall be distributed in accordance with the distribution formula developed pursuant to RCW 43.41.195, subject to the applicable matching fund requirement.

(3) No later than February 1 of each odd-numbered year following the initial contract between the council and a network, the council shall request from the network its plan for the upcoming biennial contract period.

(4) The council shall notify the (~~community~~) networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(5) The networks shall, by contract, distribute funds (a) appropriated for plan implementation by the legislature, and (b) obtained from nonstate or federal sources. In distributing funds, the networks shall ensure that administrative costs are held to a maximum of ten percent.

(6) A network shall not provide services or operate programs.

(7) A network shall file a report with the council by May 1 of each year that includes but is not limited to the following information: Detailed expenditures, programs under way, progress on contracted services and programs, and successes and problems in

achieving the outcomes required by RCW 70.190.130(1)(h) related to reducing the rate of state-funded out-of-home placements and the other three at-risk behaviors covered by the comprehensive plan and approved by the council.

**Sec. 8.** RCW 70.190.130 and 1994 sp.s. c 7 s 310 are each amended to read as follows:

(1) The council shall only disburse funds to a ~~((community))~~ network after a comprehensive plan has been prepared by the date specified in RCW 70.190.080 by the network and approved by the council ~~((or as provided in RCW 70.190.140))~~. In approving the plan the council shall consider whether the network:

~~((1))~~ (a) Promoted input from the widest practical range of agencies and affected parties, including public hearings;

~~((2))~~ (b) Reviewed the indicators of violence data compiled by the local public health departments and incorporated a response to those indicators in the plan;

~~((3))~~ (c) Obtained a declaration by the largest health department within the ~~((network's boundaries, ensuring that))~~ network boundary, indicating whether the plan ~~((met))~~ meets minimum standards for assessment and policy development relating to social development according to RCW 43.70.555;

~~((4))~~ (d) Included a specific mechanism of data collection and transmission based on the rules established under RCW 43.70.555;

~~((5))~~ (e) Considered all relevant causes of violence in its community and did not isolate only one or a few of the elements to the exclusion of others and demonstrated evidence of building community capacity through effective neighborhood and community development; ~~((and~~

~~((6))~~ (f) Considered youth employment and job training programs outlined in this chapter as a strategy to reduce the rate of at-risk children and youth;

~~((7))~~ (g) Integrated local programs that met the network's priorities and were deemed successful by the network;

~~((8))~~ (h) Committed to make measurable reductions in the rate of at-risk children and youth by reducing the rate of state-funded out-of-home placements and make reductions in at least three of the following rates of youth: Violent criminal acts, substance abuse, pregnancy and male parentage, suicide attempts, ~~((or))~~ dropping out of school, child abuse or neglect, and domestic violence; and

~~((9))~~ (i) Held a public hearing on its proposed comprehensive plan and submitted to the council all of the written comments received at the hearing and a copy of the minutes taken at the hearing.

(2) The council may establish a maximum amount to be expended by a network for purposes of planning and administrative duties, that shall not, in total, exceed ten percent of funds available to a network.

(3) The council may determine that a network is not in compliance with this chapter if it fails to comply with statutory requirements. Upon a determination of noncompliance, the council may suspend or revoke a network's status or contract and specify a process and deadline for the network's compliance.

**NEW SECTION. Sec. 9.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 10.** The amendments to RCW 70.190.060 in 1996 c . . . s 3 (section 3 of this act) shall apply prospectively only and are not intended to affect the composition of any community public health and safety network's membership that has been approved by the family policy council prior to the effective date of this section.

**NEW SECTION. Sec. 11.** (1) Section 7 of this act shall take effect July 1, 1996.

(2) Section 8 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Hargrove, the Senate refuses to concur in the House amendment to Second Substitute Senate Bill No. 5258 and requests of the House a conference thereon.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Second Substitute Senate Bill No. 5258 and the House amendment thereto: Senators Hargrove, Long and Kohl.

#### MOTION

On motion of Senator Snyder, the Conference Committee appointments were confirmed.

#### MOTION

On motion of Senator Hochstatter, Senator Anderson was excused.

#### MESSAGE FROM THE HOUSE

March 1, 1996

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6168 with the following amendment(s):

On page 3, after line 24, insert the following:

"**Sec. 4.** RCW 25.04.720 and 1995 c 337 s 5 are each amended to read as follows:

(1) A person or group of persons licensed or otherwise legally authorized to render professional services, as defined in RCW 18.100.030, within this state may organize and become a member or members of a limited liability partnership under the provisions of this chapter for the purposes of rendering professional service. Nothing in this section prohibits a person duly licensed or otherwise legally authorized to render professional services in any jurisdiction other than this state from becoming a member of a limited liability partnership organized for the purpose of rendering the same professional services. Nothing in this section prohibits a limited liability partnership from rendering professional services outside this state through individuals who are not duly licensed or otherwise legally authorized to render such professional services within this state.

(2)(a) Notwithstanding any other provision of this chapter, health care professionals who are licensed or certified pursuant to chapters 18.06, 18.19, 18.22, 18.25, 18.29, 18.34, 18.35, 18.36A, 18.50, 18.53, 18.55, 18.64, 18.79, 18.83, 18.89, 18.108, and 18.138 RCW may join and render their individual professional services through one limited liability partnership and are to be considered, for the purpose of forming a limited liability partnership, as rendering the "same specific professional services" or "same professional services" or similar terms.

(b) Notwithstanding any other provision of this chapter, health care professionals who are licensed pursuant to chapters 18.57 and 18.71 RCW may join and render their individual professional services through one limited liability partnership and are to be considered, for the purpose of forming a limited liability partnership, as rendering the "same specific professional services" or "same professional services" or similar terms.

(c) Formation of a limited liability partnership under this subsection does not restrict the application of the uniform disciplinary act under chapter 18.130 RCW, or any applicable health care professional statutes under Title 18 RCW, including but not limited to restrictions on persons practicing a health profession without being appropriately credentialed and persons practicing beyond the scope of their credential."

Renumber remaining sections consecutively and correct internal references and the title accordingly., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Smith, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 6168.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6168, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6168, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44.

Excused: Senators Anderson, A., Fairley, Loveland, Pelz and Rinehart - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6168, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 1, 1996

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6204 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.61.525 and 1979 ex.s. c 136 s 86 are each amended to read as follows:

~~(It shall be unlawful for any person to operate a motor vehicle in a negligent manner. For the purpose of this section to "operate in a negligent manner" shall be construed to mean the operation of a vehicle in such a manner as to endanger or be likely to endanger any persons or property: PROVIDED HOWEVER, That any person operating a motor vehicle on private property with the consent of the owner in a manner consistent with the owner's consent shall not be guilty of negligent driving.~~

~~The offense of operating a vehicle in a negligent manner shall be considered to be a lesser offense than, but included in, the offense of operating a vehicle in a reckless manner, and any person charged with operating a vehicle in a reckless manner may be convicted of the lesser offense of operating a vehicle in a negligent manner. Any person violating the provisions of this section will be guilty of a misdemeanor: PROVIDED, That the director may not revoke any license under this section, and such offense is not punishable by imprisonment or by a fine exceeding two hundred fifty dollars.) (1)(a) A person is guilty of negligent driving in the first degree if he or she operates a motor vehicle in a manner that is both negligent and endangers or is likely to endanger any person or property, and exhibits the effects of having consumed liquor or an illegal drug.~~

~~(b) It is an affirmative defense to negligent driving in the first degree by means of exhibiting the effects of having consumed an illegal drug that must be proved by the defendant by a preponderance of the evidence, that the driver has a valid prescription for the drug consumed, and has been consuming it according to the prescription directions and warnings.~~

~~(c) Negligent driving in the first degree is a misdemeanor.~~

~~(2)(a) A person is guilty of negligent driving in the second degree if, under circumstances not constituting negligent driving in the first degree, he or she operates a motor vehicle in a manner that is both negligent and endangers or is likely to endanger any person or property.~~

~~(b) It is an affirmative defense to negligent driving in the second degree that must be proved by the defendant by a preponderance of the evidence, that the driver was operating the motor vehicle on private property with the consent of the owner in a manner consistent with the owner's consent.~~

~~(c) Negligent driving in the second degree is a traffic infraction and is subject to a penalty of two hundred fifty dollars.~~

~~(3) For the purposes of this section:~~

~~(a) "Negligent" means the failure to exercise ordinary care, and is the doing of some act that a reasonably careful person would not do under the same or similar circumstances or the failure to do something that a reasonably careful person would do under the same or similar circumstances.~~

~~(b) "Exhibiting the effects of having consumed liquor" means that a person has the odor of liquor on his or her breath, or that by speech, manner, appearance, behavior, lack of coordination, or otherwise exhibits that he or she has consumed liquor, and either:~~

~~(i) Is in possession of or in close proximity to a container that has or recently had liquor in it; or~~

~~(ii) Is shown by other evidence to have recently consumed liquor.~~

~~(c) "Exhibiting the effects of having consumed an illegal drug" means that a person by speech, manner, appearance, behavior, lack of coordination, or otherwise exhibits that he or she has consumed an illegal drug and either:~~

~~(i) Is in possession of an illegal drug; or~~

~~(ii) Is shown by other evidence to have recently consumed an illegal drug.~~

~~(d) "Illegal drug" means a controlled substance under chapter 69.50 RCW for which the driver does not have a valid prescription or that is not being consumed in accordance with the prescription directions and warnings, or a legend drug under chapter 69.41 RCW for which the driver does not have a valid prescription or that is not being consumed in accordance with the prescription directions and warnings.~~

~~(4) Any act prohibited by this section that also constitutes a crime under any other law of this state may be the basis of prosecution under such other law notwithstanding that it may also be the basis for prosecution under this section.~~

~~NEW SECTION. Sec. 2. (1) The office of the administrator for the courts shall collect data on the following after the effective date of this act:~~

- (a) The number of arrests, charges, and convictions for negligent driving in the first degree;
- (b) The number of notices of infraction issued for negligent driving in the second degree; and
- (c) The number of charges for negligent driving that were the result of an amended charge from some other offense, and the numbers for each such other offense.

(2) The office of the administrator for the courts shall compile the collected data and make a report to the legislature no later than October 1, 1998.

**Sec. 3.** RCW 46.61.5055 and 1995 1st sp.s. c 17 s 2 are each amended to read as follows:

(1) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within five years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than one year. Twenty-four consecutive hours of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By suspension of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of ninety days. The period of license, permit, or privilege suspension may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall suspend the offender's license, permit, or privilege;

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than one year. Two consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By suspension of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of one hundred twenty days. The period of license, permit, or privilege suspension may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall suspend the offender's license, permit, or privilege.

(2) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within five years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than one year. Thirty days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of one year. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than one year. Forty-five days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of four hundred fifty days. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege.

(3) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or more prior offenses within five years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than one year. Ninety days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of two years. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than one year. One hundred twenty days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of three years. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege.

(4) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property.

(5) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

(6) After expiration of any period of suspension or revocation of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(7)(a) In addition to any nonsuspendable and nondeferable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding two years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (ii) not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The court may impose conditions of probation that include nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i) and (ii) or (a)(i) and (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(8)(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(iv) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(v) A conviction for a violation of RCW 46.61.525(1) or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(vi) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (iii), ~~(iv)~~, or (v) of this subsection if committed in this state; ~~(iv)~~

(vii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance; or

(viii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.525(1), or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522.

(b) "Within five years" means that the arrest for a prior offense occurred within five years of the arrest for the current offense.

**Sec. 4.** RCW 46.52.130 and 1994 c 275 s 16 are each amended to read as follows:

A certified abstract of the driving record shall be furnished only to the individual named in the abstract, an employer, the insurance carrier that has insurance in effect covering the employer or a prospective employer, the insurance carrier that has insurance in effect covering the named individual, the insurance carrier to which the named individual has applied, an alcohol/drug assessment or treatment agency approved by the department of social and health services, to which the named individual has applied or been assigned for evaluation or treatment, or city and county prosecuting attorneys. City attorneys and county prosecuting attorneys may provide the driving record to alcohol/drug assessment or treatment agencies approved by the department of social and health services to which the named individual has applied or been assigned for evaluation or treatment. The director, upon proper request, shall furnish a certified abstract covering the period of not more than the last three years to insurance companies. Upon proper request, the director shall furnish a certified abstract covering a period of not more than the last five years to state approved alcohol/drug assessment or treatment agencies, except that the certified abstract shall also include records of alcohol-related offenses as defined in RCW 46.01.260(2) covering a period of not more than the last ten years. Upon proper request, a certified abstract of the full driving record maintained by the department shall be furnished to a city or county prosecuting attorney, to the individual named in the abstract or to an employer or prospective employer of the named individual. The abstract, whenever possible, shall include an enumeration of motor vehicle accidents in which the person was driving; the total number of vehicles involved; whether the vehicles were legally parked or moving; whether the vehicles were occupied at the time of the accident; any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law; and the status of the person's driving privilege in this state. The enumeration shall include any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served upon the named individual by an arresting officer. Certified abstracts furnished to prosecutors and alcohol/drug assessment or treatment agencies shall also indicate whether a recorded violation is an alcohol-related offense as defined in RCW 46.01.260(2) that was originally charged as one of the alcohol-related offenses designated in RCW 46.01.260(2)(a)(i).

The abstract provided to the insurance company shall exclude any information, except that related to the commission of misdemeanors or felonies by the individual, pertaining to law enforcement officers or fire fighters as defined in RCW 41.26.030, or any officer of the Washington state patrol, while driving official vehicles in the performance of occupational duty. The abstract provided to the insurance company shall exclude a conviction for RCW 46.61.525(1), except that on a second conviction within five years the prior conviction shall be included as well as the second conviction. The abstract provided to the insurance company shall exclude any deferred prosecution under RCW 10.05.060, except that if a person is removed from a deferred prosecution under RCW 10.05.090, the abstract shall show the deferred prosecution as well as the removal.

The director shall collect for each abstract the sum of four dollars and fifty cents which shall be deposited in the highway safety fund.

Any insurance company or its agent receiving the certified abstract shall use it exclusively for its own underwriting purposes and shall not divulge any of the information contained in it to a third party. No policy of insurance may be canceled, nonrenewed, denied, or have the rate increased on the basis of such information unless the policyholder was determined to be at fault. No insurance company or its agent for underwriting purposes relating to the operation of commercial motor vehicles may use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment, nor may any insurance company or its agent for underwriting purposes relating to the operation of noncommercial motor vehicles use any information contained in the abstract relative to any person's operation of commercial motor vehicles.

Any employer or prospective employer receiving the certified abstract shall use it exclusively for his or her own purpose to determine whether the licensee should be permitted to operate a commercial vehicle or school bus upon the public highways of this state and shall not divulge any information contained in it to a third party.

Any alcohol/drug assessment or treatment agency approved by the department of social and health services receiving the certified abstract shall use it exclusively for the purpose of assisting its employees in making a determination as to what level of treatment, if any, is appropriate. The agency, or any of its employees, shall not divulge any information contained in the abstract to a third party.

Any violation of this section is a gross misdemeanor.

**Sec. 5.** RCW 46.20.021 and 1991 c 293 s 3 and 1991 c 73 s 1 are each reenacted and amended to read as follows:

(1) No person, except as expressly exempted by this chapter, may drive any motor vehicle upon a highway in this state unless the person has a valid driver's license issued to Washington residents under the provisions of this chapter. A violation of this subsection is a misdemeanor and is a lesser included offense within the offenses described in RCW 46.20.342(1) or 46.20.420. However, if a person in violation of this section provides the citing officer with an expired driver's license or other valid identifying documentation under RCW 46.20.035 at the time of the stop and is not in violation of RCW 46.20.342(1) or 46.20.420, the violation of this section is an infraction and is subject to a penalty of two hundred fifty dollars. If the person appears in person before the court or submits by mail written proof that he or she obtained a valid license after being cited, the court shall reduce the penalty to fifty dollars.

(2) For the purposes of obtaining a valid driver's license, a resident is a person who manifests an intent to live or be located in this state on more than a temporary or transient basis. Evidence of residency includes but is not limited to:

(a) Becoming a registered voter in this state; or

(b) Receiving benefits under one of the Washington public assistance programs; or

(c) Declaring that he or she is a resident for the purpose of obtaining a state license or tuition fees at resident rates.

(3) The term "Washington public assistance programs" referred to in subsection (2)(b) of this section includes only public assistance programs for which more than fifty percent of the combined costs of benefits and administration are paid from state funds. Programs which are not included within the term "Washington public assistance programs" pursuant to the above criteria include, but are not limited to the food stamp program under the federal food stamp act of 1964; programs under the child nutrition act of 1966, 42 U.S.C. Secs. 1771 through 1788; and aid to families with dependent children, 42 U.S.C. Secs. 601 through 606.

(4) No person shall receive a driver's license unless and until he or she surrenders to the department all valid driver's licenses in his or her possession issued to him or her by any other jurisdiction. The department shall establish a procedure to invalidate the surrendered photograph license and return it to the person. The invalidated license, along with the valid temporary Washington driver's license provided for in RCW 46.20.055(3), shall be accepted as proper identification. The department shall notify the issuing department that the licensee is now licensed in a new jurisdiction. No person shall be permitted to have more than one valid driver's license at any time.

(5) New Washington residents are allowed thirty days from the date they become residents as defined in this section to procure a valid Washington driver's license.

(6) Any person licensed as a driver under this chapter may exercise the privilege thereby granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise such privilege by any county, municipal or local board, or body having authority to adopt local police regulations.

**Sec. 6.** RCW 46.63.020 and 1995 1st sp.s. c 16 s 1, 1995 c 332 s 16, and 1995 c 256 s 25 are each reenacted and amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration and markings indicating that a vehicle has been destroyed or declared a total loss;

(6) RCW 46.16.010 relating to initial registration of motor vehicles;

(7) RCW 46.16.011 relating to permitting unauthorized persons to drive;

(8) RCW 46.16.160 relating to vehicle trip permits;

(9) RCW 46.16.381 (6) or (9) relating to unauthorized use or acquisition of a special placard or license plate for disabled persons' parking;

(10) RCW 46.20.021 relating to driving without a valid driver's license, unless the person cited for the violation provided the citing officer with an expired driver's license or other valid identifying documentation under RCW 46.20.035 at the time of the stop and was not in violation of RCW 46.20.342(1) or 46.20.420, in which case the violation is an infraction;

(11) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;

(12) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

(13) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

(14) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

(15) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;

(16) RCW 46.25.170 relating to commercial driver's licenses;

(17) Chapter 46.29 RCW relating to financial responsibility;

(18) RCW 46.30.040 relating to providing false evidence of financial responsibility;

(19) RCW 46.37.435 relating to wrongful installation of sunscreening material;

(20) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

(21) RCW 46.48.175 relating to the transportation of dangerous articles;

(22) RCW 46.52.010 relating to duty on striking an unattended car or other property;

(23) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(24) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

(25) RCW 46.52.100 relating to driving under the influence of liquor or drugs;

(26) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;

(27) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

(28) RCW 46.55.035 relating to prohibited practices by tow truck operators;

(29) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;

(30) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

(31) RCW 46.61.022 relating to failure to stop and give identification to an officer;

(32) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

(33) RCW 46.61.500 relating to reckless driving;

(34) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

(35) RCW ((46.61.5055 (section 5, chapter 332 (Substitute Senate Bill No. 5141), Laws of 1995))) 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;

(36) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

(37) RCW 46.61.522 relating to vehicular assault;

(38) RCW 46.61.525(1) relating to first degree negligent driving;

(39) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;

(40) RCW 46.61.530 relating to racing of vehicles on highways;

(41) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

(42) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

(43) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

(44) Chapter 46.65 RCW relating to habitual traffic offenders;

(45) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

(46) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

(47) Chapter 46.80 RCW relating to motor vehicle wreckers;

(48) Chapter 46.82 RCW relating to driver's training schools;

(49) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;

(50) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW."

Correct the title as necessary., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Smith, the Senate refuses to concur in the House amendment to Engrossed Substitute Senate Bill No. 6204 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

March 1, 1996

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6241 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 67.28 RCW to read as follows:

(1) The legislative body of a town with a population of at least three hundred twenty-five but less than five hundred fifty in a county that borders on the northeastern slope of the Cascade mountains with a population of at least thirty-six thousand but less than forty-two thousand may levy and collect a special excise tax not to exceed three percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of a similar license to use real property, as distinguished from the renting or leasing of real property. For the purposes of this tax, it is presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the property.

(2) The tax authorized in subsection (1) of this section is in addition to any other tax authorized by law.

(3) A seller, as defined in RCW 82.08.010, who is required to collect a tax under this section, shall pay the tax to the town as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to taxes imposed under this section.

(4) The tax levied and collected under this section shall be credited to a special fund in the treasury of the town. The taxes may be levied only for the purpose of tourism promotion.

**NEW SECTION. Sec. 2.** A new section is added to chapter 67.28 RCW to read as follows:

(1) The legislative body of a city with a population of at least five hundred but less than one thousand in a county with a population of at least eighty thousand but less than one hundred fifteen thousand may levy and collect a special excise tax not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of a similar license to use real property, as distinguished from the renting or leasing of real property. For the purposes of this tax, it is presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the property.

(2) The tax authorized in subsection (1) of this section is in addition to any other tax authorized by law.

(3) A seller, as defined in RCW 82.08.010, who is required to collect a tax under this section, shall pay the tax to the city as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to taxes imposed under this section.

(4) The tax levied and collected under this section shall be credited to a special fund in the treasury of the city. The taxes may be levied only for the purpose of paying all or any part of the cost of acquisition, construction, or operation of a performing and visual arts center or to pay or secure the payment of all or any portion of general obligation bonds or revenue bonds issued for such purpose.

**NEW SECTION. Sec. 3.** A new section is added to chapter 67.28 RCW to read as follows:

(1) The legislative body of a city with a population of at least thirty thousand but less than sixty thousand in a county with a population of at least one hundred thousand but less than one hundred forty-five thousand may levy and collect a special excise tax not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of a similar license to use real property, as distinguished from the renting or leasing of real property. For the purposes of this tax, it is presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the property.

(2) The tax authorized in subsection (1) of this section is in addition to any other tax authorized by law.

(3) A seller, as defined in RCW 82.08.010, who is required to collect a tax under this section, shall pay the tax to the city as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to the tax imposed under this section.

(4) The tax levied and collected under this section shall be credited to a special fund in the treasury of the city. The tax may be levied only for the purpose of paying all or any part of the cost of acquisition, construction, or operation of convention center facilities or to pay or secure the payment of all or any portion of general obligation bonds or revenue bonds issued for such purpose.

**Sec. 4.** RCW 67.28.210 and 1995 c 290 s 1 are each amended to read as follows:

All taxes levied and collected under RCW 67.28.180, 67.28.240, and 67.28.260 shall be credited to a special fund in the treasury of the county or city imposing such tax. Such taxes shall be levied only for the purpose of paying all or any part of the cost of acquisition, construction, or operating of stadium facilities, convention center facilities, performing arts center facilities, and/or visual arts center facilities or to pay or secure the payment of all or any portion of general obligation bonds or revenue bonds issued for such purpose or purposes under this chapter, or to pay for advertising, publicizing, or otherwise distributing information for the purpose of attracting visitors and encouraging tourist expansion when a county or city has imposed such tax for such purpose, or as one of the purposes hereunder, and until withdrawn for use, the moneys accumulated in such fund or funds may be invested in interest bearing securities by the county or city treasurer in any manner

authorized by law. In addition such taxes may be used to develop strategies to expand tourism: PROVIDED, That any county, and any city within a county, bordering upon Grays Harbor may use the proceeds of such taxes for construction and maintenance of a movable tall ships tourist attraction in cooperation with a tall ships restoration society, except to the extent that such proceeds are used for payment of principal and interest on debt incurred prior to June 11, 1986: PROVIDED FURTHER, That any city or county may use the proceeds of such taxes for the refurbishing and operation of a steam railway or historic maritime vessels used primarily for passenger transportation for tourism promotion purposes: PROVIDED FURTHER, That any city bordering on the Pacific Ocean or on Baker Bay with a population of not less than eight hundred and the county in which such a city is located, a city bordering on the Skagit river with a population of not less than twenty thousand, or any city within a county made up entirely of islands may use the proceeds of such taxes for funding special events or festivals, or for the acquisition, construction, or operation of publicly owned tourist promotional infrastructures, structures, or buildings including but not limited to an ocean beach boardwalk, public docks, and viewing towers: PROVIDED FURTHER, That any county which imposes a tax under RCW 67.28.182 or any city with a population less than fifty thousand in such county may use the proceeds of the tax levied and collected under RCW 67.28.180 to provide public restroom facilities available to and intended for use by visitors: PROVIDED FURTHER, That any county made up entirely of islands, and any city or town that has a population less than five thousand, may use the proceeds of the tax levied and collected under RCW 67.28.180 to provide public restroom facilities available to and intended for use by visitors: PROVIDED FURTHER, That any city or county may use the proceeds of such taxes for funding a civic festival, if the following conditions are met: The festival is a community-wide event held not more than once annually; the festival is approved by the city, town, or county in which it is held; the festival is sponsored by an exempt organization defined in section 501(c)(3), (4), or (6) of the federal internal revenue code; the festival provides family-oriented events suiting a broad segment of the community; and the proceeds of such taxes are used solely for advertising and promotional materials intended to attract overnight visitors: PROVIDED FURTHER, That any city may use the proceeds of such taxes for street banners to attract and welcome tourists."

On page 1, line 2, of the title, after "towns;" strike the remainder of the title and insert "amending RCW 67.28.210; and adding new sections to chapter 67.28 RCW.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Drew, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 6241.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6241, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6241, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wójahn, Wood and Zarelli - 44.

Excused: Senators Anderson, A., Fairley, Loveland, Pelz and Rinehart - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6241, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 1, 1996

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6243 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** The legislature finds a fundamental difference between providing certain health care services to inmates who are under a sentence of death or whose death sentence is under appellate review and providing such services to inmates who have been sentenced to life or to a lesser term. The people of Washington state should not be required to provide or pay for health care services not otherwise constitutionally required for inmates who are under a sentence of death or whose death sentence is under appellate review.

**NEW SECTION. Sec. 2.** A new section is added to chapter 72.10 RCW to read as follows:

(1) For an inmate who is under a sentence of death or whose death sentence is under appellate review, the department may provide basic, non-emergency health care services, including administration of medication necessary for pain relief or to prevent infection or contagion, but shall not use any public funds to provide a life-saving health care procedure. The department may, however, provide procedures such as cardiopulmonary resuscitation, the Heimlich maneuver, and other similar, basic emergency life-saving procedures.

(2) For purposes of this section, the term "life-saving health care procedure" means a medical or surgical treatment or intervention to sustain, restore, or replace a bodily function, where failure to perform the treatment or intervention may result in the inmate's death. This term includes, but is not limited to, open-heart surgery, organ transplants, bone marrow transplants, and chemotherapy.

(3) The inmate shall be responsible for the costs of any health care services obtained or provided unless the provision of the health care service is otherwise required by law as determined to be binding upon the state of Washington by a court of competent jurisdiction. Under the authority granted under RCW 72.01.050(2), the secretary shall direct the superintendent to collect the amount due directly from the offender's institution account. If the balance of the account is insufficient to meet the costs of the health care services provided, the department may obtain a judgment and may obtain a lien on any real property owned by the offender. The inmate shall be provided due process to defend against the lien before the department may enforce the judgment against any real property owned by the inmate.

**NEW SECTION. Sec. 3.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title accordingly., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### POINT OF ORDER

Senator Hargrove: "Mr. President, I wish to request that you rule on the scope and object of the House amendment. In the underlying bill, both title and the scope of the bill dealt with not having the public pay for organ transplants for offenders on death row. The House amendment goes to all health care for inmates on death row, far beyond the organ transplant that was in the initial scope of the bill."

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Hargrove to the scope and object of the amendment by the House of Representative, the President finds that Senate Bill No. 6243 is a measure which prohibits organ transplant services in health care plans, or public expenditure on behalf of, offenders sentenced to death.

"The House striking amendment would prohibit certain life-saving health care procedures for inmates under sentence of death; and would require such inmates to pay for their health care unless a court decides otherwise.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and the point of order is not well taken."

The striking amendment by the House of Representatives to Senate Bill No. 6243 was ruled in order.

#### MOTION

On motion of Senator Hargrove, the Senate concurred in the House amendment to Senate Bill No. 6243.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6243, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6243, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 7; Absent, 1; Excused, 5.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Finkbeiner, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Johnson, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prince, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 36.

Voting nay: Senators Franklin, Heavey, Kohl, Prentice, Sutherland, Thibaudeau and Wojahn - 7.

Absent: Senator Quigley - 1.

Excused: Senators Anderson, A., Fairley, Loveland, Pelz and Rinehart - 5.

SENATE BILL NO. 6243, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 28, 1996

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6197 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 90.03 RCW to read as follows:

The department shall, when evaluating an application for a water right, transfer, or change filed pursuant to RCW 90.03.250 or 90.03.380 that includes provision for any water impoundment, take into consideration the benefits of the water impoundment that is included as a component of the application. The department shall give credit to the applicant for any increased water supply that results from the impoundment including, but not limited to, any recharge of ground water that may occur. Provision for impoundment in an application shall be made solely at the discretion of the applicant and shall not otherwise be made by the department a condition for approving an application that does not include provision for impoundment.

This section does not lessen, enlarge, or modify the rights of any riparian owner, or any existing water right acquired by appropriation or otherwise.

**NEW SECTION. Sec. 2.** A new section is added to chapter 90.44 RCW to read as follows:

The department shall, when evaluating an application for a water right or an amendment filed pursuant to RCW 90.44.050 or 90.44.100 that includes provision for any water impoundment, take into consideration the benefits of the water impoundment that is included as a component of the application. The department shall give credit to the applicant for any increased water supply that results from the impoundment including, but not limited to, any recharge of ground water that may occur. Provision for impoundment in an application shall be made solely at the discretion of the applicant and shall not be made by the department a condition for approving an application that does not include provision for impoundment.

This section does not lessen, enlarge, or modify the rights of any riparian owner, or any existing water right acquired by appropriation or otherwise."

On page 1, line 1 of the title, after "augmentation;" strike the remainder of the title and insert "adding a new section to chapter 90.03 RCW; and adding a new section to chapter 90.44 RCW.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Fraser moved that the Senate refuse to concur in the House amendments to Substitute Senate Bill No. 6197 and requests of the House a conference thereon.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Fraser that the Senate refuse to concur in the House amendments to Substitute Senate Bill No. 6197 and requests of the House a conference thereon.

The motion by Senator Fraser carried and the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 6197 and requests of the House a conference thereon.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 6197 and the House amendments thereto: Senators Fraser, Swecker and Spanel.

#### MOTION

On motion of Senator Heavey, the Conference Committee appointments were confirmed.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 6285 and the pending motion by Senator Kohl to concur in the House amendments, after Senator Hargrove moved to not concur in the House amendments and requested of the House a conference thereon, which was deferred March 2, 1996.

#### MOTION

On motion of Senator Kohl, and there being no objection, the motion to concur in the House amendments to Engrossed Substitute Senate Bill No. 6285 was withdrawn.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate refuse to concur in the House amendments to Engrossed Substitute Senate Bill No. 6285 and requests of the House a conference thereon.

The motion by Senator Hargrove carried and the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 6285 and requests of the House a conference thereon.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 6285 and the House amendments thereto: Senators Hargrove, Zarelli and Kohl.

#### MOTION

On motion of Senator Heavey, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

February 28, 1996

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6413 with the following amendment(s):

On page 2, beginning on line 1, strike all of subsection (a) and insert the following:

"(a)(i) For transfers before January 1, 1997, the contribution rate of the rate class assigned to the predecessor employer at the time of the transfer for the remainder of that rate year and continuing until the successor qualifies for a different rate in its own right;

(ii) For transfers on or after January 1, 1997, the contribution rate of the rate class assigned to the predecessor employer at the time of the transfer for the remainder of that rate year. Any experience relating to the assignment of that rate class attributable to the predecessor is transferred to the successor. Beginning with the January 1 following the transfer, the successor's contribution rate shall be based on the transferred experience of the acquired business and the successor's experience after the transfer; or", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Heavey, the Senate concurred in the House amendment to Engrossed Senate Bill No. 6413.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6413, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6413, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Finkbeiner, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43.

Absent: Senator Franklin - 1.

Excused: Senators Anderson, A., Fairley, Loveland, Pelz and Rinehart - 5.

ENGROSSED SENATE BILL NO. 6413, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 29, 1996

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6476 with the following amendment(s):

On page 4, line 6 after "shall be expended" strike all material through line 8 and insert the following:

"(as determined by the county legislative authority during the process established by law for adopting county budgets) on transportation-related programs or projects that will improve traffic safety or traffic flow", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Owen, the Senate refuses to concur in the House amendment to Senate Bill No. 6476 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

February 27, 1996

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6542 with the following amendment(s):

On page 1, line 11, after "Sec. 1997e" strike "(b)(2)"

On page 2, on line 11, after "United States attorney general or the" strike "attorney general's designee" and insert "appropriate federal district court"

On page 2, on line 14, after "United States attorney general or the" strike "attorney general's designee" and insert "federal district court"

On page 2, at the beginning of line 18, strike "the attorney general's designee" and insert "the federal district court"

On page 1, on line 12, after "assessed a" strike "two" and insert "five"

On page 1, on line 14, after "first" strike "two grievances" and insert "grievance"

On page 1, line 15, after "that" strike "are" and insert "is", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Hargrove, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 6542 and requests of the House a conference thereon.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 6542 and the House amendments thereto: Senators Franklin, Schow and Prentice.

#### MOTION

On motion of Senator Heavey, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

March 1, 1996

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6543 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 36.70.810 and 1963 c 4 s 36.70.810 are each amended to read as follows:

The board of adjustment, subject to chapter 36.70B RCW and to appropriate conditions and safeguards as provided by the zoning ordinance or the ordinance establishing the board of adjustment, if there be such, ~~((shall))~~ may hear and decide:

(1) Applications for conditional uses or other permits when the zoning ordinance sets forth the specific uses to be made subject to conditional use permits and establishes criteria for determining the conditions to be imposed;

(2) Application for variances from the terms of the zoning ordinance: **PROVIDED**, That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated, and that the following circumstances are found to apply;

(a) because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive subject property of rights and privileges enjoyed by other properties in the vicinity and under identical zone classification;

(b) that the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated.

(3) Appeals, where it is alleged by the applicant that there is error in any order, requirement, permit, decision, or determination made by an administrative official in the administration or enforcement of this chapter or any ordinance adopted pursuant to it.

**Sec. 2.** RCW 36.70.830 and 1963 c 4 s 36.70.830 are each amended to read as follows:

Except as otherwise provided in chapter 36.70B RCW, appeals may be taken to the board of adjustment by any person aggrieved, or by any officer, department, board or bureau of the county affected by any decision of an administrative official. Such appeals shall be filed in writing in duplicate with the board of adjustment within ~~((twenty))~~ fourteen days of the date of the action being appealed.

**Sec. 3.** RCW 36.70.860 and 1963 c 4 s 36.70.860 are each amended to read as follows:

In exercising the powers granted by RCW 36.70.810 and 36.70.820, the board of adjustment may, in conformity with this chapter and chapter 36.70B RCW, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as should be made and, to that end, shall have all the powers of the officer from whom the appeal is taken, insofar as the decision on the particular issue is concerned.

**Sec. 4.** RCW 36.70.880 and 1963 c 4 s 36.70.880 are each amended to read as follows:

Except as otherwise provided in chapter 36.70B RCW, the action by the zoning adjustor on all matters coming before him shall be final and conclusive unless within ~~((ten))~~ fourteen days after the zoning adjustor has made his order, requirement, decision or determination, an appeal in writing is filed with the board of adjustment. Such an appeal may be taken by the original applicant, or by opponents of record in the case.

**Sec. 5.** RCW 36.70.890 and 1963 c 4 s 36.70.890 are each amended to read as follows:

The action by the board of adjustment on an application for a conditional use permit or a variance, or on an appeal from the decision of the zoning adjustor or an administrative officer shall be final and conclusive unless ~~((within ten days from the date of said action the original applicant or an adverse party makes application to a court of competent jurisdiction for a writ of certiorari, a writ of prohibition or a writ of mandamus))~~ a land use petition is filed with superior court as provided in chapter 36.70C RCW.

**Sec. 6.** RCW 36.70B.020 and 1995 c 347 s 402 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Closed record appeal" means an administrative appeal (~~(on the record)~~) of a decision or recommendation on a project permit application to a local government body or officer, including the local legislative body, ~~((following))~~ or a decision by the body or officer, that: (a) Follows an open record hearing ((on a project permit application when the appeal)) that resulted in the decision or recommendation; and

(b) Is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed. A closed record appeal following an open record hearing and a recommendation by a hearing body or officer shall be known as a "closed record predecision appeal." A closed record appeal following an open record hearing and a decision by a local government's hearing body or officer shall be known as a "closed record postdecision appeal."

(2) For purposes of RCW 36.70B.170 through 36.70B.210, "development agreement" means an agreement authorized by RCW 36.70B.170 through 36.70B.210. A "development agreement" does not include an agreement between the local government and the owner or person with control over real property authorized by other provision of law.

(3) For purposes of RCW 36.70B.170 through 36.70B.210, "development standards" includes, but is not limited to:  
(a) Project elements such as permitted uses, residential densities, and nonresidential densities and intensities or building sizes;  
(b) The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;  
(c) Mitigation measures, development conditions, and other requirements under chapter 43.21C RCW;  
(d) Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features;

(e) Affordable housing;

(f) Parks and open space preservation;

(g) Phasing;

(h) Review procedures and standards for implementing decisions;

(i) A build-out or vesting period for applicable standards; and

(j) Any other appropriate development requirement or procedure.

(4) "Local government" means a county, city, or town.

~~((3))~~ (5) "Open record hearing" means a hearing, conducted by a single hearing body or officer authorized by the local government to conduct such hearings, that creates the local government's record through testimony and submission of evidence and information, under procedures prescribed by the local government by ordinance or resolution. An open record hearing may be held prior to a local government's decision on a project permit to be known as an "open record predecision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record predecision hearing has been held on the project permit.

~~((4))~~ (6) "Project permit" or "project permit application" means any land use or environmental permit or license required from a local government for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.

~~((5))~~ (7) "Public meeting" means an informal meeting, a public hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the local government's decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or community council meeting, or a scoping meeting or a public hearing to accept comments on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application file.

**Sec. 7.** RCW 36.70B.050 and 1995 c 347 s 406 are each amended to read as follows:

Not later than ~~(March 31)~~ April 1, 1996, each local government shall provide by ordinance or resolution for review of project permit applications to achieve the following objectives:

(1) Combine the environmental review process, both procedural and substantive, with the procedure for review of project permits; and

(2) Except for the appeal of a determination of significance as provided in RCW 43.21C.075, provide for no more than one open record hearing and one closed record appeal.

**Sec. 8.** RCW 36.70B.060 and 1995 c 347 s 407 are each amended to read as follows:

Not later than ~~(March 31)~~ April 1, 1996, each local government planning under RCW 36.70A.040 shall establish by ordinance or resolution an integrated and consolidated project permit process that may be included in its development regulations. In addition to the elements required by RCW 36.70B.050, the process shall include the following elements:

(1) A determination of completeness to the applicant as required by RCW 36.70B.070;

(2) A notice of application to the public and agencies with jurisdiction as required by RCW 36.70B.110;

(3) Except as provided in RCW 36.70B.140, an optional consolidated project permit review process as provided in RCW 36.70B.120. The review process shall provide for no more than one consolidated open record hearing and one closed record appeal. If an open record predecision hearing is provided prior to the decision on a project permit, the process shall not allow a subsequent open record appeal hearing;

(4) Provision allowing for any public meeting or required open record hearing to be combined with any public meeting or open record hearing that may be held on the project by another local, state, regional, federal, or other agency, in accordance with provisions of RCW 36.70B.090 and 36.70B.110;

(5) A single report stating all the decisions made as of the date of the report on all project permits included in the consolidated permit process ~~((that do not require an open record predecision hearing and any recommendations on project permits that do not require an open record predecision hearing))~~ as required by RCW 36.70B.130. The report shall state any mitigation required or proposed under the development regulations or the agency's authority under RCW 43.21C.060. The report may be the local permit. If a threshold determination ~~((other than a determination of significance has not been issued previously by the local government))~~ is required under chapter 43.21C RCW, the report shall include or append this determination;

(6)(a) A local government need not provide for the appeal of a SEPA procedural or substantive determination under chapter 43.21C RCW or of a project permit decision. Except ((for the appeal of a determination of significance as provided in RCW 43.21C.075)) as otherwise provided under RCW 43.21C.075(3), if a local government elects to provide an appeal of its ((threshold determinations or)) SEPA procedural or substantive determination under chapter 43.21C RCW or of its project permit decisions, the local government shall provide for no more than one consolidated open record appeal hearing ((on such appeal. The)).

(b) Consistent with RCW 43.21C.075(3), a local government shall not provide for a closed record appeal of a procedural determination under chapter 43.21C RCW.

(c) A local government ((need not provide for any further appeal and)) may provide an appeal for some but not all project permit decisions. If an appeal is provided after the open record hearing, it shall be a closed record appeal before a single decision-making body or officer;

(7) A notice of decision as required by RCW 36.70B.130 and issued within the time period provided in RCW 36.70B.080 and 36.70B.090;

(8) Completion of project review by the local government, including environmental review and public review and any appeals to the local government, within any applicable time periods under RCW 36.70B.090; and

(9) Any other provisions not inconsistent with the requirements of this chapter or chapter 43.21C RCW.

**Sec. 9.** RCW 36.70B.090 and 1995 c 347 s 413 are each amended to read as follows:

(1) Except as otherwise provided in subsection (2) of this section, a local government planning under RCW 36.70A.040 shall issue its notice of final decision on a project permit application within one hundred twenty days after the local government notifies the applicant that the application is complete, as provided in RCW 36.70B.070. In determining the number of days that have elapsed after the local government has notified the applicant that the application is complete, the following periods shall be excluded:

(a)(i) Any period during which the applicant has been requested by the local government to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the local government notifies the applicant of the need for additional information until the earlier of the date the local government determines whether the additional information satisfies the request for information or fourteen days after the date the information has been provided to the local government.

(ii) If the local government determines that the information submitted by the applicant under (a)(i) of this subsection is insufficient, it shall notify the applicant of the deficiencies and the procedures under (a)(i) of this subsection shall apply as if a new request for studies had been made;

(b) Following a determination of significance pursuant to chapter 43.21C RCW:

~~(i) Any period during which an environmental impact statement is being prepared ((following a determination of significance pursuant to chapter 43.21C RCW)), if the local government by ordinance or resolution has established time periods for completion of environmental impact statements, or if the local government and the applicant in writing agree to a time period for completion of an environmental impact statement; and~~

~~(ii) Any period during which the determination of significance is on appeal before the local government or in court;~~

(c) Any period for administrative appeals of project permits, if an open record appeal hearing or a closed record postdecision appeal, or both, are allowed. The local government by ordinance or resolution shall establish a time period to consider and decide such appeals. The time period shall not exceed: (i) Ninety days for an open record appeal hearing; and (ii) sixty days for a closed record postdecision appeal. The parties to an appeal may agree to extend these time periods; ~~((and))~~

~~(d) Any period of time during which an applicant fails to post the property, if required by the local government's notice of application requirements; and~~

~~(e) Any extension of time mutually agreed upon by the applicant and the local government.~~

(2) The time limits established by subsection (1) of this section do not apply if a project permit application:

(a) Requires a rezone or an amendment to the comprehensive plan or a development regulation;

(b) Requires approval of a new fully contained community as provided in RCW 36.70A.350, a master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200; or

(c) Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete under RCW 36.70B.070.

(3) If the local government is unable to issue its final decision within the time limits provided for in this section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.

(4) This section shall apply to project permit applications filed on or after April 1, 1996.

**Sec. 10.** RCW 36.70B.110 and 1995 c 347 s 415 are each amended to read as follows:

(1) Not later than April 1, 1996, a local government planning under RCW 36.70A.040 shall provide a notice of application to the public and the departments and agencies with jurisdiction as provided in this section. If a local government has made a determination of significance under chapter 43.21C RCW concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice. Nothing in this section prevents a determination of significance and scoping notice from being issued prior to the notice of application. Nothing in this section prevents a lead agency from completing its review under chapter 43.21C RCW prior to the notice of application when the project decision is made by the lead agency or other agency with jurisdiction prior to applying for local permits.

(2) The notice of application shall be provided within fourteen days after the determination of completeness as provided in RCW 36.70B.070 and include the following in whatever sequence or format the local government deems appropriate:

(a) The date of application, the date of the notice of completion for the application, and the date of the notice of application;

(b) A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70B.070 or 36.70B.090;

(c) The identification of other permits not included in the application to the extent known by the local government;

(d) The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing the notice of application, such as a city land use bulletin, the location where the application and any studies can be reviewed;

(e) A statement of the public comment period, which shall be not less than fourteen nor more than thirty days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. A local government may accept public comments at any time prior to the closing of the record of an open record predecision hearing, if any, or, if no open record predecision hearing is provided, prior to the decision on the project permit;

(f) The date, time, place, and type of hearing, if applicable and scheduled at the date of notice of the application;

(g) A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency as provided in RCW 36.70B.040; and

(h) Any other information determined appropriate by the local government.

(3) If an open record predecision hearing is required for the requested project permits, the notice of application shall be provided at least fifteen days prior to the open record hearing.

(4) A local government shall use reasonable methods to give the notice of application to the public and agencies with jurisdiction and may use its existing notice procedures. A local government may use different types of notice for different categories of project permits or types of project actions. If a local government by resolution or ordinance does not specify its method of public notice, the local government shall use the methods provided for in (a) and (b) of this subsection. Examples of reasonable methods to inform the public are:

(a) Posting the property for site-specific proposals;

(b) Publishing notice, including at least the project location, description, type of permit(s) required, comment period dates, and location where the full notice of application and the complete application may be reviewed, in the newspaper of general circulation in the general area where the proposal is located or in a local land use newsletter published by the local government;

(c) Notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;

(d) Notifying the news media;

(e) Placing notices in appropriate regional or neighborhood newspapers or trade journals;

(f) Publishing notice in agency newsletters or sending notice to agency mailing lists, either general lists or lists for specific proposals or subject areas; and

(g) Mailing to neighboring property owners.

(5) A notice of application shall not be required for project permits that are categorically exempt under chapter 43.21C RCW, unless a public comment period or an open record predecision hearing is required.

(6) A local government shall integrate the permit procedures in this section with environmental review under chapter 43.21C RCW as follows:

(a) Except for a determination of significance, or prior review under chapter 43.21C RCW by a lead agency, the local government may not issue its threshold determination, or issue a decision or a recommendation on a project permit until the expiration of the public comment period on the notice of application.

(b) If an open record predecision hearing is required and the local government's threshold determination requires public notice under chapter 43.21C RCW, the local government shall issue its threshold determination at least fifteen days prior to the open record predecision hearing.

(c) Comments shall be as specific as possible.

(7) At the request of the applicant, a local government may combine any hearing on a project permit with any hearing that may be held by another local, state, regional, federal, or other agency (provided that), if:

(a) The hearing is held within the geographic boundary of the local government~~((-- Hearings shall be combined if requested by an applicant, as long as))~~; and

(b) The joint hearing can be held within the time periods specified in RCW 36.70B.090 or the applicant agrees to the schedule in the event that additional time is needed in order to combine the hearings. All agencies of the state of Washington, including municipal corporations and counties participating in a combined hearing, are hereby authorized to issue joint hearing notices and develop a joint format, select a mutually acceptable hearing body or officer, and take such other actions as may be necessary to hold joint hearings consistent with each of their respective statutory obligations.

(8) All state and local agencies shall cooperate to the fullest extent possible with the local government in holding a joint hearing if requested to do so, as long as:

(a) The agency is not expressly prohibited by statute from doing so;

(b) Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule; and

(c) The agency has received the necessary information about the proposed project from the applicant to hold its hearing at the same time as the local government hearing.

(9) A local government is not required to provide for administrative appeals. If provided, an administrative appeal of the project decision, combined with any environmental determinations, shall be filed within fourteen days after the notice of the decision or after other notice that the decision has been made and is appealable. The local government shall extend the appeal period for an additional seven days, if state or local rules adopted pursuant to chapter 43.21C RCW allow public comment on a determination of nonsignificance issued as part of the appealable project permit decision.

(10) The applicant for a project permit is deemed to be a participant in any comment period, open record hearing, or closed record appeal.

(11) Each local government planning under RCW 36.70A.040 shall adopt procedures for administrative interpretation of its development regulations.

**Sec. 11.** RCW 36.70B.130 and 1995 c 347 s 417 are each amended to read as follows:

A local government planning under RCW 36.70A.040 shall provide ((a)) notice of its administrative decision ~~((that)) or recommendation on a project permit.~~ The notice shall also include ((s)) a statement of any threshold determination made under chapter 43.21C RCW and the procedures for administrative appeal, if any. The notice of decision may be a copy of the report or decision on the project permit application. The notice shall be provided to the applicant and to any person who, prior to the rendering of the decision, requested notice of the decision or recommendation or submitted substantive comments on the application. The local government shall also provide for public notice of its decision ((as provided)) or recommendation by using one or more of the methods listed in RCW 36.70B.110(4).

**Sec. 12.** RCW 36.70B.150 and 1995 c 347 s 419 are each amended to read as follows:

A local government not planning under RCW 36.70A.040 may incorporate some or all of the provisions of RCW 36.70B.060 through ~~((36.70B.090 and 36.70B.110 through 36.70B.130))~~ 36.70B.140 into its procedures for review of project permits or other project actions.

**Sec. 13.** RCW 36.70B.170 and 1995 c 347 s 502 are each amended to read as follows:

(1) A local government may enter into a development agreement with a person having ownership or control of real property within its jurisdiction. A city or town may enter into a development agreement for real property outside its boundaries as part of a proposed annexation or a service agreement. A development agreement must set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement. A development agreement shall be consistent with applicable development regulations adopted by a local government planning under chapter 36.70A RCW.

(2) RCW 36.70B.170 through ~~((36.70B.190))~~ 36.70B.210 and section 501, chapter 347, Laws of 1995 ~~((do not))~~ create authority that is in addition to any other authority of a local government to enter into an agreement with a person having ownership or control of real property. Nothing in RCW 36.70B.170 through 36.70B.210 and section 501, chapter 347, Laws of 1995 shall apply to or affect the validity of a contract rezoning, concomitant agreement, annexation agreement, or other agreement ~~((in existence on July 23, 1995, or adopted under separate authority;))~~ that includes some or all of the development standards provided in ~~((subsection (3) of this section))~~ RCW 36.70B.020.

(3) ~~((For the purposes of this section, "development standards" includes, but is not limited to:~~

~~(a) Project elements such as permitted uses, residential densities, and nonresidential densities and intensities or building sizes;~~

~~(b) The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;~~

~~(c) Mitigation measures, development conditions, and other requirements under chapter 43.21C RCW;~~

~~(d) Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features;~~

~~(e) Affordable housing;~~

~~(f) Parks and open space preservation;~~

~~(g) Phasing;~~

~~(h) Review procedures and standards for implementing decisions;~~

~~(i) A build-out or vesting period for applicable standards; and~~

~~(j) Any other appropriate development requirement or procedure.~~

~~(4))~~ The execution of a development agreement is a proper exercise of ~~((county and city))~~ local government police power and contract authority. A development agreement may obligate a party to fund or provide services, infrastructure, or other facilities. A development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

**Sec. 14.** RCW 36.70B.180 and 1995 c 347 s 503 are each amended to read as follows:

Unless amended or terminated as provided in the agreement, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build-out period specified in the agreement, and may not be subject to an amendment to a zoning ordinance or development standard or regulation or a new zoning ordinance or development standard or regulation adopted after the effective date of the agreement. A permit or approval issued by the county or city after the execution of the development agreement must be consistent with the development agreement.

**Sec. 15.** RCW 36.70B.200 and 1995 c 347 s 505 are each amended to read as follows:

A ~~(county or city)~~ local government shall ~~(only)~~ approve a development agreement only by ordinance or resolution adopted after a public hearing. The county or city legislative body or a planning commission, hearing examiner, or other body designated by the legislative body to conduct the public hearing may conduct the hearing. If the development agreement relates to a project permit application, the provisions of chapter 36.70C RCW shall apply to the appeal of the decision on the development agreement.

**Sec. 16.** RCW 36.70B.210 and 1995 c 347 s 506 are each amended to read as follows:

Nothing in RCW 36.70B.170 through 36.70B.200 and section 501, chapter 347, Laws of 1995 is intended to authorize a local government~~((s))~~ to impose impact fees, inspection fees, or dedications or to require any other financial contributions or mitigation measures except as expressly authorized by other applicable provisions of state law. This section is not a limitation on the power of the parties to a development agreement to contract with one another, and the parties to a development agreement may provide in the agreement for financial contributions or mitigation measures that the local government could not require without agreement.

**Sec. 17.** RCW 36.70C.040 and 1995 c 347 s 705 are each amended to read as follows:

(1) Proceedings for review under this chapter shall be commenced by filing a land use petition in superior court.  
(2) A land use petition is barred, and the court may not grant review, unless the petition is timely filed with the court and timely served on the following persons who shall be parties to the review of the land use petition:  
(a) The local jurisdiction, which for purposes of the petition shall be the jurisdiction's corporate entity and not an individual decision maker or department;  
(b) ~~(Each of the following persons))~~ If the person is not the petitioner~~((=~~  
~~)))~~, each person identified by name and address in the local jurisdiction's written decision as an applicant for the permit or approval at issue; ~~(and~~  
~~((=)))~~ (c) If the person is not the petitioner, each person identified by name and address in the local jurisdiction's written decision as an owner of the property at issue((=)).  
~~((=)))~~ If no person is identified in a written decision as provided in (b) and (c) of this subsection, each person identified by name and address as a taxpayer for the property at issue in the records of the county assessor, based upon the description of the property in the application; and

~~(d)(i) Except as provided in (d)(ii) of this subsection, each person named in the written decision who filed an appeal to a local jurisdiction quasi-judicial decision maker regarding the land use decision at issue((= unless the))~~.

(ii) The following persons need not be served to commence a proceeding under this chapter:

(A) A person who has abandoned the appeal or ((the person's)) a person whose claims were dismissed before the quasi-judicial decision was rendered((=));

(B) A person((s)) who later intervened or joined in the appeal ((are not required to be made parties under this subsection.));

(C) A person who provides the petitioner with an affidavit or statement signed under penalty of perjury stating that person's decision not to participate in judicial review of the land use decision at issue. The petitioner shall attach a copy of the affidavit or statement under penalty of perjury to the petition.

(3) The petition is timely if it is filed and served on all parties listed in subsection (2) of this section within twenty-one days of the issuance of the land use decision.

(4) For the purposes of this section, the date on which a land use decision is issued is:

(a) Three days after a written decision is mailed by the local jurisdiction or, if not mailed, the date on which the local jurisdiction provides notice that a written decision is publicly available;

(b) If the land use decision is made by ordinance or resolution by a legislative body sitting in a quasi-judicial capacity, the date the body passes the ordinance or resolution; or

(c) If neither (a) nor (b) of this subsection applies, the date the decision is entered into the public record.

(5) Service on the local jurisdiction must be by delivery of a copy of the petition to the persons identified by or pursuant to RCW 4.28.080 to receive service of process. Service on other parties must be in accordance with the superior court civil rules or by first class mail to:

(a) The address stated in the written decision of the local jurisdiction for each person made a party under subsection (2)(b) of this section;

(b) The address stated in the records of the county assessor for each person made a party under subsection (2)(c) of this section; and

(c) The address stated in the appeal to the quasi-judicial decision maker for each person made a party under subsection (2)(d) of this section.

(6) Service by mail is effective on the date of mailing and proof of service shall be by affidavit or declaration under penalty of perjury.

**Sec. 18.** RCW 36.70C.090 and 1995 c 347 s 710 are each amended to read as follows:

The court shall provide expedited review of petitions filed under this chapter. The matter must be set for hearing and the hearing must commence within sixty days of the date set for submitting the local jurisdiction's record, absent a showing of good cause for a different date or a stipulation of the parties.

**Sec. 19.** RCW 36.70C.120 and 1995 c 347 s 713 are each amended to read as follows:

(1) When the land use decision being reviewed was made by a quasi-judicial body or officer who made factual determinations in support of the decision and the parties to the quasi-judicial proceeding had an opportunity consistent with due process to make a record on the factual issues, judicial review of factual issues and the conclusions drawn from the factual issues shall be confined to the record created by the quasi-judicial body or officer, except ~~((as provided in subsections (2) through (4) of this section.~~

~~(2) For decisions described in subsection (1) of this section,))~~ that the record may be supplemented by additional evidence ((only)) if the additional evidence relates to:

(a) Grounds for disqualification of a member of the body or of the officer that made the land use decision, when such grounds were unknown by the petitioner at the time the record was created;

(b) Matters that were improperly excluded from the record after being offered by a party to the quasi-judicial proceeding; or

(c) Matters that were outside the jurisdiction of the body or officer that made the land use decision.

~~((3))~~ (2) For land use decisions other than those described in subsection (1) of this section, the record for judicial review may be supplemented by evidence of material facts that were not made part of the local jurisdiction's record.

~~((4))~~ (3) The court may require or permit corrections of ministerial errors or inadvertent omissions in the preparation of the record.

~~((5))~~ (4) The parties may ~~((not))~~ conduct pretrial discovery ~~((except))~~ only with the prior permission of the court, which may be sought by motion at any time after service of the petition. The court shall ~~((not))~~ grant permission ~~((unless))~~ for pretrial discovery only if the party requesting it makes a prima facie showing of need. The court shall strictly limit discovery to what is necessary for equitable and timely review of the issues that are raised under subsections (1) and (2) ~~((and (3)))~~ of this section.

(5) If the court allows the record to be supplemented under subsection (1) of this section or a party intends to supplement the record under subsection (2) of this section, the court shall require the parties to disclose before the hearing or trial on the merits the specific evidence they intend to offer. If any party, or anyone acting on behalf of any party, requests records under chapter 42.17 RCW relating to the matters at issue, a copy of the request shall simultaneously be given to all other parties and the court shall take such request into account in fashioning an equitable discovery order under this section.

**Sec. 20.** RCW 43.21C.075 and 1995 c 347 s 204 are each amended to read as follows:

(1) Because a major purpose of this chapter is to combine environmental considerations with public decisions, any appeal brought under this chapter shall be linked to a specific governmental action. The State Environmental Policy Act provides a basis for challenging whether governmental action is in compliance with the substantive and procedural provisions of this chapter. The State Environmental Policy Act is not intended to create a cause of action unrelated to a specific governmental action.

(2) Unless otherwise provided by this section:

(a) Appeals under this chapter shall be of the governmental action together with its accompanying environmental determinations.

(b) Appeals of environmental determinations made (or lacking) under this chapter shall be commenced within the time required to appeal the governmental action which is subject to environmental review.

(3) If an agency has a procedure for appeals of agency environmental determinations made under this chapter, such procedure:

(a) Shall ~~((not))~~ allow no more than one agency appeal proceeding on a procedural determination (the adequacy of a determination of significance/nonsignificance or of a final environmental impact statement). The appeal proceeding on a determination of significance may occur before the agency's final decision on a proposed action. The appeal proceeding on ~~((a))~~ any other procedural determination ~~((of nonsignificance))~~ may occur before the agency's final decision on a proposed action only if:

(i) The appeal is heard at a proceeding where the hearing body or officer will render a final recommendation or decision on the proposed underlying governmental action;

(ii) The appeal is of a public project; or

(iii) The appeal is of a nonproject action.

Such appeals shall also be allowed for a determination of significance/nonsignificance which may be issued by the agency after supplemental review;

(b) Shall consolidate an appeal of procedural issues and of substantive determinations made under this chapter (such as a decision to require particular mitigation measures or to deny a proposal) with a hearing or appeal on the underlying governmental action by providing for a single simultaneous hearing before one hearing officer or body to consider the agency decision on a proposal and any environmental determinations made under this chapter, with the exception of the appeal, if any, of a procedural determination ~~((of significance))~~ as provided in (a) of this subsection or an appeal to the local legislative authority under RCW 43.21C.060 or other applicable state statutes;

(c) Shall provide for the preparation of a record for use in any subsequent appeal proceedings, and shall provide for any subsequent appeal proceedings to be conducted on the record, consistent with other applicable law. An adequate record consists of findings and conclusions, testimony under oath, and taped or written transcript. An electronically recorded transcript will suffice for purposes of review under this subsection; and

(d) Shall provide that procedural determinations made by the responsible official shall be entitled to substantial weight.

(4) If a person aggrieved by an agency action has the right to judicial appeal and if an agency has an administrative appeal procedure, such person shall, prior to seeking any judicial review, use such agency procedure if any such procedure is available, unless expressly provided otherwise by state statute.

(5) Some statutes and ordinances contain time periods for challenging governmental actions which are subject to review under this chapter, such as various local land use approvals (the "underlying governmental action"). RCW 43.21C.080 establishes an optional "notice of action" procedure which, if used, imposes a time period for appealing decisions under this chapter. This subsection does not modify any such time periods. In this subsection, the term "appeal" refers to a judicial appeal only.

(a) If there is a time period for appealing the underlying governmental action, appeals under this chapter shall be commenced within such time period. The agency shall give official notice stating the date and place for commencing an appeal.

(b) If there is no time period for appealing the underlying governmental action, and a notice of action under RCW 43.21C.080 is used, appeals shall be commenced within the time period specified by RCW 43.21C.080.

(6)(a) Judicial review under subsection (5) of this section of an appeal decision made by an agency under subsection (3) of this section shall be on the record, consistent with other applicable law.

(b) A taped or written transcript may be used. If a taped transcript is to be reviewed, a record shall identify the location on the taped transcript of testimony and evidence to be reviewed. Parties are encouraged to designate only those portions of the testimony necessary to present the issues raised on review, but if a party alleges that a finding of fact is not supported by evidence, the party should include in the record all evidence relevant to the disputed finding. Any other party may designate additional portions of the taped transcript relating to issues raised on review. A party may provide a written transcript of portions of the testimony at the party's own expense or apply to that court for an order requiring the party seeking review to pay for additional portions of the written transcript.

(c) Judicial review under this chapter shall without exception be of the governmental action together with its accompanying environmental determinations.

(7) Jurisdiction over the review of determinations under this chapter in an appeal before an agency or superior court shall upon consent of the parties be transferred in whole or part to the shorelines hearings board. The shorelines hearings board shall hear the matter and sign the final order expeditiously. The superior court shall certify the final order of the shorelines hearings board and said certified final order may only be appealed to an appellate court. In the case of an appeal under this chapter regarding a project or other matter that is also the subject of an appeal to the shorelines hearings board under chapter 90.58 RCW, the shorelines hearings board shall have sole jurisdiction over both the appeal under this section and the appeal under chapter 90.58 RCW, shall consider them together, and shall issue a final order within one hundred eighty days as provided in RCW 90.58.180.

(8) For purposes of this section and RCW 43.21C.080, the words "action", "decision", and "determination" mean substantive agency action including any accompanying procedural determinations under this chapter (except where the word "action" means "appeal" in RCW 43.21C.080(2)). The word "action" in this section and RCW 43.21C.080 does not mean a procedural determination by itself made under this chapter. The word "determination" includes any environmental document required by this chapter and state or local implementing rules. The word "agency" refers to any state or local unit of government. Except as provided in subsection (5) of this section, the word "appeal" refers to administrative, legislative, or judicial appeals.

(9) The court in its discretion may award reasonable attorney's fees of up to one thousand dollars in the aggregate to the prevailing party, including a governmental agency, on issues arising out of this chapter if the court makes specific findings that the legal position of a party is frivolous and without reasonable basis.

**NEW SECTION. Sec. 21.** A new section is added to chapter 43.21C RCW to read as follows:

The department of ecology shall adopt rules increasing categorical exemptions for minor new construction and minor land use decisions within urban growth areas designated under RCW 36.70A.110 beyond categorical exemptions for minor new construction and minor land use decisions in areas outside of those designated urban growth areas.

These rules shall provide for increased levels of minor new construction and minor land use decisions that are categorically exempt within an urban growth area and expand the authority of a county, city, or town to raise the exemption level for minor new construction activities and minor land use decisions occurring within an urban growth area beyond the level specified by the department. At a minimum, the increase in minor new construction and minor new land use decisions that are categorically exempt within an urban growth area shall include approvals of the: (1) Construction of or location of any residential structures of ten or fewer dwelling units; (2) construction of an office, school, commercial, recreational, service, or storage building with eight thousand or fewer square feet of gross floor area, and with associated parking facilities; (3) construction of a parking lot designed for forty or fewer automobiles; and (4) division of land into ten or fewer lots or parcels.

**Sec. 22.** RCW 58.17.020 and 1995 c 32 s 2 are each amended to read as follows:

As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

(1) "Subdivision" is the division or redivision of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership, except as provided in subsection (6) of this section.

(2) "Plat" is a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.

(3) "Dedication" is the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentation for filing of a final plat or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit.

A dedication of an area of less than two acres for use as a public park may include a designation of a name for the park, in honor of a deceased individual of good character.

(4) "Preliminary plat" is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this chapter. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

(5) "Final plat" is the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this chapter and in local regulations adopted under this chapter.

(6) "Short subdivision" is the division or redivision of land into ~~(four)~~ (a) Nine or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership ~~(--PROVIDED, That the legislative authority of any city or town may by local ordinance increase the number of)~~ if the lots, tracts, or parcels (to be regulated as short subdivisions to a maximum of nine) are located within the city, town, or urban growth area of the county; or (b) Four or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership if the lots, tracts, or parcels are located outside of the urban growth area of the county.

(7) "Binding site plan" means a drawing to a scale specified by local ordinance which: (a) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations; (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site plan; and (c) contains provisions making any development be in conformity with the site plan.

(8) "Short plat" is the map or representation of a short subdivision.

(9) "Lot" is a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

(10) "Block" is a group of lots, tracts, or parcels within well defined and fixed boundaries.

(11) "County treasurer" shall be as defined in chapter 36.29 RCW or the office or person assigned such duties under a county charter.

(12) "County auditor" shall be as defined in chapter 36.22 RCW or the office or person assigned such duties under a county charter.

(13) "County road engineer" shall be as defined in chapter 36.40 RCW or the office or person assigned such duties under a county charter.

(14) "Planning commission" means that body as defined in chapters 36.70, 35.63, or 35A.63 RCW as designated by the legislative body to perform a planning function or that body assigned such duties and responsibilities under a city or county charter.

(15) "County commissioner" shall be as defined in chapter 36.32 RCW or the body assigned such duties under a county charter.

**Sec. 23.** RCW 58.17.090 and 1995 c 347 s 426 are each amended to read as follows:

(1) ~~(Upon)~~ Following receipt of an application for preliminary plat approval the administrative officer charged by ordinance with responsibility for administration of regulations pertaining to platting and subdivisions shall provide public notice and set a date for ~~(a public)~~ an open record hearing. Except as provided in RCW 36.70B.110, at a minimum, notice of the open record hearing shall be given in the following manner:

(a) Notice shall be published not less than ten days prior to the open record hearing in a newspaper of general circulation within the county and a newspaper of general circulation in the area where the real property which is proposed to be subdivided is located; and

(b) Special notice of the open record hearing shall be given to adjacent landowners by any other reasonable method local authorities deem necessary. Adjacent landowners are the owners of real property, as shown by the records of the county assessor, located within three hundred feet of any portion of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under this subsection (1)(b) shall be given to owners of real property located within three hundred feet of any portion of the boundaries of such adjacent located parcels of real property owned by the owner of the real property proposed to be subdivided.

(2) All open record hearings shall be public. All open record hearing notices shall include a description of the location of the proposed subdivision. The description may be in the form of either a vicinity location sketch or a written description other than a legal description.

**Sec. 24.** RCW 58.17.095 and 1986 c 233 s 1 are each amended to read as follows:

(1) A county, city, or town may adopt an ordinance providing for the administrative review of a preliminary plat without ~~(a public)~~ an open record hearing by adopting an ordinance providing for such administrative review. The ordinance may specify a threshold number of lots in a subdivision above which ~~(a public)~~ an open record hearing must be held, and may specify other factors which necessitate the holding of a public hearing.

(2) The administrative review process shall include the following minimum conditions:

~~(+)~~ (a) Except as otherwise provided in this subsection, the notice requirements of RCW 36.70B.110 and 58.17.090 shall be followed ~~(, except that the)~~.

(b) In a county, city, or town not planning under RCW 36.70A.040:

(i) Publication shall be made within ten days of the filing of the application ~~(--Additionally--); and~~

(ii) At least ten days after the filing of the application notice both shall be:  
~~((a))~~ (A) Posted on or around the land proposed to be subdivided in at least five conspicuous places designed to attract public awareness of the proposal; and  
~~((b))~~ (B) Mailed to the owner of each lot or parcel of property located within at least three hundred feet of the site. The applicant shall provide the county, city, or town with a list of such property owners and their addresses.  
(c) The notice shall include notification that no public hearing will be held on the application, except as provided by this section. The notice shall set out the procedures and time limitations for persons to require ~~((a-public))~~ an open record hearing and make comments.  
~~((2))~~ (3) Any person shall have a period of twenty days from the date of the notice to comment upon the proposed preliminary plat or a period of not less than fourteen nor more than thirty days for a city, county, or town planning under RCW 36.70A.040. All comments received shall be provided to the applicant. The applicant has seven days from receipt of the comments to respond thereto.  
~~((3-A-public))~~ (4) An open record hearing on the proposed subdivision shall be held if any person files a request for a hearing with the county, city, or town within twenty-one days of the publishing of such notice. If ~~((such-a))~~ an open record hearing is requested, notice requirements for the ~~((public))~~ hearing shall be in conformance with RCW 58.17.090, and the ~~((ninety-day))~~ period for approval or disapproval of the proposed subdivision provided for in RCW 58.17.140 shall commence with the date of the filing of the request for ~~((a-public))~~ an open record hearing. Any hearing ordered under this subsection shall be conducted by the planning commission or hearings officer as required by county or city ordinance.  
~~((4))~~ (5) On its own initiative within twenty-one days of the filing of the request for approval of the subdivision, the governing body, or a designated employee or official, of the county, city, or town, shall be authorized to cause ~~((a-public))~~ an open record hearing to be held on the proposed subdivision within ninety days of the filing of the request for the subdivision.  
~~((5))~~ (6) If the ~~((public))~~ open record hearing is waived as provided in this section, the planning commission or planning agency shall complete the review of the proposed preliminary plat and transmit its recommendation to the legislative body as provided in RCW 58.17.100.

**Sec. 25.** RCW 58.17.100 and 1995 c 347 s 428 are each amended to read as follows:

(1)(a) If a city, town or county has established a planning commission or planning agency in accordance with state law or local charter, such commission or agency shall review all preliminary plats and make recommendations thereon to the city, town or county legislative body to assure conformance of the proposed subdivision to the general purposes of the comprehensive plan and to planning standards and specifications as adopted by the city, town or county. Except as provided in (b) of this subsection, reports of the planning commission or agency shall be advisory only~~((PROVIDED, That))~~.  
(b) The legislative body of the city, town or county may, by ordinance, assign to such commission or agency, or any department official or group of officials, such administrative functions, powers and duties as may be appropriate, including the holding of open record hearings, and recommendations for approval or disapproval of preliminary plats of proposed subdivisions.  
~~((Such))~~ (2) A recommendation made pursuant to subsection (1) of this section shall be submitted to the legislative body not later than fourteen days following action by the hearing body. Upon receipt of the recommendation on any preliminary plat the legislative body shall at its next public meeting set the date for the ~~((public-meeting))~~ closed record appeal where it shall consider the recommendations of the hearing body and may adopt or reject the recommendations of ~~((such))~~ the hearing body based on the record established at the ~~((public))~~ open record hearing. If, after considering the matter ~~((at-a-public-meeting))~~ in a closed record appeal, the legislative body deems a change in the planning commission's or planning agency's recommendation approving or disapproving any preliminary plat is necessary, the legislative body shall adopt its own recommendations and approve or disapprove the preliminary plat.  
(3) Every decision or recommendation made under this section shall be in writing and shall include findings of fact and conclusions to support the decision or recommendation.  
(4) A record of all ~~((public-meetings-and-public-hearings))~~ open record hearings and closed record appeals shall be kept by the appropriate city, town or county authority and shall be open to public inspection.  
(5) Sole authority ~~((to-approve-final-plats,-and))~~ to adopt or amend platting ordinances shall reside in the legislative bodies.

**Sec. 26.** RCW 58.17.140 and 1995 c 68 s 1 are each amended to read as follows:  
(1)(a) Except as provided in (b) of this subsection and subsection (3) of this section, preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ninety days from date of filing thereof unless the applicant consents to an extension of such time period or the ninety day limitation is extended to include up to twenty-one days as specified under RCW 58.17.095(3)~~((PROVIDED, That))~~.  
(b) If an environmental impact statement is required as provided in RCW 43.21C.030, the ninety day period shall not include the time spent preparing and circulating the environmental impact statement by the local government agency.  
(2) Except as provided in subsection (3) of this section, final plats and short plats shall be approved, disapproved, or returned to the applicant within thirty days from the date of filing thereof, unless the applicant consents to an extension of such time period.  
(3) Subsections (1) and (2) of this section shall not apply to the decision by a county, city, or town required to plan under RCW 36.70A.040 to approve, disapprove, or return a short plat if the county, city, or town has established a permit review process pursuant to RCW 36.70B.120.  
(4) A final plat meeting all requirements of this chapter shall be submitted to the legislative body of the city, town, or county for approval within five years of the date of preliminary plat approval. Nothing contained in this section shall act to prevent any city, town, or county from adopting by ordinance procedures which would allow extensions of time that may or may not contain additional or altered conditions and requirements.

**Sec. 27.** RCW 58.17.140 and 1995 c 68 s 1 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection, preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ninety days from date of filing thereof unless the applicant consents to an extension of such time period or the ninety day limitation is extended to include up to twenty-one days as specified under RCW 58.17.095(3)~~((PROVIDED, That))~~.  
(b) If an environmental impact statement is required as provided in RCW 43.21C.030, the ninety day period shall not include the time spent preparing and circulating the environmental impact statement by the local government agency.  
(2) Final plats and short plats shall be approved, disapproved, or returned to the applicant within thirty days from the date of filing thereof, unless the applicant consents to an extension of such time period.  
(3) A final plat meeting all requirements of this chapter shall be submitted to the legislative body of the city, town, or county for approval within five years of the date of preliminary plat approval. Nothing contained in this section shall act to prevent any city, town, or county from adopting by ordinance procedures which would allow extensions of time that may or may not contain additional or altered conditions and requirements.

**Sec. 28.** RCW 90.58.140 and 1995 c 347 s 309 are each amended to read as follows:

(1) A development shall not be undertaken on the shorelines of the state unless it is consistent with the policy of this chapter and, after adoption or approval, as appropriate, the applicable guidelines, rules, or master program.  
(2) A substantial development shall not be undertaken on shorelines of the state without first obtaining a permit from the government entity having administrative jurisdiction under this chapter.  
A permit shall be granted:

(a) From June 1, 1971, until such time as an applicable master program has become effective, only when the development proposed is consistent with: (i) The policy of RCW 90.58.020; and (ii) after their adoption, the guidelines and rules of the department; and (iii) so far as can be ascertained, the master program being developed for the area;

(b) After adoption or approval, as appropriate, by the department of an applicable master program, only when the development proposed is consistent with the applicable master program and this chapter.

(3) The local government shall establish a program, consistent with rules adopted by the department, for the administration and enforcement of the permit system provided in this section. The administration of the system so established shall be performed exclusively by the local government.

(4) Except as otherwise specifically provided in subsection (11) of this section, the local government shall require notification of the public of all applications for permits governed by any permit system established pursuant to subsection (3) of this section by ensuring that notice of the application is given by at least one of the following methods:

(a) Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the property upon which the substantial development is proposed;

(b) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed; or

(c) Any other manner deemed appropriate by local authorities to accomplish the objectives of reasonable notice to adjacent landowners and the public.

The notices shall include a statement that any person desiring to submit written comments concerning an application, or desiring to receive notification of the final decision concerning an application as expeditiously as possible after the issuance of the decision, may submit the comments or requests for decisions to the local government within thirty days of the ~~((last))~~ date the notice of application is ~~((to be published))~~ issued pursuant to this subsection. The local government shall forward, in a timely manner following the issuance of a decision, a copy of the decision to each person who submits a request for the decision.

If a hearing is to be held on an application, notices of such a hearing shall include a statement that any person may submit oral or written comments on an application at the hearing.

(5) The system shall include provisions to assure that construction pursuant to a permit will not begin or be authorized until twenty-one days from the date the permit decision was filed as provided in subsection (6) of this section; or until all review proceedings are terminated if the proceedings were initiated within twenty-one days from the date of filing as defined in subsection (6) of this section except as follows:

(a) In the case of any permit issued to the state of Washington, department of transportation, for the construction and modification of SR 90 (I-90) on or adjacent to Lake Washington, the construction may begin after thirty days from the date of filing, and the permits are valid until December 31, 1995;

(b) Construction may be commenced no sooner than thirty days after the date of the appeal of the board's decision is filed if a permit is granted by the local government and (i) the granting of the permit is appealed to the shorelines hearings board within twenty-one days of the date of filing, (ii) the hearings board approves the granting of the permit by the local government or approves a portion of the substantial development for which the local government issued the permit, and (iii) an appeal for judicial review of the hearings board decision is filed pursuant to chapter 34.05 RCW. The appellant may request, within ten days of the filing of the appeal with the court, a hearing before the court to determine whether construction pursuant to the permit approved by the hearings board or to a revised permit issued pursuant to the order of the hearings board should not commence. If, at the conclusion of the hearing, the court finds that construction pursuant to such a permit would involve a significant, irreversible damaging of the environment, the court shall prohibit the permittee from commencing the construction pursuant to the approved or revised permit until all review proceedings are final. Construction pursuant to a permit revised at the direction of the hearings board may begin only on that portion of the substantial development for which the local government had originally issued the permit, and construction pursuant to such a revised permit on other portions of the substantial development may not begin until after all review proceedings are terminated. In such a hearing before the court, the burden of proving whether the construction may involve significant irreversible damage to the environment and demonstrating whether such construction would or would not be appropriate is on the appellant;

(c) If the permit is for a substantial development meeting the requirements of subsection (11) of this section, construction pursuant to that permit may not begin or be authorized until twenty-one days from the date the permit decision was filed as provided in subsection (6) of this section.

If a permittee begins construction pursuant to subsections (a), (b), or (c) of this subsection, the construction is begun at the permittee's own risk. If, as a result of judicial review, the courts order the removal of any portion of the construction or the restoration of any portion of the environment involved or require the alteration of any portion of a substantial development constructed pursuant to a permit, the permittee is barred from recovering damages or costs involved in adhering to such requirements from the local government that granted the permit, the hearings board, or any appellant or intervener.

(6) Any decision on an application for a permit under the authority of this section, whether it is an approval or a denial, shall, concurrently with the transmittal of the ruling to the applicant, be filed with the department and the attorney general. With regard to a permit other than a permit governed by subsection (10) of this section, "date of filing" as used herein means the date of actual receipt by the department. With regard to a permit for a variance or a conditional use, "date of filing" means the date a decision of the department rendered on the permit pursuant to subsection (10) of this section is transmitted by the department to the local government. The department shall notify in writing the local government and the applicant of the date of filing.

(7) Applicants for permits under this section have the burden of proving that a proposed substantial development is consistent with the criteria that must be met before a permit is granted. In any review of the granting or denial of an application for a permit as provided in RCW 90.58.180 (1) and (2), the person requesting the review has the burden of proof.

(8) Any permit may, after a hearing with adequate notice to the permittee and the public, be rescinded by the issuing authority upon the finding that a permittee has not complied with conditions of a permit. If the department is of the opinion that noncompliance exists, the department shall provide written notice to the local government and the permittee. If the department is of the opinion that the noncompliance continues to exist thirty days after the date of the notice, and the local government has taken no action to rescind the permit, the department may petition the hearings board for a rescission of the permit upon written notice of the petition to the local government and the permittee if the request by the department is made to the hearings board within fifteen days of the termination of the thirty-day notice to the local government.

(9) The holder of a certification from the governor pursuant to chapter 80.50 RCW shall not be required to obtain a permit under this section.

(10) Any permit for a variance or a conditional use by local government under approved master programs must be submitted to the department for its approval or disapproval.

(11)(a) An application for a substantial development permit for a limited utility extension or for the construction of a bulkhead or other measures to protect a single family residence and its appurtenant structures from shoreline erosion shall be subject to the following procedures:

(i) The public comment period under subsection (4) of this section shall be twenty days. The notice provided under subsection (4) of this section shall state the manner in which the public may obtain a copy of the local government decision on the application no later than two days following its issuance;

(ii) The local government shall issue its decision to grant or deny the permit within twenty-one days of the last day of the comment period specified in (i) of this subsection; and

(iii) If there is an appeal of the decision to grant or deny the permit to the local government legislative authority, the appeal shall be finally determined by the legislative authority within thirty days.

(b) For purposes of this section, a limited utility extension means the extension of a utility service that:

(i) Is categorically exempt under chapter 43.21C RCW for one or more of the following: Natural gas, electricity, telephone, water, or sewer;

(ii) Will serve an existing use in compliance with this chapter; and

(iii) Will not extend more than twenty-five hundred linear feet within the shorelines of the state.

**Sec. 29.** RCW 90.60.020 and 1995 c 347 s 602 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Center" means the permit assistance center established in the (~~commission~~ department) department by RCW 90.60.030.

(2) "Coordinating permit agency" means the permit agency that has the greatest overall jurisdiction over a project.

(3) "Department" means the department of ecology.

(4) "Participating permit agency" means a permit agency, other than the coordinating permit agency, that is responsible for the issuance of a permit for a project.

(5) "Permit" means any license, certificate, registration, permit, or other form of authorization required by a permit agency to engage in a particular activity.

(6) "Permit agency" means:

(a) The department of ecology, an air pollution control authority, the department of natural resources, the department of fish and wildlife, and the department of health; and

(b) Any other state or federal agency or county, city, or town that participates at the request of the permit applicant and upon the agency's agreement to be subject to this chapter.

(7) "Project" means an activity, the conduct of which requires permits from one or more permit agencies.

**Sec. 30.** RCW 90.60.040 and 1995 c 347 s 604 are each amended to read as follows:

(1) Not later than January 1, 1996, the center shall establish by rule an administrative process for the designation of a coordinating permit agency for a project.

(2) The administrative process shall consist of the establishment of guidelines for designating the coordinating permit agency for a project. If a permit agency is the lead agency for purposes of chapter 43.21C RCW, that permit agency shall either (a) be the coordinating permit agency, or (b) request the center to designate another permit agency as the coordinating permit agency. In other cases, the guidelines shall require that at least the following factors be considered in determining which permit agency has the greatest overall jurisdiction over the project:

(a) The types of facilities or activities that make up the project;

(b) The types of public health and safety and environmental concerns that should be considered in issuing permits for the project;

(c) The environmental medium that may be affected by the project, the extent of those potential effects, and the environmental protection measures that may be taken to prevent the occurrence of, or to mitigate, those potential effects;

(d) The regulatory activity that is of greatest importance in preventing or mitigating the effects that the project may have on public health and safety or the environment; and

(e) The statutory and regulatory requirements that apply to the project and the complexity of those requirements.

**NEW SECTION. Sec. 31.** A new section is added to chapter 43.05 RCW to read as follows:

(1) For any project permit application that is filed with a state agency on or after April 1, 1997, the state agency shall issue its notice of final decision on the project permit application within one hundred twenty days after the agency notifies the applicant that the application is complete under the same conditions, requirements, and exclusions for a county or city to issue project permit applications under RCW 36.70B.090.

(2) This section expires June 30, 1999.

**NEW SECTION. Sec. 32.** (1) Except for section 27 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

(2) Section 27 of this act shall take effect July 1, 1998.

**Sec. 33.** RCW 35A.63.110 and 1979 ex.s. c 18 s 34 are each amended to read as follows:

A code city which pursuant to this chapter creates a planning agency and which has twenty-five hundred or more inhabitants, by ordinance, shall create a board of adjustment and provide for its membership, terms of office, organization, jurisdiction. A code city which pursuant to this chapter creates a planning agency and which has a population of less than twenty-five hundred may, by ordinance, similarly create a board of adjustment. In the event a code city with a population of less than twenty-five hundred creates a planning agency, but does not create a board of adjustment, the code city shall provide that the city legislative authority shall itself hear and decide the items listed in (~~subdivisions~~) subsections (1), (2), and (3) of this section. The action of the board of adjustment shall be final and conclusive, unless (~~within ten days from the date of the action, the original applicant or an adverse party makes application to the superior court for the county in which that city is located for a writ of certiorari, a writ of prohibition, or a writ of mandamus~~) a land use petition is filed with a superior court as provided in chapter 36.70C RCW. No member of the board of adjustment shall be a member of the planning agency or the legislative body. Subject to conditions, safeguards, and procedures provided by ordinance, the board of adjustment may be empowered to hear and decide:

(1) Appeals from orders, recommendations, permits, decisions, or determinations made by a code city official in the administration or enforcement of the provisions of this chapter or any ordinances adopted pursuant to it.

(2) Applications for variances from the terms of the zoning ordinance, the official map ordinance or other land-use regulatory ordinances under procedures and conditions prescribed by city ordinance, which among other things shall provide that no application for a variance shall be granted unless the board of adjustment finds:

(a) The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located; and

(b) That such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and

(c) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

(3) Applications for conditional-use permits, unless such applications are to be heard and decided by the planning agency. A conditional use means a use listed among those classified in any given zone but permitted to locate only after review as herein provided in accordance with standards and criteria set forth in the zoning ordinance.

(4) Such other quasi judicial and administrative determinations as may be delegated by ordinance.

In deciding any of the matters referred to in subsections (1), (2), (3), and (4) of this section, the board of adjustment shall issue a written report giving the reasons for its decision. If a code city provides for a hearing examiner and vests in him the authority to hear and

decide the items listed in ((subdivisions)) subsections (1), (2), and (3) of this section pursuant to RCW 35A.63.170, then the provisions of this section shall not apply to such a city.

**NEW SECTION. Sec. 34.** Sections 9 and 26 of this act shall expire June 30, 1998."

On page 1, line 5 of the title, after "legislation;" strike the remainder of the title and insert "amending RCW 36.70.810, 36.70.830, 36.70.860, 36.70.880, 36.70.890, 36.70B.020, 36.70B.050, 36.70B.060, 36.70B.090, 36.70B.110, 36.70B.130, 36.70B.150, 36.70B.170, 36.70B.180, 36.70B.200, 36.70B.210, 36.70C.040, 36.70C.090, 36.70C.120, 43.21C.075, 58.17.020, 58.17.090, 58.17.095, 58.17.100, 58.17.140, 58.17.140, 90.58.140, 90.60.020, 90.60.040, and 35A.63.110; adding a new section to chapter 43.21C RCW; adding a new section to chapter 43.05 RCW; providing an effective date; providing expiration dates; and declaring an emergency.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### POINT OF ORDER

Senator Fraser: "A point of order, Mr. President. I believe that the House striking amendment that is before us exceeds the scope and object of the bill. What the Senate Bill is about is to make technical corrections and I will read you the title, 'An Act relating to making technical corrections to the omnibus 1995 legislation that integrates growth management planning and environmental review, and conforming the terminology and provisions of subdivisions, zoning, and other laws to the provisions of such legislation.' So, when you go through the bill, you will see that it really is very, very technical. It deals with date corrections, terminology corrections and all these little small itsy bitsy coordination corrections.

"The House amendment, in three different sections, adds three subjects. In Section 21, it adds a new SEPA categorical exemption and it also adds a requirement for state agencies--a time-line limitation for the processing of permits by state agencies and it increases, as I mentioned, SEPA categorical exemptions and it changes the definition of short subdivisions from four to nine lots within urban growth areas. These are hardly technical corrections; they are outside the scope and object, not only of the Senate Bill that is before us this session, but also House Bill No. 1724 from last session. There were no provisions in that as it came from the House relating to these subjects, so I do believe it is outside the scope and object."

There being no objection, the President deferred further consideration of Substitute Senate Bill No. 6543.

#### MESSAGE FROM THE HOUSE

February 29, 1996

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6544 with the following amendment(s):

On page 2, line 9, after "any" strike "location" and insert "office"

On page 3, beginning on line 20, strike "duplicate" and insert "separate", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Heavey, the Senate concurred in the House amendments to Engrossed Senate Bill No. 6544.

#### MOTIONS

On motion of Senator Thibaudeau, Senator Haugen was excused.

On motion of Senator Wood, Senator Johnson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6544, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6544, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43.

Excused: Senators Anderson, A., Haugen, Johnson, Loveland, Pelz and Rinehart - 6.

ENGROSSED SENATE BILL NO. 6544, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 27, 1996

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6576 with the following amendment(s):

On page 1, beginning on line 16 strike subsection (a) and reletter the remaining subsections accordingly.

On page 2, line 25 after "AND" insert "IDENTIFYING", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Hargrove, the Senate concurred in the House amendments to Substitute Senate Bill No. 6576.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6576, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6576, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43.

Excused: Senators Anderson, A., Haugen, Johnson, Loveland, Pelz and Rinehart - 6.

SUBSTITUTE SENATE BILL NO. 6576, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MESSAGE FROM THE HOUSE

February 29, 1996

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6583 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 28B.50 RCW to read as follows:

For the purposes of determining eligibility of state-mandated insurance and retirement benefits under RCW 28B.10.400 for part-time academic employees in community and technical colleges, the following definitions shall be used:

(1) "Full-time academic workload" means the number of in-class teaching hours that a full-time instructor must teach to fulfill his or her employment obligations in a given discipline in a given college. If full-time academic workload is defined in a contract adopted through the collective bargaining process, that definition shall prevail. If the full-time workload bargained in a contract includes more than in-class teaching hours, only that portion that is in-class teaching hours may be considered academic workload.

(2) "In-class teaching hours" means contact classroom and lab hours in which full or part-time academic employees are performing contractually assigned teaching duties. The in-class teaching hours shall not include any duties performed in support of, or in addition to, those contractually assigned in-class teaching hours.

(3) "Academic employee" in a community or technical college means any teacher, counselor, librarian, or department head who is employed by a college district, whether full or part-time, with the exception of the chief administrative officer of, and any administrator in, each college district.

(4) "Part-time academic workload" means any percentage of a full-time academic workload for which the part-time academic employee is not paid on the full-time academic salary schedule.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28B.50 RCW to read as follows:

For the purposes of determining eligibility for receipt of state-mandated benefits for part-time academic employees at community and technical colleges, each institution shall report to the appropriate agencies the names of eligible part-time academic employees who qualify for benefits based on calculating the hours worked by part-time academic employees as a percentage of the part-time academic workload to the full-time academic workload in a given discipline in a given institution.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28B.50 RCW to read as follows:

(1) The legislature finds that community colleges and technical colleges have an obligation to carry out their roles and missions in an equitable fashion. The legislature also finds that governing boards for community colleges and technical colleges have a responsibility to provide leadership and guidance to their colleges in the equitable treatment of part-time faculty teaching in the community and technical colleges.

(2) The state board for community and technical colleges shall convene a task force to conduct a best practices audit of compensation packages and conditions of employment for part-time faculty in the community and technical college system. The task force shall include but need not be limited to part-time faculty, full-time faculty, members of the state board, and members of community college and technical college governing boards. In performing the audit, the task force shall focus on the employment of part-time faculty, and shall include the following issues in its deliberations: Salary issues, provision of health and retirement benefits, the implications of increased reliance on part-time rather than full-time faculty, the implications of workload definitions, and tangible and intangible ways to recognize the professional stature of part-time faculty.

(3) The task force shall report its findings to the state board, local governing boards, and other interested parties by August 30, 1996. The report shall include recommendations on a set of best practices principles for the colleges to follow in their employment of part-time faculty. By September 30, 1996, the state board for community and technical colleges shall adopt and periodically update a set of best practices principles for colleges in the community and technical college system to follow in their employment of part-time faculty. The board shall use the best practices principles in the development of its 1997-99 biennial operating budget request. The board shall encourage and, to the extent possible, require each local governing board to adopt and implement the principles.

**NEW SECTION. Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "adding new sections to chapter 28B.50 RCW; and declaring an emergency.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

## MOTION

On motion of Senator Bauer, the Senate concurred in the House amendments to Substitute Senate Bill No. 6583.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6583, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6583, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43.

Excused: Senators Anderson, A., Haugen, Johnson, Loveland, Pelz and Rinehart - 6.

SUBSTITUTE SENATE BILL NO. 6583, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

February 27, 1996

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6636 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 47.38 RCW to read as follows:

The transportation commission may designate interstate safety rest areas, as appropriate, as locations for memorial signs to prisoners of war and those missing in action. The commission shall adopt policies for the placement of memorial signs on interstate safety rest areas and may disapprove any memorial sign that it determines to be inappropriate or inconsistent with the policies. The policies shall include, but are not limited to, guidelines for the size and location of and inscriptions on memorial signs. The secretary shall adopt rules for administering this program. Nonprofit associations may have their name identified on a memorial sign if the association bears the cost of supplying and maintaining the memorial sign.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Owen, the Senate concurred in the House amendment to Substitute Senate Bill No. 6636.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6636, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6636, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45.

Excused: Senators Anderson, A., Haugen, Pelz and Rinehart - 4.

SUBSTITUTE SENATE BILL NO. 6636, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 1996

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6672 with the following amendment(s):

On page 1, beginning on line 5 strike section 1 and renumber the remaining sections accordingly.

On page 2, line 4, after "officer," insert "department of corrections personnel."

On page 2, after line 11 strike subsection (b) and reletter the remaining subsections accordingly., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Hargrove, the Senate refuses to concur in the House amendments to Senate Bill No. 6672 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

February 29, 1996

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6692 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 17.10 RCW to read as follows:

(1) The state noxious weed control board shall:

(a) Work with the various federal and tribal land management agencies to coordinate state and federal noxious weed control;

(b) Encourage the various federal and tribal land management agencies to devote more time and resources to noxious weed control;

and

(c) Assist the various federal and tribal land management agencies by seeking adequate funding for noxious weed control.

(2) County noxious weed control boards and weed districts shall work with the various federal and tribal land management agencies in each county in order to:

(a) Identify new noxious weed infestations;

(b) Outline and plan necessary noxious weed control actions;

(c) Develop coordinated noxious weed control programs; and

(d) Notify local federal and tribal agency land managers of noxious weed infestations.

(3) The department of agriculture, county noxious weed control boards, and weed districts are authorized to enter federal lands to survey for and control noxious weeds where control measures of a type and extent required under this chapter have not been taken. An entity authorized under this subsection to enter federal lands to control noxious weeds may not be held liable for that action.

(4) The department of agriculture, county noxious weed control boards, and weed districts may bill the federal land management agency that manages the land for all costs of the noxious weed control performed on federal land. If not paid by the federal agency that manages the land, the cost of the noxious weed control on federal land may be paid from any funds available to the county noxious weed control board or weed district that performed the noxious weed control. Alternatively, the costs of noxious weed control on federal land may be paid from any funds specifically appropriated to the department of agriculture for that purpose.

(5) The department of agriculture, county noxious weed control boards, and weed districts are authorized to enter into any reasonable agreement with the appropriate authorities for the control of noxious weeds on federal or Indian lands.

(6) The department of agriculture, county noxious weed control boards, and weed districts shall consult with state agencies managing federal land concerning noxious weed infestation and control programs.

(7) The attorney general's office and each county prosecuting attorney's office shall cooperatively assist the department of agriculture, county noxious weed control boards, and weed districts in any challenges to their authority or actions under this chapter, and in the collection of all costs related to noxious weed control performed on federal land.

NEW SECTION. Sec. 2. RCW 17.10.200 and 1987 c 438 s 21, 1979 c 118 s 3, & 1969 ex. s. c 113 s 20 are each repealed.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Rasmussen moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 6692.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Rasmussen that the Senate do concur in the House amendment to Substitute Senate Bill No. 6692.

The motion by Senator Rasmussen carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 6692.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6692, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6692, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45.

Excused: Senators Anderson, A., Haugen, Pelz and Rinehart - 4.

SUBSTITUTE SENATE BILL NO. 6692, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 29, 1996

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6705 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes that up-to-date technology is a critical ingredient in the preparation of an educated and knowledgeable work force and citizenry. Expansion of access to higher education through distance learning is an activity that merits the support of the state legislature.

The development of a distance education system using technology will provide great opportunities for change in the delivery of educational services and deserves due deliberation and coordinated policy planning to ensure that the high standards of program quality and cost-efficient service are enhanced.

The legislature finds that, in order to facilitate lifelong learning, educational technology systems must be coordinated among all educational sectors, with the other entities of federal, state, and local government, and be readily accessible to the general population of the state. It is the intent of the legislature to make maximum use of a common telecommunications backbone network in building or expanding education technology systems.

NEW SECTION. Sec. 2. The higher education network and distance education committee is established with the purpose of designing a higher education distance education network and implementation plan.

The department of information services shall convene, in cooperation with the higher education coordinating board, a committee to assist in the development of the design and implementation plan. The committee shall include the following members or their designees: The director of the department of information services; the executive director of the higher education coordinating board; one community or technical college president, appointed by the state board for community and technical colleges; one president of a public baccalaureate institution, appointed by the council of presidents; the state librarian; the superintendent of public instruction; and on a nonvoting basis, one representative of private colleges and one representative of the computer or telecommunications industry, each appointed by the higher education coordinating board. The committee may appoint advisory subcommittees including, but not limited to, persons representing: The state board of education, the work force training and education coordinating board, the state board for community and technical colleges, the commission on student learning, the higher education coordinating board, educational service districts, higher education administrators, faculty, classified staff, secondary education teachers, parents, students, private institutions of higher education, public libraries, and representatives of the technology and telecommunication industry.

NEW SECTION. Sec. 3. (1) The network design shall: (a) Maximize existing networks and video telecommunications resources owned or operated by the state; (b) minimize duplication of technology resources and education programs or degrees at institutions; (c) provide optimum geographic and social distribution of the benefits of a network; (d) ensure that the network can be expanded and upgraded, is based on an open-architecture model, and connects to national and worldwide information infrastructures; (e) foster partnerships among public, private, and nonprofit entities, including private institutions of higher education; and (f) provide for future access by public entities on a no-cost or low-cost basis. Such entities shall include, but are not limited to public libraries, public hospitals, public schools, and public service agencies.

(2) The design shall detail which sites shall be connected to the network and the technologies to be used at each site. In developing the design, the committee shall evaluate the benefits of purchasing additional hardware versus leasing network services from the public or private sector.

(3) The implementation plan shall prioritize investments into phases to be funded by the legislature. The plan shall also incorporate specific funding options that are appropriate for the 1997 supplemental budget and subsequent biennial budgets. The committee shall ensure that in each phase: (a) The addition of a site or sites to the network will result in a completed link and the capability to operate distance education programs; (b) the sites added in each phase have an approved service delivery plan in accordance with section 4 of this act; and (c) each phase has completed a request for proposal process.

**NEW SECTION. Sec. 4.** Working in conjunction with the committee, the higher education coordinating board shall approve a service delivery plan, including an assessment of community needs, programming, and service levels, that provides for effective use of network resources at each site included in the design of the network. The board shall also approve a network governance structure, ensuring participation by all members of the network.

**NEW SECTION. Sec. 5.** The committee shall submit for approval or modification, the higher education distance education network design and implementation plan to the information services board. Upon approval the board shall submit the design and implementation plan to the office of financial management and the relevant fiscal and policy committees of the legislature by October 1, 1996.

**NEW SECTION. Sec. 6.** A new section is added to chapter 43.105 RCW to read as follows:

(1) The department of information services may receive such gifts, grants, legislative appropriations, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the higher education distance education network and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

(2) The higher education technology account is hereby established in the custody of the state treasurer. The department of information services shall deposit in the account all moneys received from legislative appropriations, gifts, grants, or endowments for higher education technology. Moneys in the account may be spent only for implementation of the higher education network. Disbursements from the account shall be on authorization of the director of the department with approval of the information services board. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

**Sec. 7.** RCW 43.105.032 and 1992 c 20 s 8 are each amended to read as follows:

There is hereby created the Washington state information services board. The board shall be composed of ~~((nine))~~ twelve members. ~~((Seven))~~ Eight members shall be appointed by the governor, one of ~~((which))~~ whom shall be a representative of higher education, one of whom shall be the superintendent of public instruction or shall be appointed by the superintendent of public instruction, one of ~~((which))~~ whom shall be a representative of an agency under a state-wide elected official other than the governor, and ~~((one))~~ two of ~~((which))~~ whom shall be ~~((a))~~ representatives of the private sector. One member shall represent the judicial branch and be appointed by the chief justice of the supreme court. ~~((One member shall represent the legislative branch and shall be selected by the president of the senate and the speaker of the house of representatives.))~~ One member shall represent the house of representatives and shall be selected by the speaker of the house of representatives, and one member shall represent the senate and shall be appointed by the president of the senate. The representatives of the house of representatives and senate shall not be from the same political party. These members shall constitute the membership of the board with full voting rights. Members of the board shall serve at the pleasure of the appointing authority. The director shall be ~~((an ex-officio, nonvoting))~~ a voting member of the board. The board shall select a chairperson from among its members.

Vacancies shall be filled in the same manner that the original appointments were made.

A majority of the members of the board shall constitute a quorum for the transaction of business.

Members of the board shall be compensated for service on the board in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

**Sec. 8.** RCW 28B.80.600 and 1990 c 208 s 9 are each amended to read as follows:

The higher education coordinating board shall provide state-wide coordination ~~((of video))~~ in telecommunications programming ~~((for the public four year higher education institutions)),~~ location selection, meeting community needs, and development of a state-wide higher education telecommunications plan for institutions of higher education.

**NEW SECTION. Sec. 9.** Sections 1 through 5 of this act shall expire June 30, 1997."

On page 1, line 2 of the title, after "technology;" strike the remainder of the title and insert "amending RCW 43.105.032 and 28B.80.600; adding a new section to chapter 43.105 RCW; creating new sections; and providing an expiration date.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Bauer, the Senate refuses to concur in the House amendments to Engrossed Second Substitute Senate Bill No. 6705 and requests of the House a conference thereon.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Second Substitute Senate Bill No. 6705 and the House amendments thereto: Senators Bauer, Wood and Rinehart.

#### MOTION

On motion of Senator Heavey, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

March 1, 1996

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6718 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** A new section is added to chapter 36.22 RCW to read as follows:

In addition to any other charge authorized by law, the county auditor shall charge a surcharge of one dollar per instrument for each document recorded. Revenue generated through this surcharge shall be transmitted monthly to the state treasurer for deposit in the archives and records management account. These funds shall be used solely for providing records scheduling, security microfilm inspection and storage, archival preservation, cataloging, and indexing for local government records through the regional branch archives of the division. This section shall expire June 30, 2001.

**NEW SECTION. Sec. 2.** It is the intent of the legislature that the fee imposed under section 1 of this act be reviewed before the expiration date of that section. The legislature may continue or modify the fee as necessary for adequate and proper funding of the archives and records management account.

**Sec. 3.** RCW 40.14.025 and 1991 sp.s. c 13 s 5 are each amended to read as follows:

(1) The secretary of state and the director of financial management shall jointly establish a ~~((schedule of fees and charges governing the))~~ procedure and formula for allocating the costs of services provided by the division of archives and records management to ~~((other))~~ state agencies ~~((, offices, departments, and other entities. The schedule shall be determined such that the fees and charges will provide the division with funds to meet its anticipated expenditures)).~~ The total amount allotted for services to state agencies shall not exceed the appropriation to the archives and records management account during any allotment period.

There is created the archives and records management account in the state treasury which shall consist of all fees and charges collected under this section, section 1 of this act, and section 4 of this act. The account shall be appropriated exclusively for ~~((use by the secretary of state for))~~ the payment of costs and expenses incurred in the operation of the division of archives and records management as specified by law.

**Sec. 4.** RCW 40.14.027 and 1995 c 292 s 17 are each amended to read as follows:

State agencies shall collect a surcharge of twenty dollars from the judgment debtor upon the satisfaction of a warrant filed in superior court for unpaid taxes or liabilities. The surcharge is imposed on the judgment debtor in the form of a penalty in addition to the filing fee provided in RCW 36.18.012(3). The surcharge revenue shall be transmitted to the state treasurer for deposit in the archives and records management account ~~((or procedures for the collection and transmittal of surcharge revenue to the archives and records management account shall be established cooperatively between the filing agencies and clerks of superior court))~~.

Surcharge revenue deposited in the archives and records management account shall be expended by the secretary of state exclusively for ~~((the payment of costs and expenses incurred in the provision of public archives and records management services to))~~ disaster recovery, essential records protection services, and records management training for local government agencies by the division of archives and records management. The secretary of state shall ~~((work))~~ with local government representatives ~~((to))~~ establish a committee to advise the state archivist on the local government archives and records management program. ~~((Surcharge revenue shall be allocated exclusively to:~~

~~(1) Appraise, process, store, preserve, and provide public research access to original records designated by the state archivist as archival which are no longer required to be kept by the agencies which originally made or filed them;~~

~~(2) Protect essential records, as provided by chapters 40.10 and 40.20 RCW. Permanent facsimiles of essential records shall be produced and placed in security storage with the state archivist;~~

~~(3) Coordinate records retention and disposition management and provide support for the following functions under RCW 40.14.070:~~

~~(a) Advise and assist individual agencies on public records management requirements and practices; and~~

~~(b) Compile, maintain, and regularly update general records retention schedules and destruction authorizations; and~~

~~(4) Develop and maintain standards for the application of recording media and records storage technologies.)~~

NEW SECTION. Sec. 5. This act takes effect on July 1, 1996."

On line 1 of the title, after "management," strike the remainder of the title and insert "amending RCW 40.14.025 and 40.14.027; adding a new section to chapter 36.22 RCW; creating a new section; providing an effective date; and providing an expiration date.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Sutherland, the Senate concurred in the House amendments to Senate Bill No. 6718.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6718, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6718, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 42.

Voting nay: Senators Cantu, Hochstatter and Strannigan - 3.

Excused: Senators Anderson, A., Haugen, Pelz and Rinehart - 4.

SENATE BILL NO. 6718, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 1, 1996

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 6272 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) In accordance with the time line established under subsection (3) of this section, school districts, educational service districts, and their contractors shall require that all employees who have regularly scheduled unsupervised access to children and were hired before June 11, 1992, undergo a record check through the Washington state patrol criminal identification system under RCW 43.43.830 through 43.43.838, 10.97.030, and 10.97.050 and through the federal bureau of investigation. The record check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card. The superintendent of public instruction shall provide a copy of the record report to the employee. Once an employee has a record check as required under this section, additional record checks shall not be required of the employee unless required by other provisions of law.

(2) Employees, school districts, and educational service districts shall not be required by the state patrol or superintendent of public instruction to pay for the record check required in subsection (1) of this section.

(3) Notwithstanding other provisions of law, the state patrol and the superintendent of public instruction shall complete the record checks required in this section no later than July 31, 1999. The state patrol and the superintendent of public instruction shall establish a time line for the submission of fingerprint identification cards and for completion of the record checks, and shall notify the legislature, school districts, and educational service districts of the time line. The time line shall ensure that all of the record checks required by this section are completed by July 31, 1999.

(4) This section expires July 31, 1999.

**Sec. 2.** RCW 28A.410.090 and 1992 c 159 s 4 are each amended to read as follows:

(1) Any certificate or permit authorized under the provisions of this chapter, chapter 28A.405 RCW, or rules ~~((and regulations))~~ promulgated thereunder may be revoked or suspended by the authority authorized to grant the same based upon a criminal records report authorized by law, or upon the complaint of any school district superintendent, educational service district superintendent, or private school administrator for immorality, violation of written contract, unprofessional conduct, intemperance, or crime against the law of the state.

If the superintendent of public instruction has reasonable cause to believe that an alleged violation of this chapter or rules adopted under it has occurred, but no complaint has been filed pursuant to this chapter, and that a school district superintendent, educational service district superintendent, or private school administrator has sufficient notice of the alleged violation and opportunity to file a complaint, the

superintendent of public instruction may cause an investigation to be made of the alleged violation, together with such other matters that may be disclosed in the course of the investigation related to certificated personnel.

(2) Any such certificate or permit authorized under this chapter or chapter 28A.405 RCW shall be revoked by the authority authorized to grant the certificate upon a guilty plea or the conviction of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (excepting motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction. The person whose certificate is in question shall be given an opportunity to be heard. Mandatory permanent revocation upon a guilty plea or the conviction of felony crimes specified under this subsection shall apply to such convictions or guilty pleas which occur after July 23, 1989. Revocation of any certificate or permit authorized under this chapter or chapter 28A.405 RCW for a guilty plea or criminal conviction occurring prior to July 23, 1989, shall be subject to the provisions of subsection (1) of this section.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.400 RCW to read as follows:

(1) When a record check required under section 1 of this act indicates that a classified employee has been convicted of a crime, the employer shall consider the following when making employment decisions pertaining to the individual:

- (a) The age and maturity of the individual at the time the crime was committed;
- (b) The seriousness of the crime and any mitigating factors;
- (c) The likelihood that the crime will be repeated;
- (d) The proximity in time of the crime;
- (e) Evidence that would support good moral character and personal fitness; and
- (f) Other appropriate factors.

(2) This section expires July 1, 1999.

**NEW SECTION. Sec. 4.** (1) Any classified employee or certificated employee dismissed or otherwise adversely affected as a result of a conviction identified in the record check required under section 1 of this act shall be allowed to appeal under the appropriate statutes, including, but not limited to, RCW 28A.400.320 and 28A.400.340 and chapters 28A.645 and 28A.405 RCW.

(2) This section expires July 1, 1999.

**NEW SECTION. Sec. 5.** A new section is added to chapter 28A.400 RCW to read as follows:

The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW on record check information.

The rules shall include, but not be limited to the following:

(1) Written procedures providing a school district employee or applicant for certification or employment access to and review of information obtained based on the record check required under RCW 28A.400.303 and section 1 of this act; and

(2) Written procedures limiting access to the superintendent of public instruction record check data base to only those individuals processing record check information at the office of the superintendent of public instruction, the appropriate school district or districts, and the appropriate educational service district or districts.

**NEW SECTION. Sec. 6.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1996, in the omnibus appropriations act, this act is null and void.

**NEW SECTION. Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "employees;" strike the remainder of the title and insert "amending RCW 28A.410.090; adding new sections to chapter 28A.400 RCW; creating new sections; providing expiration dates; and declaring an emergency.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator McAuliffe, the Senate refuses to concur in the House amendments to Second Substitute Senate Bill No. 6262 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

March 1, 1996

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6513 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds and declares that permanently locating the U.S.S. Missouri in the city of Bremerton will be of significant economic, historical, and educational benefit to the state of Washington. The Washington state ferries will play a significant role in providing access to the U.S.S. Missouri for visitors coming from the east side of Puget Sound. The increase in ridership associated with the attraction will require an investment in new pedestrian facilities that connect the attraction to the Bremerton ferry terminal. In addition, the placement of the U.S.S. Missouri requires complex anchorage and dolphins to protect ferry system navigation lanes. This act supports, in part, the required infrastructure investments and provides financial resources for the Washington state ferries to accomplish the objectives. Additionally, funding is provided for ongoing operation and maintenance costs associated with passenger-only ferry service to the city of Bremerton necessary to support ridership increases associated with visitors to the U.S.S. Missouri.

**Sec. 2.** RCW 82.38.030 and 1989 c 193 s 3 are each amended to read as follows:

(1) There is hereby levied and imposed upon special fuel users a tax at the rate computed in the manner provided in RCW 82.36.025 per gallon or each one hundred cubic feet of compressed natural gas measured at standard pressure and temperature on the use of special fuel in any motor vehicle, or a ferry owned or operated by the state of Washington, operated upon the highways or waterways of this state during the fiscal year for which such rate is applicable.

(2) The tax shall be collected by the special fuel dealer and shall be paid over to the department as hereinafter provided: (a) With respect to all special fuel delivered by a special fuel dealer into supply tanks of motor vehicles or into storage facilities used for the fueling of motor vehicles at unbonded service stations in this state; or (b) in all other transactions where the purchaser is not the holder of a valid special fuel license issued pursuant to this chapter allowing the purchase of untaxed special fuel, except sales of special fuel for export. To claim an exemption on account of sales by a licensed special fuel dealer for export, the purchaser shall obtain from the selling special fuel dealer, and such selling special fuel dealer must furnish the purchaser, an invoice giving such details of the sale for export as the director may require, copies of which shall be furnished the department and the entity of the state or foreign jurisdiction of destination which is charged by the laws of that state or foreign jurisdiction with the control or monitoring or both, of the sales or movement of special fuel in that state or foreign jurisdiction.

(3) The tax shall be paid over to the department by the special fuel user as hereinafter provided with respect to the taxable use of special fuel upon which the tax has not previously been imposed.

It is expressly provided that delivery of special fuel may be made without collecting the tax otherwise imposed, when such deliveries are made by a bonded special fuel dealer to special fuel users who are authorized by the department as hereinafter provided, to purchase fuel without payment of tax to the bonded special fuel dealer.

**Sec. 3.** RCW 82.36.410 and 1973 c 95 s 5 are each amended to read as follows:

All moneys collected by the director shall be transmitted forthwith to the state treasurer, together with a statement showing whence the moneys were derived, and shall be by him credited to the motor vehicle fund. All revenues from fuel purchased for marine use by the state ferry system shall be credited to the Puget Sound ferry operations account created under RCW 47.60.530.

**Sec. 4.** RCW 47.60.530 and 1979 c 27 s 4 are each amended to read as follows:

There is hereby created in the motor vehicle fund the Puget Sound ferry operations account to the credit of which shall be deposited all moneys directed by law to be deposited therein. All moneys deposited in this account shall be expended pursuant to appropriations only for reimbursement of the motor vehicle fund for any state moneys, other than insurance proceeds, expended therefrom for alternate transportation services instituted as a result of the destruction of the Hood Canal bridge, and for maintenance and operation of the Washington state ferries including the Hood Canal bridge, supplementing as required the revenues available from the Washington state ferry system. Revenue attributable to the ferry fuel exemption from taxes under chapters 82.08 and 82.12 RCW, except as provided in section 5 of this act, shall be used to support passenger only ferry service to the city of Bremerton in order to address increased tourism and economic development activities.

**NEW SECTION. Sec. 5.** The sum of three million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1997, from the Puget Sound ferry operations account to the Washington state ferries of the department of transportation for the purpose of reimbursing Kitsap county and the Port of Bremerton for construction of facilities supporting the placement of and access to the national tourist attraction U.S.S. Missouri."

On line 2 of the title, after "Missouri;" strike the remainder of the title and insert "amending RCW 82.38.030, 82.36.410, and 47.60.530; creating a new section; and making an appropriation.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### POINT OF ORDER

Senator Spanel: "Mr. President, I rise to a point of order. I raise the point of order that the House amendments to Substitute Senate Bill No. 6513 expand the scope and object of the bill. Substitute Senate Bill No. 6513 was a one section bill expressing the Legislature's intent to secure a permanent home port for the U.S.S. Missouri in Bremerton. No funding mechanism was provided in the bill as it passed the Senate. Funding was provided in the Capital Budget through the State Building and Construction Account. The House amendments provide a three million dollar appropriation from the Puget Sound Ferry Operations Account for the U.S.S. Missouri. This is a non-capital account; it is a transportation fund.

"In addition, the House amendments provide for a sales and use tax exemption for marine fuel supposedly to fund an appropriation, but the language also provides funds for on-going ferry costs. Mr. President, the Senate's one section bill, without specific funding has been expanded to five sections with funding and a fuel tax exemption. For these reasons, the House amendments expand the scope and object of this bill."

Further debate ensued.

There being no objection, the President deferred further consideration of Substitute Senate Bill No. 6513.

#### MESSAGE FROM HOUSE

March 2, 1996

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 1707 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Hargrove, Carrell and Rust.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Winsley, the Senate refuses to grant the request of the House for a conference and insists on its position regarding the Senate amendment(s) to House Bill No. 1707 and asks the House to concur therein.

#### MOTION

At 5:40 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Tuesday, March 5, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-SEVENTH DAY, MARCH 4, 1996

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**FIFTY-EIGHTH DAY**

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 5, 1996

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cantu, Drew, Pelz, Prince, Roach and Wood. On motion of Senator Hochstatter, Senator Cantu was excused. On motion of Senator Thibaudeau, Senators Drew and Pelz were excused. On motion of Senator Anderson, Senators Prince, Roach and Wood were excused.

The Sergeant at Arms Color Guard, consisting of Pages Candace Taber and Justin Montermini, presented the Colors. Reverend Phil Rue, pastor of the Gloria Dei Lutheran Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 4, 1996

MR. PRESIDENT:

The Speaker has signed:  
SENATE BILL NO. 6089,  
SENATE BILL NO. 6090,  
SUBSTITUTE SENATE BILL NO. 6091,  
SUBSTITUTE SENATE BILL NO. 6126,  
SENATE BILL NO. 6129,  
SENATE BILL NO. 6138,  
SUBSTITUTE SENATE BILL NO. 6169,  
SUBSTITUTE SENATE BILL NO. 6189,  
SUBSTITUTE SENATE BILL NO. 6214,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6266,  
SENATE BILL NO. 6289,  
SENATE BILL NO. 6312,  
SUBSTITUTE SENATE BILL NO. 6315,  
SUBSTITUTE SENATE BILL NO. 6379,  
SENATE BILL NO. 6403,  
ENGROSSED SENATE BILL NO. 6423,  
SUBSTITUTE SENATE BILL NO. 6533,  
SUBSTITUTE SENATE BILL NO. 6551,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6556,  
ENGROSSED SENATE BILL NO. 6566,  
SENATE BILL NO. 6684, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 4, 1996

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following House Bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1231,  
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1967,  
HOUSE BILL NO. 2126,  
ENGROSSED HOUSE BILL NO. 2132,  
HOUSE BILL NO. 2152,  
SUBSTITUTE HOUSE BILL NO. 2188,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2217,  
SUBSTITUTE HOUSE BILL NO. 2311,  
SUBSTITUTE HOUSE BILL NO. 2358,  
SUBSTITUTE HOUSE BILL NO. 2376,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2406,  
ENGROSSED HOUSE BILL NO. 2452,  
SUBSTITUTE HOUSE BILL NO. 2518,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2537,  
SUBSTITUTE HOUSE BILL NO. 2545,  
ENGROSSED HOUSE BILL NO. 2613,

HOUSE BILL NO. 2623,  
SUBSTITUTE HOUSE BILL NO. 2656,  
SUBSTITUTE HOUSE BILL NO. 2689,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2703,  
SUBSTITUTE HOUSE BILL NO. 2720,  
SUBSTITUTE HOUSE BILL NO. 2762,  
HOUSE BILL NO. 2790,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2832,  
ENGROSSED HOUSE BILL NO. 2837,  
HOUSE BILL NO. 2849.

TIMOTHY A. MARTIN, Chief Clerk

March 4, 1996

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED HOUSE BILL NO. 2133,  
SUBSTITUTE HOUSE BILL NO. 2179,  
ENGROSSED HOUSE BILL NO. 2254,  
SUBSTITUTE HOUSE BILL NO. 2338,  
HOUSE BILL NO. 2340,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2343,  
HOUSE BILL NO. 2457,  
SUBSTITUTE HOUSE BILL NO. 2463,  
HOUSE BILL NO. 2559,  
SUBSTITUTE HOUSE BILL NO. 2579,  
HOUSE BILL NO. 2595,  
HOUSE BILL NO. 2636,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2657,  
HOUSE BILL NO. 2661,  
SUBSTITUTE HOUSE BILL NO. 2664,  
SUBSTITUTE HOUSE BILL NO. 2690,  
HOUSE BILL NO. 2726,  
SUBSTITUTE HOUSE BILL NO. 2727,  
SUBSTITUTE HOUSE BILL NO. 2757,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2781,  
HOUSE BILL NO. 2791,  
HOUSE BILL NO. 2811,  
HOUSE BILL NO. 2836,  
ENGROSSED HOUSE BILL NO. 2838, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED HOUSE BILL NO. 2133,  
SUBSTITUTE HOUSE BILL NO. 2179,  
ENGROSSED HOUSE BILL NO. 2254,  
SUBSTITUTE HOUSE BILL NO. 2338,  
HOUSE BILL NO. 2340,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2343,  
HOUSE BILL NO. 2457,  
SUBSTITUTE HOUSE BILL NO. 2463,  
HOUSE BILL NO. 2559,  
SUBSTITUTE HOUSE BILL NO. 2579,  
HOUSE BILL NO. 2595,  
HOUSE BILL NO. 2636,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2657,  
HOUSE BILL NO. 2661,  
SUBSTITUTE HOUSE BILL NO. 2664,  
SUBSTITUTE HOUSE BILL NO. 2690,  
HOUSE BILL NO. 2726,  
SUBSTITUTE HOUSE BILL NO. 2727,  
SUBSTITUTE HOUSE BILL NO. 2757,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2781,  
HOUSE BILL NO. 2791,  
HOUSE BILL NO. 2811,  
HOUSE BILL NO. 2836,  
ENGROSSED HOUSE BILL NO. 2838.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9132, David J. Kjos, as a member of the Spokane Joint Center for Higher Education, was confirmed.

#### APPOINTMENT OF DAVID J. KJOS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.  
Voting yea: Senators Anderson, A., Bauer, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43.

Excused: Senators Cantu, Drew, Pelz, Prince, Roach and Wood - 6.

#### MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9219, Gary Shimada, as a member of the Board of Trustees for Whatcom Community College District No. 21, was confirmed.

#### APPOINTMENT OF GARY SHIMADA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.  
Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45.

Excused: Senators Cantu, Pelz, Prince and Roach - 4.

#### MOTION

On motion of Senator Quigley, Gubernatorial Appointment No. 9182, Michael Kleinberg, as a member of the Board of Pharmacy, was confirmed.

#### APPOINTMENT OF MICHAEL KLEINBERG

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.  
Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Cantu and Prince - 2.

#### MOTION

On motion of Senator Quigley, Gubernatorial Appointment No. 9179, Dr. Allan W. Lobb, as a member of the Health Care Facilities Authority, was confirmed.

#### APPOINTMENT OF DR. ALLAN W. LOBB

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senators Franklin and Hargrove - 2.

Excused: Senator Prince - 1.

#### MOTION

On motion of Senator Drew, Gubernatorial Appointment No. 9262, Senator Harriet A. Spanel, as a member of the Pacific Marine Fisheries Commission, was confirmed.

Senators Drew and McCaslin spoke to the confirmation of Senator Harriet A. Spanel as a member of the Pacific Marine Fisheries Commission.

#### APPOINTMENT OF SENATOR HARRIET A. SPANEL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Prince - 1.

MOTION

On motion of Senator Thibaudeau, Senator Sutherland was excused.

MOTION

On motion of Senator Drew, Gubernatorial Appointment No. 9263, Senator Dean Sutherland, as a member of the Pacific Marine Fisheries Commission, was confirmed.

Senators Drew and Oke spoke to the confirmation of Senator Dean Sutherland as a member of the Pacific Marine Fisheries Commission.

APPOINTMENT OF SENATOR DEAN SUTHERLAND

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senator Rinehart - 1.

Excused: Senators Prince and Sutherland - 2.

MOTION

At 10:40 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 1:38 p.m. by President Pritchard.

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

MESSAGES FROM THE HOUSE

March 4, 1996

MR. PRESIDENT:

The House grants the requests of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 6257. The Speaker has appointed the following members as conferees: Representatives Sheahan, Lambert and Dellwo.

TIMOTHY A. MARTIN, Chief Clerk

March 4, 1996

MR. PRESIDENT:

The House grants the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 6666. The Speaker has appointed the following members as conferees: Representatives Talcott, Carrell and Regala.

TIMOTHY A. MARTIN, Chief Clerk

March 5, 1996

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8431, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5167,  
SECOND SUBSTITUTE SENATE BILL NO. 5175,  
SUBSTITUTE SENATE BILL NO. 5250,  
SECOND SUBSTITUTE SENATE BILL NO. 5516,  
SUBSTITUTE SENATE BILL NO. 5818,  
SUBSTITUTE SENATE BILL NO. 5865,  
SUBSTITUTE SENATE BILL NO. 6078,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6120,  
SUBSTITUTE SENATE BILL NO. 6173,  
SUBSTITUTE SENATE BILL NO. 6180,  
SECOND SUBSTITUTE SENATE BILL NO. 6260,  
ENGROSSED SENATE BILL NO. 6277,  
SENATE BILL NO. 6286,  
SUBSTITUTE SENATE BILL NO. 6322,  
SENATE BILL NO. 6428,  
SUBSTITUTE SENATE BILL NO. 6514,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6521,  
SUBSTITUTE SENATE BILL NO. 6532,  
SUBSTITUTE SENATE BILL NO. 6699,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6753,  
SENATE BILL NO. 6757.

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6168,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6241,  
SENATE BILL NO. 6243,  
ENGROSSED SENATE BILL NO. 6413,  
ENGROSSED SENATE BILL NO. 6544,  
SUBSTITUTE SENATE BILL NO. 6576,  
SUBSTITUTE SENATE BILL NO. 6583,  
SUBSTITUTE SENATE BILL NO. 6636,  
SUBSTITUTE SENATE BILL NO. 6692,  
SENATE BILL NO. 6718,  
SENATE CONCURRENT RESOLUTION NO. 8428.

SIGNED BY THE PRESIDENT

The President signed:  
SENATE CONCURRENT RESOLUTION NO. 8431.

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9193, Elizabeth McInturff, as a member of the Board of Trustees for Spokane and Spokane Falls Community College District No. 17, was confirmed.  
Senators West and Moyer spoke to the confirmation of Elizabeth McInturff as a member of the Board of Trustees for Spokane and Spokane Falls Community College.

MOTIONS

On motion of Senator Thibaudeau, Senators Haugen, Loveland, Pelz, Rinehart and Smith were excused.  
On motion of Senator Anderson, Senator McDonald was excused.

APPOINTMENT OF ELIZABETH McINTURFF

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 42.

Excused: Senators Haugen, Loveland, McDonald, Pelz, Prince, Rinehart and Smith - 7.

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

MESSAGE FROM THE HOUSE

March 1, 1996

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5322 with the following amendment(s):  
Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** A new section is added to chapter 41.26 RCW under the subchapter heading "provisions applicable to plan I and plan II" to read as follows:

(1) A one hundred fifty thousand dollar death benefit shall be paid to the member's estate, or such person or persons, trust or organization as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's death benefit shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) The benefit under this section shall be paid only where death occurs as a result of injuries sustained in the course of employment. The determination of eligibility for the benefit shall be made consistent with Title 51 RCW by the department of labor and industries. The department of labor and industries shall notify the department of retirement systems by order under RCW 51.52.050.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.43 RCW to read as follows:

(1) A one hundred fifty thousand dollar death benefit shall be paid to the member's estate, or such person or persons, trust or organization as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's death benefit shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) The benefit under this section shall be paid only where death occurs as a result of injuries sustained in the course of employment. The determination of eligibility for the benefit shall be made consistent with Title 51 RCW by the department of labor and industries. The department of labor and industries shall notify the department of retirement systems by order under RCW 51.52.050.

**NEW SECTION. Sec. 3.** The Joint Committee on Pension Policy will conduct a study on providing a similar death benefit for volunteer fire fighters and reserve law enforcement officers and report back to the appropriate legislative committees by December 1, 1996.

**NEW SECTION. Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Correct title accordingly., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Drew, the Senate concurred in the House amendment to Engrossed Second Substitute Senate Bill No. 5322. The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5322, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5322, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 6; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Johnson, Kohl, Long, McAuliffe, McCaslin, Moyer, Owen, Prentice, Prince, Quigley, Rasmussen, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 38.

Voting nay: Senators Cantu, Hochstatter, Morton, Newhouse, Oke and Schow - 6.

Excused: Senators Haugen, Loveland, McDonald, Pelz and Rinehart - 5.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5322, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

#### MOTION

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

#### SENATE RESOLUTION 1996-8707

By Senators Snyder, Strannigan, Roach, Heavey, Goings and Spanel

WHEREAS, Howard Vietzke began his career as a firefighter on January 23, 1956, when he joined the Spokane Fire Department; and

WHEREAS, Vietzke worked his way up to the rank of Fire Lieutenant on September 9, 1969; and

WHEREAS, In addition to his firefighting duties, Vietzke was active in the firefighters' union and served as Secretary-Treasurer of the Washington State Council of Firefighters for nine years; and

WHEREAS, Vietzke retired on January 24, 1985, after serving twenty-nine years with the Spokane Fire Department; and

WHEREAS, Vietzke continued his efforts to secure better working conditions for his fellow firefighters as Legislative Director for the Washington State Council of Firefighters, a post he has held since November, 1981; and

WHEREAS, In that position, Vietzke has fought to protect and improve pension provisions for LEOFF firefighters; and

WHEREAS, Vietzke also was instrumental in bringing to the attention of lawmakers, the issue of presumptive lung disease for firefighters; and

WHEREAS, Vietzke has distinguished himself as a tireless advocate on behalf of the thousands of men and women who protect our homes and property; and

WHEREAS, The Legislature will be losing this valued friend and ally as Vietzke has announced plans to retire from his legislative career on the first of July;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognizes Howard Vietzke for his decades of service to his fellow firefighters and commends him for his dedicated work on their behalf; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit a copy of this resolution to Howard Vietzke.

Senators Snyder, Sheldon, Pelz, Heavey, Kohl and Long spoke to Senate Resolution 1996-8707.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Howard Vietzke, who was seated in the gallery.

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

#### MESSAGE FROM THE HOUSE

March 1, 1996

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6597 with the following amendment(s):  
Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70B.080 and 1995 c 347 s 409 are each amended to read as follows:

(1) Development regulations adopted pursuant to RCW 36.70A.040 shall establish time periods consistent with RCW 36.70B.090 for local government actions on specific project permit applications and provide timely and predictable procedures to determine whether a completed project permit application meets the requirements of those development regulations. Such development regulations shall specify the contents of a completed project permit application necessary for the application of such time periods and procedures.

(2) Development regulations adopted under RCW 36.70A.040 shall include procedures to facilitate the conduct of voluntary preapplication meetings between a potential permit applicant, involved governmental entities, adjacent property owners, or other classes of groups and individuals deemed appropriate by the city or county. Participation or nonparticipation in such a meeting does not affect an individual's or group's standing in a legal action that might be brought concerning a subsequent permit application. Nothing in this section precludes development regulations from also establishing or using a process involving only a potential permit applicant and the local government.

(3) In jurisdictions planning under this chapter that have adopted regulations restricting the use of private property, those regulations shall provide for the use of a reasonable use exception in accordance with this section.

(4) Because government has no right to treat people unreasonably in regard to their rights in real property, a reasonable use exception is required to avoid unreasonable burdens on property owners.

(5) A reasonable use exception from development regulations must be granted under the following circumstances:

(a) The development regulation or the application thereof:

(i) Directly or effectively precludes the type or intensity of uses allowed by the provision of the zoning ordinance which identifies the type and intensity or density of uses permitted in the zoning designation; or

(ii) Directly or effectively precludes substantially all reasonable economic uses of any part of the property; and

(b) The development regulation is not preventing, mitigating, or abating a nuisance as defined by the laws of this state or as recognized under the common law standards for defining a nuisance.

(6) The relief granted by a reasonable use exception must mitigate the loss, if any, in fair market value of the real property caused by restriction identified in subsection (5) of this section.

(7) "Reasonable economic uses" are uses of property that are more than nominal or passive, that are proportionate to and compatible with actual uses of property in the immediate area.

(8) "Private property" means all real property or an interest in real property recognized under Washington law, including but not limited to: Estates in fee; life estates; estates for years or otherwise; inchoate interests in real property such as remainders and future interests; personalty that is affixed or appurtenant to real property; easements; covenants; leaseholds; the right to use water or the right to receive water; or rents, issues, and profits of land, including minerals, timber, and crops.

(9) Nothing in this section may be interpreted to prevent a jurisdiction from purchasing an interest in property under the laws of eminent domain.

**Sec. 2.** RCW 36.70B.080 and 1995 c 347 s 410 are each amended to read as follows:

(1) Development regulations adopted pursuant to RCW 36.70A.040 shall establish time periods for local government actions on specific project permit applications and provide timely and predictable procedures to determine whether a completed project permit application meets the requirements of those development regulations. Such development regulations shall specify the contents of a completed project permit application necessary for the application of such time periods and procedures.

(2) Development regulations adopted under RCW 36.70A.040 shall include procedures to facilitate the conduct of voluntary preapplication meetings between a potential permit applicant, involved governmental entities, adjacent property owners, or other classes of groups and individuals deemed appropriate by the city or county. Participation or nonparticipation in such a meeting does not affect an individual's or group's standing in a legal action that might be brought concerning a subsequent permit application. Nothing in this section precludes development regulations from also establishing or using a process involving only a potential permit applicant and the local government.

(3) In jurisdictions planning under this chapter that have adopted regulations restricting the use of private property, those regulations shall provide for the use of a reasonable use exception in accordance with this section.

(4) Because government has no right to treat people unreasonably in regard to their rights in real property, a reasonable use exception is required to avoid unreasonable burdens on property owners.

(5) A reasonable use exception from development regulations must be granted under the following circumstances:

(a) The development regulation or the application thereof:

(i) Directly or effectively precludes the type or intensity of uses allowed by the provision of the zoning ordinance which identifies the type and intensity or density of uses permitted in the zoning designation; or

(ii) Directly or effectively precludes all reasonable economic uses of any part of the property; and

(b) The development regulation is not preventing, mitigating, or abating a nuisance as defined by the laws of this state or as recognized under the common law standards for defining a nuisance.

(6) The relief granted by a reasonable use exception must mitigate the loss, if any, in fair market value of the real property caused by restriction identified in subsection (5) of this section.

(7) "Reasonable economic uses" are uses of property that are more than nominal or passive, that are proportionate to and compatible with actual uses of property in the immediate area.

(8) "Private property" means all real property or an interest in real property recognized under Washington law, including but not limited to: Estates in fee; life estates; estates for years or otherwise; inchoate interests in real property such as remainders and future interests; personalty that is affixed or appurtenant to real property; easements; covenants; leaseholds; the right to use water or the right to receive water; or rents, issues, and profits of land, including minerals, timber, and crops.

(9) Nothing in this section may be interpreted to prevent a jurisdiction from purchasing an interest in property under the laws of eminent domain.

**NEW SECTION. Sec. 3.** A new section is added to chapter 35.22 RCW to read as follows:

Development regulations adopted under this chapter shall include procedures to facilitate the conduct of voluntary preapplication meetings between a potential permit applicant, involved governmental entities, adjacent property owners, or other classes of groups and individuals deemed appropriate by the first class city. Participation or nonparticipation in such a meeting does not affect an individual's or group's standing in a legal action that might be brought concerning a subsequent permit application. Nothing in this section precludes development regulations from also establishing or using a process involving only a potential permit applicant and the local government.

**NEW SECTION. Sec. 4.** A new section is added to chapter 35.22 RCW to read as follows:

(1) In jurisdictions planning under this chapter that have adopted regulations restricting the use of private property, those regulations shall provide for the use of a reasonable use exception in accordance with this section.

(2) Because government has no right to treat people unreasonably in regard to their rights in real property, a reasonable use exception is required to avoid unreasonable burdens on property owners.

(3) A reasonable use exception from development regulations must be granted under the following circumstances:

(a) The development regulation or the application thereof:

(i) Directly or effectively precludes the type or intensity of uses allowed by the provision of the zoning ordinance which identifies the type and intensity or density of uses permitted in the zoning designation; or

(ii) Directly or effectively precludes all reasonable economic uses of any part of the property; and

(b) The development regulation is not preventing, mitigating, or abating a nuisance as defined by the laws of this state or as recognized under the common law standards for defining a nuisance.

(4) The relief granted by a reasonable use exception must mitigate the loss, if any, in fair market value of the real property caused by restriction identified in subsection (3) of this section.

(5) "Reasonable economic uses" are uses of property that are more than nominal or passive, that are proportionate to and compatible with actual uses of property in the immediate area.

(6) "Private property" means all real property or an interest in real property recognized under Washington law, including but not limited to: Estates in fee; life estates; estates for years or otherwise; inchoate interests in real property such as remainders and future interests; personalty that is affixed or appurtenant to real property; easements; covenants; leaseholds; the right to use water or the right to receive water; or rents, issues, and profits of land, including minerals, timber, and crops.

(7) Nothing in this section may be interpreted to prevent a jurisdiction from purchasing an interest in property under the laws of eminent domain.

**NEW SECTION. Sec. 5.** A new section is added to chapter 35.63 RCW to read as follows:

Development regulations adopted under this chapter shall include procedures to facilitate the conduct of voluntary preapplication meetings between a potential permit applicant, involved governmental entities, adjacent property owners, or other classes of groups and individuals deemed appropriate by the city. Participation or nonparticipation in such a meeting does not affect an individual's or group's standing in a legal action that might be brought concerning a subsequent permit application. Nothing in this section precludes development regulations from also establishing or using a process involving only a potential permit applicant and the local government.

**NEW SECTION. Sec. 6.** A new section is added to chapter 35.63 RCW to read as follows:

(1) In jurisdictions planning under this chapter that have adopted regulations restricting the use of private property, those regulations shall provide for the use of a reasonable use exception in accordance with this section.

(2) Because government has no right to treat people unreasonably in regard to their rights in real property, a reasonable use exception is required to avoid unreasonable burdens on property owners.

(3) A reasonable use exception from development regulations must be granted under the following circumstances:

(a) The development regulation or the application thereof:

(i) Directly or effectively precludes the type or intensity of uses allowed by the provision of the zoning ordinance which identifies the type and intensity or density of uses permitted in the zoning designation; or

(ii) Directly or effectively precludes all reasonable economic uses of any part of the property; and

(b) The development regulation is not preventing, mitigating, or abating a nuisance as defined by the laws of this state or as recognized under the common law standards for defining a nuisance.

(4) The relief granted by a reasonable use exception must mitigate the loss, if any, in fair market value of the real property caused by restriction identified in subsection (3) of this section.

(5) "Reasonable economic uses" are uses of property that are more than nominal or passive, that are proportionate to and compatible with actual uses of property in the immediate area.

(6) "Private property" means all real property or an interest in real property recognized under Washington law, including but not limited to: Estates in fee; life estates; estates for years or otherwise; inchoate interests in real property such as remainders and future interests; personalty that is affixed or appurtenant to real property; easements; covenants; leaseholds; the right to use water or the right to receive water; or rents, issues, and profits of land, including minerals, timber, and crops.

(7) Nothing in this section may be interpreted to prevent a jurisdiction from purchasing an interest in property under the laws of eminent domain.

**NEW SECTION. Sec. 7.** A new section is added to chapter 35A.63 RCW to read as follows:

Development regulations adopted under this chapter shall include procedures to facilitate the conduct of voluntary preapplication meetings between a potential permit applicant, involved governmental entities, adjacent property owners, or other classes of groups and individuals deemed appropriate by the code city. Participation or nonparticipation in such a meeting does not affect an individual's or group's standing in a legal action that might be brought concerning a subsequent permit application. Nothing in this section precludes development regulations from also establishing or using a process involving only a potential permit applicant and the local government.

**NEW SECTION. Sec. 8.** A new section is added to chapter 35A.63 RCW to read as follows:

(1) In jurisdictions planning under this chapter that have adopted regulations restricting the use of private property, those regulations shall provide for the use of a reasonable use exception in accordance with this section.

(2) Because government has no right to treat people unreasonably in regard to their rights in real property, a reasonable use exception is required to avoid unreasonable burdens on property owners.

(3) A reasonable use exception from development regulations must be granted under the following circumstances:

(a) The development regulation or the application thereof:

(i) Directly or effectively precludes the type or intensity of uses allowed by the provision of the zoning ordinance which identifies the type and intensity or density of uses permitted in the zoning designation; or

(ii) Directly or effectively precludes all reasonable economic uses of any part of the property; and

(b) The development regulation is not preventing, mitigating, or abating a nuisance as defined by the laws of this state or as recognized under the common law standards for defining a nuisance.

(4) The relief granted by a reasonable use exception must mitigate the loss, if any, in fair market value of the real property caused by restriction identified in subsection (3) of this section.

(5) "Reasonable economic uses" are uses of property that are more than nominal or passive, that are proportionate to and compatible with actual uses of property in the immediate area.

(6) "Private property" means all real property or an interest in real property recognized under Washington law, including but not limited to: Estates in fee; life estates; estates for years or otherwise; inchoate interests in real property such as remainders and future interests; personalty that is affixed or appurtenant to real property; easements; covenants; leaseholds; the right to use water or the right to receive water; or rents, issues, and profits of land, including minerals, timber, and crops.

(7) Nothing in this section may be interpreted to prevent a jurisdiction from purchasing an interest in property under the laws of eminent domain.

**NEW SECTION. Sec. 9.** A new section is added to chapter 36.70 RCW to read as follows:

Development regulations adopted under this chapter shall include procedures to facilitate the conduct of voluntary preapplication meetings between a potential permit applicant, involved governmental entities, adjacent property owners, or other classes of groups and individuals deemed appropriate by the county. Participation or nonparticipation in such a meeting does not affect an individual's or group's standing in a legal action that might be brought concerning a subsequent permit application. Nothing in this section precludes development regulations from also establishing or using a process involving only a potential permit applicant and the local government.

**NEW SECTION. Sec. 10.** A new section is added to chapter 36.70 RCW to read as follows:

(1) In jurisdictions planning under this chapter that have adopted regulations restricting the use of private property, those regulations shall provide for the use of a reasonable use exception in accordance with this section.

(2) Because government has no right to treat people unreasonably in regard to their rights in real property, a reasonable use exception is required to avoid unreasonable burdens on property owners.

- (3) A reasonable use exception from development regulations must be granted under the following circumstances:
- (a) The development regulation or the application thereof:
    - (i) Directly or effectively precludes the type or intensity of uses allowed by the provision of the zoning ordinance which identifies the type and intensity or density of uses permitted in the zoning designation; or
    - (ii) Directly or effectively precludes all reasonable economic uses of any part of the property; and
  - (b) The development regulation is not preventing, mitigating, or abating a nuisance as defined by the laws of this state or as recognized under the common law standards for defining a nuisance.
  - (4) The relief granted by a reasonable use exception must mitigate the loss, if any, in fair market value of the real property caused by restriction identified in subsection (3) of this section.
  - (5) "Reasonable economic uses" are uses of property that are more than nominal or passive, that are proportionate to and compatible with actual uses of property in the immediate area.
  - (6) "Private property" means all real property or an interest in real property recognized under Washington law, including but not limited to: Estates in fee; life estates; estates for years or otherwise; inchoate interests in real property such as remainders and future interests; personalty that is affixed or appurtenant to real property; easements; covenants; leaseholds; the right to use water or the right to receive water; or rents, issues, and profits of land, including minerals, timber, and crops.
  - (7) Nothing in this section may be interpreted to prevent a jurisdiction from purchasing an interest in property under the laws of eminent domain.

NEW SECTION. Sec. 11. Development regulations providing for a reasonable use exception under this act shall be adopted by the appropriate county or city no later than January 1, 1997.

NEW SECTION. Sec. 12. Section 1 of this act shall expire July 1, 1998.

NEW SECTION. Sec. 13. Section 2 of this act shall take effect July 1, 1998."

On page 1, line 2 of the title, after "exceptions;" strike the remainder of the title and insert "amending RCW 36.70B.080 and 36.70B.080; adding new sections to chapter 35.22 RCW; adding new sections to chapter 35.63 RCW; adding new sections to chapter 35A.63 RCW; adding new sections to chapter 36.70 RCW; creating a new section; providing an effective date; and providing an expiration date.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Sheldon moved that the Senate refuse to concur in the House amendments to Substitute Senate Bill No. 6597 and requests of the House a conference thereon.

#### MOTION

Senator West moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 6597.

#### MOTION

On motion of Senator Spanel, further consideration of Substitute Senate Bill No. 6597 was deferred.

#### MESSAGE FROM THE HOUSE

March 1, 1996

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6680 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Public officials, public employees, legislators, and citizens recognize the need to review the value and relative priority of many programs throughout state government in the context of constantly changing conditions, limitations, and requirements for state government. They also share the objective of improving the performance of state agencies and programs, thereby increasing effectiveness and efficiency.

The legislature must become more effective in its role of directing public policy and ensuring the public accountability of state programs, managers, and employees. With the support of the legislature, the executive branch must implement practices and processes that will improve performance, accountability, and public confidence in state government. The governor and the legislature shall use results from the performance assessment processes established by this chapter in establishing state budget policy and priorities. The budget process must become an effective means of ensuring compliance with performance improvement requirements.

The purpose of this chapter is to ensure that all state agencies and programs have a valid and necessary mission and that the agencies have clearly defined performance objectives, quality objectives, and cost objectives that are appropriately balanced. Each agency and program should operate within a strategic plan that includes the mission of the agency or program, measurable goals, strategies, and performance measurement systems that are vital tools used for agency management, legislative budget and policy deliberations, and public accountability. State agencies should engage customers, taxpayers, employees, and the legislature in the development and redevelopment of these plans. The strategic plans should be the framework within which agencies continuously assess the value and relative priority of their various functions. In order to streamline state government and redirect resources more effectively, the legislature intends to begin a systematic, fundamental review of the functions of state programs.

In developing future legislation to create new programs and activities in state government, or redirect existing programs and activities, the legislature shall include in such legislation the specific purpose and measurable goals of the program or activity.

NEW SECTION. Sec. 2. The legislative committee on performance review is established.

(1) The thirteen-member committee consists of:

- (a) The majority leader of the senate;
- (b) The majority leader of the house of representatives;
- (c) The minority leader of the senate;
- (d) The minority leader of the house of representatives;
- (e) The chair and ranking minority member of the senate ways and means committee;
- (f) The chair and ranking minority member of the house of representatives appropriations committee;
- (g) Four additional members, one each from the majority and minority caucuses of the senate and the house of representatives; and
- (h) The lieutenant governor, who shall serve as a nonvoting member and chair of the committee.

(2) Members of the committee shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending meetings of the committee or any subcommittee or on other business authorized by the committee.

(3) An executive committee is established, consisting of the majority leader and minority leader of the senate and the majority leader and minority leader of the house of representatives. The function of the executive committee is to appoint the director of the legislative office of performance review. Approval by an affirmative vote of at least three members of the committee is required for decisions regarding employment of the director. Employment of the director terminates after each term of three years. At the end of the first year of each three-year term, the committee shall consider extension of the term by one year. However, at any time during the term of office, the employment of the director may be terminated by a unanimous vote of the executive committee. The executive committee shall set the salary of the director.

**NEW SECTION. Sec. 3.** (1) The director shall establish and manage a legislative office of performance review to carry out the functions described in this chapter.

(2) In consultation with the executive committee, the director may select and employ personnel necessary to carry out the purposes of this chapter. Salaries for employees of the legislative office of performance review, other than the director, shall be set with the approval of the executive committee, the secretary of the senate, and the chief clerk of the house of representatives.

(3) The director has primary responsibility for performance reviews of state agencies, programs, and activities. The director shall consult with the state auditor, the legislative auditor of the legislative budget committee, and the director of financial management in the conduct of performance reviews. The director shall also consult with the chairs and staff of the appropriate legislative standing committees.

**NEW SECTION. Sec. 4.** (1) Performance reviews under this chapter shall include a rethinking of the programs and functions of state agencies to assess whether or not they have a vital purpose or valid mission. The director shall work to involve frontline employees, agency and program managers, customers of the program or service, other taxpayers, legislators, legislative staff, office of financial management staff, and other external public and private sector experts as deemed appropriate in conducting performance reviews. The director shall, as necessary, contract with experts from either the private or public sector to assist in performance reviews.

(2) In preparation for a performance review, a state agency shall identify each of its discrete functions or activities, along with associated costs and full-time equivalent staff, as requested by the director. In reviewing the agency or program, the director shall identify those activities and programs that should be strengthened, those that should be abandoned, and those that need to be redirected or other alternatives explored. The review should consider: (a) Whether or not the purpose for which the agency or program was created is still valid based on the circumstances under which the program was created versus those that exist at the time of the review; (b) the relative priority of the program among the agency's functions; (c) costs or implications of not performing the function; (d) citizen's individual responsibilities and freedoms; (e) whether or not the mission of the agency or program is attainable considering the effect of factors and circumstances beyond the control of the agency; and (f) in the event of inadequate performance by the program, the potential for a workable, affordable plan to improve performance.

(3) Performance reviews must also determine the existence and utility of an agency or program strategic plan that includes a concise statement of the agency's or program's mission, a vision for future direction, measurable goals and objectives, and clear strategies and specific timelines to achieve them. The director shall determine the extent to which the plan: (a) Forms the basis of agency management practices and continuous process reevaluation and improvement; (b) can be used to clearly identify and prioritize agency functions; (c) provides a valuable basis for legislative policy and budget deliberations; (d) is used to ensure accountability of employees, particularly managers, for achieving program goals, and is a primary consideration in retention and promotion of staff; (e) is used to assess the quality and effectiveness of the agency's programs and activities; (f) appropriately balances cost objectives, quality objectives, and performance objectives; and (g) is useful in demonstrating public accountability. The agency strategic plan shall provide for periodic self-assessment by the agency to determine whether the agency is achieving the goals and objectives of its programs. Where self-assessments have been completed by an agency, the assessments must be incorporated into a performance review conducted under this chapter.

(4) If the state agency or program being reviewed has not identified acceptable organizations or programs in the public or private sector to be used as benchmarks against which to measure its performance, the director shall conduct a review sufficient to recommend such benchmarks to the agency, the governor, and the legislature.

(5) As a part of each performance review and in consultation with the director of the agency being reviewed and the director of financial management, the director of the legislative office of performance review shall develop recommendations regarding statutes that inhibit or do not contribute to the agency's ability to perform its functions effectively and efficiently.

(6) Based on the information and conclusions compiled from the work required in subsections (1) through (5) of this section, the director shall develop an advisory recommendation for the governor and the legislature regarding whether an agency, programs of an agency, or activities within an agency should be continued, abandoned, or restructured.

**NEW SECTION. Sec. 5.** Before the completion of each legislative session and in conjunction with development of the final omnibus appropriations act, the legislative committee on performance review shall approve a performance review plan for the next twelve to fifteen months. The performance review plan must include a schedule of agencies, programs, or activities for which performance reviews will be initiated during that period. The plan must also include anticipated performance review revolving fund charges to each individual agency scheduled for review. Appropriations for scheduled agencies shall be adjusted in the omnibus appropriations act to reflect the anticipated charges. For each performance review included, the plan must identify the role of the legislative office of performance review and the state auditor, as well as the need to contract for additional public or private sector expertise. In preparing a draft plan for consideration by the committee, the director shall consult with the state auditor, the chair and staff of the legislative budget committee, the director of financial management, and the chairs and staff of appropriate legislative standing committees. The committee shall meet quarterly to review progress on the plan and, if necessary, revise the plan.

**NEW SECTION. Sec. 6.** When the director has completed a performance review and before public release of the findings, the affected agency and the office of financial management may respond to the review. The director shall incorporate the agency's and the office of financial management's response into the final report. The legislative committee on performance review may also review and comment on the director's findings. The director shall include the comments of the committee in the final report as a separate addendum. Final reports of findings of the director from agency and program performance reviews must be transmitted to the agency, the director of financial management, and appropriate legislative committees and must be made available for public review.

**NEW SECTION. Sec. 7.** The performance review revolving fund is established in the state treasury. Expenditures from the fund may be spent only by appropriation. The fund is established to assist in recovering the costs of performance reviews from the audited agency or program. Subject to appropriation, the director shall assess agencies all or a portion of the cost of performance reviews.

The cost of performance reviews includes all direct and indirect costs and other expenses incurred by the director in fulfilling his or her statutory responsibilities.

Costs of the reviews may also be paid from other funds appropriated to the legislative office of performance review.

**NEW SECTION. Sec. 8.** To ensure the accuracy and timeliness of information used as the basis for performance reviews and other responsibilities of the legislature, the director shall be provided direct and unrestricted access to information held by any state agency. Agencies shall submit directly to the legislative office of performance review, on a confidential basis, all data and other information requested, including tax records and client data.

**Sec. 9.** RCW 43.88.030 and 1994 c 247 s 7 and 1994 c 219 s 2 are each reenacted and amended to read as follows:

(1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. The director shall provide agencies that are required under RCW 44.40.070 to develop comprehensive six-year program and financial plans with a complete set of instructions for submitting these program and financial plans at the same time that instructions for submitting other budget requests are provided. The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period, as well as an outline of the proposed six-year financial policies where applicable, and shall describe in connection therewith the important features of the budget. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period, or six-year period where applicable, based upon the estimated revenues as approved by the economic and revenue forecast council or upon the estimated revenues of the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast, including those revenues anticipated to support the six-year programs and financial plans under RCW 44.40.070. In estimating revenues to support financial plans under RCW 44.40.070, the office of financial management shall rely on information and advice from the interagency revenue task force. Revenues shall be estimated for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document, including the supplemental budgets submitted in the even-numbered years of a biennium. However, the estimated revenues for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers and revenue estimates dependent upon budgetary assumptions of enrollments, workloads, and caseloads. All adjustments to the approved estimated revenues must be set forth in the budget document. The governor may additionally submit, as an appendix to each supplemental, biennial, or six-year agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

Supplemental and biennial documents shall reflect a six-year expenditure plan consistent with estimated revenues from existing sources and at existing rates for those agencies required to submit six-year program and financial plans under RCW 44.40.070. Any additional revenue resulting from proposed changes to existing statutes shall be separately identified within the document as well as related expenditures for the six-year period.

The budget document or documents shall also contain:

(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, those anticipated for the ensuing biennium, and those anticipated for the ensuing six-year period to support the six-year programs and financial plans required under RCW 44.40.070;

(b) The undesignated fund balance or deficit, by fund;

(c) Such additional information dealing with expenditures, revenues, workload, performance, and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, activity and object;

(f) A delineation of each agency's activities, including those activities funded from nonbudgeted, nonappropriated sources, including funds maintained outside the state treasury;

(g) Identification of all proposed direct expenditures to implement the Puget Sound water quality plan under chapter 90.70 RCW, shown by agency and in total; and

(h) Tabulations showing each postretirement adjustment by retirement system established after fiscal year 1991, to include, but not be limited to, estimated total payments made to the end of the previous biennial period, estimated payments for the present biennium, and estimated payments for the ensuing biennium.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of beginning undesignated fund balance and estimated revenues less working capital and other reserves shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

(a) Interest, amortization and redemption charges on the state debt;

(b) Payments of all reliefs, judgments and claims;

(c) Other statutory expenditures;

(d) Expenditures incident to the operation for each agency;

(e) Revenues derived from agency operations;

(f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium, as well as those required to support the six-year programs and financial plans required under RCW 44.40.070;

(g) A showing and explanation of amounts of general fund and other funds obligations for debt service and any transfers of moneys that otherwise would have been available for appropriation;

(h) Common school expenditures on a fiscal-year basis;

(i) A showing, by agency, of the value and purpose of financing contracts for the lease/purchase or acquisition of personal or real property for the current and ensuing fiscal periods; ~~(and)~~

(j) A showing and explanation of anticipated amounts of general fund and other funds required to amortize the unfunded actuarial accrued liability of the retirement system specified under chapter 41.45 RCW, and the contributions to meet such amortization, stated in total dollars and as a level percentage of total compensation; ~~and~~

(k) For each agency, a description of the findings and recommendations of any applicable review by the legislative office of performance review conducted during the prior fiscal period. The budget document must describe the potential costs and savings associated with implementing the findings and recommendations, including any recommendations for program eliminations.

(3) A separate capital budget document or schedule shall be submitted that will contain the following:

(a) A statement setting forth a long-range facilities plan for the state that identifies and includes the highest priority needs within affordable spending levels;

(b) A capital program consisting of proposed capital projects for the next biennium and the two biennia succeeding the next biennium consistent with the long-range facilities plan. Inasmuch as is practical, and recognizing emergent needs, the capital program shall reflect the priorities, projects, and spending levels proposed in previously submitted capital budget documents in order to provide a reliable long-range planning tool for the legislature and state agencies;

(c) A capital plan consisting of proposed capital spending for at least four biennia succeeding the next biennium;

(d) A statement of the reason or purpose for a project;

(e) Verification that a project is consistent with the provisions set forth in chapter 36.70A RCW;

(f) A statement about the proposed site, size, and estimated life of the project, if applicable;

(g) Estimated total project cost;

(h) For major projects valued over five million dollars, estimated costs for the following project components: Acquisition, consultant services, construction, equipment, project management, and other costs included as part of the project. Project component costs shall be displayed in a standard format defined by the office of financial management to allow comparisons between projects;

- (i) Estimated total project cost for each phase of the project as defined by the office of financial management;
- (j) Estimated ensuing biennium costs;
- (k) Estimated costs beyond the ensuing biennium;
- (l) Estimated construction start and completion dates;
- (m) Source and type of funds proposed;
- (n) Estimated ongoing operating budget costs or savings resulting from the project, including staffing and maintenance costs;

(o) For any capital appropriation requested for a state agency for the acquisition of land or the capital improvement of land in which the primary purpose of the acquisition or improvement is recreation or wildlife habitat conservation, the capital budget document, or an omnibus list of recreation and habitat acquisitions provided with the governor's budget document, shall identify the projected costs of operation and maintenance for at least the two biennia succeeding the next biennium. Omnibus lists of habitat and recreation land acquisitions shall include individual project cost estimates for operation and maintenance as well as a total for all state projects included in the list. The document shall identify the source of funds from which the operation and maintenance costs are proposed to be funded;

- (p) Such other information bearing upon capital projects as the governor deems to be useful;
- (q) Standard terms, including a standard and uniform definition of maintenance for all capital projects;
- (r) Such other information as the legislature may direct by law or concurrent resolution.

For purposes of this subsection (3), the term "capital project" shall be defined subsequent to the analysis, findings, and recommendations of a joint committee comprised of representatives from the house capital appropriations committee, senate ways and means committee, legislative transportation committee, legislative evaluation and accountability program committee, and office of financial management.

(4) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document or report presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative evaluation and accountability program committee if the legislature is not in session.

**Sec. 10.** RCW 43.88.090 and 1994 c 184 s 10 are each amended to read as follows:

(1) For purposes of developing budget proposals to the legislature, the governor shall have the power, and it shall be the governor's duty, to require from proper agency officials such detailed estimates and other information in such form and at such times as the governor shall direct. The estimates for the legislature and the judiciary shall be transmitted to the governor and shall be included in the budget without revision. The estimates for state pension contributions shall be based on the rates provided in chapter 41.45 RCW. Copies of all such estimates shall be transmitted to the standing committees on ways and means of the house and senate at the same time as they are filed with the governor and the office of financial management.

The estimates shall include statements or tables which indicate, by agency, the state funds which are required for the receipt of federal matching revenues. The estimates shall be revised as necessary to reflect legislative enactments and adopted appropriations and shall be included with the initial biennial allotment submitted under RCW 43.88.110.

(2) Each state agency shall define its mission and establish measurable goals for achieving desirable results for those who receive its services and the taxpayers who pay for those services. Each agency shall also develop clear strategies and timelines to achieve its goals. This section does not require an agency to develop a new mission or goals in place of identifiable missions or goals that meet the intent of this section. The mission and goals of each agency must conform to statutory direction and limitations.

(3) For the purpose of assessing program performance, each state agency shall establish program objectives for each major program in its budget. The objectives must be consistent with the missions and goals developed under this section. The objectives must be expressed to the extent practicable in outcome-based, objective, and measurable form unless an exception to adopt a different standard is granted by the office of financial management and approved by the legislative committee on performance review. The office of financial management shall provide necessary professional and technical assistance to assist state agencies in the development of strategic plans that include the mission of the agency and its programs, measurable goals, strategies, and performance measurement systems.

(4) Each state agency shall adopt procedures for continuous self-assessment of each program and activity, using the mission, goals, objectives, and measurements required under subsections (2) and (3) of this section.

(5) It is the policy of the legislature that each agency's budget proposals must be directly linked to the agency's stated mission and program goals and objectives. Consistent with this policy, agency budget proposals must include integration of performance measures that allow objective determination of a program's success in achieving its goals. The office of financial management shall develop a plan to merge the budget development process with agency performance assessment procedures. The plan must include a schedule to integrate agency strategic plans and performance measures into agency budget requests and the governor's budget proposal over three fiscal biennia. The plan must identify those agencies that will implement the revised budget process in the 1997-1999 biennium, the 1999-2001 biennium, and the 2001-2003 biennium. In consultation with the legislative fiscal committees, the office of financial management shall recommend statutory and procedural modifications to the state's budget, accounting, and reporting systems to facilitate the performance assessment procedures and the merger of those procedures with the state budget process. The plan and recommended statutory and procedural modifications must be submitted to the legislative fiscal committees by September 30, 1996.

(6) In the year of the gubernatorial election, the governor shall invite the governor-elect or the governor-elect's designee to attend all hearings provided in RCW 43.88.100; and the governor shall furnish the governor-elect or the governor-elect's designee with such information as will enable the governor-elect or the governor-elect's designee to gain an understanding of the state's budget requirements. The governor-elect or the governor-elect's designee may ask such questions during the hearings and require such information as the governor-elect or the governor-elect's designee deems necessary and may make recommendations in connection with any item of the budget which, with the governor-elect's reasons therefor, shall be presented to the legislature in writing with the budget document. Copies of all such estimates and other required information shall also be submitted to the standing committees on ways and means of the house and senate.

**Sec. 11.** RCW 43.88.160 and 1994 c 184 s 11 are each amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of financial management. The governor, through the director of financial management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources, and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for central accounts in the office of financial management at the level of detail deemed necessary by the director to perform central financial management. The director of financial management shall adopt and periodically update an accounting procedures manual. Any agency maintaining its own

accounting and reporting system shall comply with the updated accounting procedures manual and the rules of the director adopted under this chapter. An agency may receive a waiver from complying with this requirement if the waiver is approved by the director. Waivers expire at the end of the fiscal biennium for which they are granted. The director shall forward notice of waivers granted to the appropriate legislative fiscal committees. The director of financial management may require such financial, statistical, and other reports as the director deems necessary from all agencies covering any period.

(2) The director of financial management is responsible for quarterly reporting of primary operating budget drivers such as applicable workloads, caseload estimates, and appropriate unit cost data. These reports shall be transmitted to the legislative fiscal committees or by electronic means to the legislative evaluation and accountability program committee. Quarterly reports shall include actual monthly data and the variance between actual and estimated data to date. The reports shall also include estimates of these items for the remainder of the budget period.

(3) The director of financial management shall report at least annually to the appropriate legislative committees regarding the status of all appropriated capital projects, including transportation projects, showing significant cost overruns or underruns. If funds are shifted from one project to another, the office of financial management shall also reflect this in the annual variance report. Once a project is complete, the report shall provide a final summary showing estimated start and completion dates of each project phase compared to actual dates, estimated costs of each project phase compared to actual costs, and whether or not there are any outstanding liabilities or unsettled claims at the time of completion.

(4) In addition, the director of financial management, as agent of the governor, shall:

(a) Develop and maintain a system of internal controls and internal audits comprising methods and procedures to be adopted by each agency that will safeguard its assets, check the accuracy and reliability of its accounting data, promote operational efficiency, and encourage adherence to prescribed managerial policies for accounting and financial controls. The system developed by the director shall include criteria for determining the scope and comprehensiveness of internal controls required by classes of agencies, depending on the level of resources at risk.

Each agency head or authorized designee shall be assigned the responsibility and authority for establishing and maintaining internal audits following the standards of internal auditing of the institute of internal auditors;

(b) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and the director shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(c) Establish policies for allowing the contracting of child care services;

(d) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(e) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact:

PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. The director shall advise and confer with agencies including appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned:

Agencies headed by elective officials;

(f) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by the director except that the director shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials;

(g) ~~(Provide for transfers and repayments between the budget stabilization account and the general fund as directed by appropriation and RCW 43.88.525 through 43.88.540;~~

~~(h))~~ Adopt rules to effectuate provisions contained in (a) through ~~((g))~~ (f) of this subsection.

(5) The treasurer shall:

(a) Receive, keep, and disburse all public funds of the state not expressly required by law to be received, kept, and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Receive, disburse, or transfer public funds under the treasurer's supervision or custody;

(c) Keep a correct and current account of all moneys received and disbursed by the treasurer, classified by fund or account;

(d) Coordinate agencies' acceptance and use of credit cards and other payment methods, if the agencies have received authorization under RCW 43.41.180;

(e) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to disburse public funds in the treasury except upon forms or by alternative means duly prescribed by the director of financial management. These forms or alternative means shall provide for authentication and certification by the agency head or the agency head's designee that the services have been rendered or the materials have been furnished; or, in the case of loans or grants, that the loans or grants are authorized by law; or, in the case of payments for periodic maintenance services to be performed on state owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office of financial management; and the treasurer shall not be liable under the treasurer's surety bond for erroneous or improper payments so made. When services are lawfully paid for in advance of full performance by any private individual or business entity other than as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services. No payments shall be made in advance for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or the agency head's designee in accordance with regulations issued pursuant to this chapter. Nothing in this section shall be construed to permit a public body to advance funds to a private service provider pursuant to a grant or loan before services have been rendered or material furnished.

(6) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end the auditor may, in the auditor's discretion, examine the books and accounts of any agency, official, or employee charged with the receipt, custody, or safekeeping of public funds. Where feasible in conducting examinations, the auditor shall utilize data and findings from the internal control system prescribed by the office of financial management. The current post audit of each agency may include a section on recommendations to the legislature as provided in (c) of this subsection.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make the auditor's official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include determinations as to whether agencies, in making expenditures, complied with the laws of this state. The state auditor ~~(is authorized to)~~ may perform or participate in performance verifications ~~((only as))~~ and performance reviews under chapter 44. --- RCW (sections 1 through 8 of this act) if expressly authorized by the performance review plan

adopted by the legislative committee on performance review or if expressly authorized by the legislature in the omnibus biennial appropriations acts. The state auditor, upon completing an audit for legal and financial compliance under chapter 43.09 RCW or a performance verification or performance review, may report to the legislative budget committee, legislative committee on performance review, or other appropriate committees of the legislature, in a manner prescribed by the legislative budget committee or the director of the legislative office of performance review, on facts relating to the management or performance of governmental programs where such facts are discovered incidental to the legal and financial audit ((or)), performance verification, or performance review. The auditor may make such a report to a legislative committee only if the auditor has determined that the agency has been given an opportunity and has failed to resolve the management or performance issues raised by the auditor. If the auditor makes a report to a legislative committee, the agency may submit to the committee a response to the report. This subsection (6) shall not be construed to authorize the auditor to allocate other than de minimis resources to performance audits except as expressly authorized in the appropriations acts or the performance review plan.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of financial management. It shall be the duty of the director of financial management to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.

(e) Promptly report any irregularities to the attorney general.

(f) Investigate improper governmental activity under chapter 42.40 RCW.

(7) The legislative budget committee may:

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as provided for in RCW 44.28.085 as well as performance audits and program evaluations. To this end the committee may in its discretion examine the books, accounts, and other records of any agency, official, or employee.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the performance and management of state agencies.

(c) Make a report to the legislature which shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management.

**NEW SECTION. Sec. 12.** The following acts or parts of acts are each repealed:

(1) RCW 43.88B.005 and 1994 c 184 s 1;

(2) RCW 43.88B.007 and 1994 c 184 s 2;

(3) RCW 43.88B.010 and 1994 c 184 s 3;

(4) RCW 43.88B.020 and 1994 c 184 s 4;

(5) RCW 43.88B.030 and 1994 c 184 s 5;

(6) RCW 43.88B.031 and 1994 c 184 s 6;

(7) RCW 43.88B.040 and 1994 c 184 s 7;

(8) RCW 43.88B.050 and 1994 c 184 s 8;

(9) RCW 43.88B.900 and 1994 c 184 s 13; and

(10) RCW 43.88B.901 and 1994 c 184 s 15.

**NEW SECTION. Sec. 13.** Sections 1 through 8 of this act constitute a new chapter in Title 44 RCW.

**NEW SECTION. Sec. 14.** If specific funding for purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1996, in the supplemental omnibus appropriations act, this act is null and void."

On line 1 of the title, after "government;" strike the remainder of the title and insert "amending RCW 43.88.090 and 43.88.160; reenacting and amending RCW 43.88.030; adding a new chapter to Title 44 RCW; creating a new section; and repealing RCW 43.88B.005, 43.88B.007, 43.88B.010, 43.88B.020, 43.88B.030, 43.88B.031, 43.88B.040, 43.88B.050, 43.88B.900, and 43.88B.901.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Drew moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 6680.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Drew that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 6680.

The motion by Senator Drew carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 6680.

#### MOTION

On motion of Senator Thibaudeau, Senator Hargrove was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6680, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6680, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wjahn, Wood and Zarelli - 45.

Excused: Senators Hargrove, Haugen, Loveland and Rinehart - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6680, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1996

MR. PRESIDENT:

The Speaker ruled the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1556 beyond the scope and object of the bill. The House refuses to concur in said amendment(s) and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Smith, the Senate receded from its amendment(s) to Engrossed Substitute House Bill No. 1556.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1556, without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1556, without the Senate amendment(s) and the bill passed the Senate by the following vote: Yeas, 41; Nays, 1; Absent, 3; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 41.

Voting nay: Senator McDonald - 1.

Absent: Senators Pelz, Quigley and Snyder - 3.

Excused: Senators Hargrove, Haugen, Loveland and Rinehart - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1556, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1996

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2199 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Fraser, the Senate refuses to recede from its amendment(s) to Substitute House Bill No. 2199, insists on its position and asks the House to concur therein.

MESSAGE FROM THE HOUSE

March 4, 1996

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2219 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Smith, the Senate refuses to recede from its amendment(s) to Engrossed Second Substitute House Bill No. 2219 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Second Substitute House Bill No. 2219 and the Senate amendment(s) thereon: Senators Smith, Roach and Fairley.

MOTION

On motion of Senator Heavey, the Conference Committee appointments were confirmed.

MOTION

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

SENATE RESOLUTION 1996-8705

By Senators Haugen and Spanel

WHEREAS, The state of Washington values the beauty and preservation of Puget Sound and applauds the efforts and enthusiasm of those groups who volunteer to protect this jewel of our state; and

WHEREAS, Members of the Island County Beach Watchers recently received recognition from the Washington State University Beach Watchers program for their efforts to protect and preserve the fragile environment of Island County and Puget Sound waters through education and public awareness; and

WHEREAS, Susan King of Greenbank received the "Top Gunnel" Beach Watcher of the Year Award for volunteering 680 hours during 1995; and

WHEREAS, Seventy-two Island County WSU Beach Watchers have contributed more than eight thousand volunteer hours in 1995, which is equivalent to four full-time employees; and

WHEREAS, Projects within Island County have included beach monitoring and clean-ups, spartina and shellfish surveys, naturalist talks in state parks and on Washington State ferries, field trips with schools, Admiralty Head Lighthouse Interpretive Center Operations, Cama Beach and state park projects, Penn Cover Water Festival; and

WHEREAS, The Island County WSU Beach Watchers program was originally established with a grant from the Centennial Clean Water Fund, but now operates on funding from hotel/motel tax receipts, a stormwater education contract with the town of Coupeville and a grant from the State Department of Ecology Shorelands Program, corporate support from Texaco Foundations, Nalleys Fine Foods Corporation and many other private donors; and

WHEREAS, The members of Island County WSU Beach Watchers promote a stewardship ethic among the people of Island County and the Northern Puget Sound region through education; and

WHEREAS, The Island County WSU Beach Watchers success story has depended heavily on the dedicated leadership and continued guidance of WSU cooperative extension agent Don Meehan;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize the diligent efforts of the Island County WSU Beach Watchers for their continued efforts, which have greatly enhanced the quality of our beaches and the understanding of the public in their community; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Island County WSU Beach Watchers.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Island County Beach Watchers, who were seated in the gallery.

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

#### MESSAGE FROM THE HOUSE

March 4, 1996

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2222 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Reams, Backlund and H. Sommers.

TIMOTHY A. MARTIN

#### MOTION

On motion of Senator Bauer, the Senate grants the request of the House for a conference on Engrossed Second Substitute House Bill No. 2222 and the Senate amendment(s) thereto.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Second Substitute House Bill No. 2222 and the Senate amendment(s) thereon: Senators Bauer, Strannigan and Wojahn.

#### MOTION

On motion of Senator Heavey, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

March 4, 1996

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2860 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Haugen, the Senate refuses to recede from its amendment(s) to Substitute House Bill No. 2860, insists on its position and asks the House to concur therein.

At 2:25 p.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 2:37 p.m. by President Pritchard.

#### MESSAGE FROM THE HOUSE

March 4, 1996

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2875 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Fraser, the Senate refuses to recede from its amendment(s) to Engrossed Substitute House Bill No. 2875, insists on its position and asks the House to concur therein.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6543 and the pending House striking amendments, deferred March 4, 1996.

#### RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Fraser to the scope and object of the amendments by the House of Representatives, the President finds that Substitute Senate Bill No. 6543 is a measure which makes various technical changes to the planning and land use statutes to implement the Legislature's 1995 statute providing for a combines environmental review and project permit process; and further makes changes to the timing, subject and process for certain permits and appeals.

"The amendments by the House of Representatives would also make various technical changes in the same areas; and further in Section 21 changes the State Environmental Policy Act Categorical Exemptions; in Section 22 changes the threshold definition for 'short subdivisions;' and in Section 31 requires state agencies to issue permits within specific timelines.

"Although titled as a technical bill, the President finds that the Senate Bill does contain provisions which appear to be of a non-technical nature. However, these provisions are limited to the permit and appeal timing and processing. Section 31 of the amendment, while substantive, is within the scope and object of these changes. Sections 21 and 22, however, go well beyond the scope and object of the bill.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and the point of order is well taken. The President further notes that the title of the bill does not properly express its scope, as required by Senate Rule 25. In determining the scope and object of a bill, the President looks to the bill text, not the title. Nevertheless, if the title is to be corrected, it must be accomplished by the House of Representatives."

The House striking amendments to Substitute Senate Bill No. 6543 were ruled out of order.

#### MOTION

On motion of Senator Fraser, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 6543 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

March 1, 1996

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6274 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that improving the supervision of convicted sex offenders in the community upon release from incarceration is a substantial public policy goal, in that effective supervision accomplishes many purposes including protecting the community, supporting crime victims, assisting offenders to change, and providing important information to decision makers.

**Sec. 2.** RCW 9.94A.120 and 1995 c 108 s 3 are each amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (4), (5), (6), and (8) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) A persistent offender shall be sentenced to a term of total confinement for life without the possibility of parole or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, notwithstanding the maximum sentence under any other law. An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section. In addition, all offenders subject to the provisions of this subsection shall not be eligible for community custody, earned early release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release as defined under RCW 9.94A.150 (1), (2), (3), (5), (7), or (8), or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer or officers during such minimum terms of total confinement except in the case of an offender in need of emergency medical treatment or for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree.

(5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

(a) Devote time to a specific employment or occupation;

(b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;

(c) Pursue a prescribed, secular course of study or vocational training;

(d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(e) Report as directed to the court and a community corrections officer; or  
(f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community service work.  
(6)(a) An offender is eligible for the special drug offender sentencing alternative if:  
(i) The offender is convicted of the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or a felony that is, under chapter 9A.28 RCW or RCW 69.50.407, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes, and the violation does not involve a sentence enhancement under RCW 9.94A.310(3) or (4);

(ii) The offender has no prior convictions for a felony in this state, another state, or the United States; and  
(iii) The offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance.

(b) If the midpoint of the standard range is greater than one year and the sentencing judge determines that the offender is eligible for this option and that the offender and the community will benefit from the use of the special drug offender sentencing alternative, the judge may waive imposition of a sentence within the standard range and impose a sentence that must include a period of total confinement in a state facility for one-half of the midpoint of the standard range. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections. If the midpoint of the standard range is twenty-four months or less, no more than three months of the sentence may be served in a work release status. The court shall also impose one year of concurrent community custody and community supervision that must include appropriate outpatient substance abuse treatment, crime-related prohibitions including a condition not to use illegal controlled substances, and a requirement to submit to urinalysis or other testing to monitor that status. The court may require that the monitoring for controlled substances be conducted by the department or by a treatment ~~((alternatives))~~ alternatives to street crime program or a comparable court or agency-referred program. The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court shall impose three or more of the following conditions:

(i) Devote time to a specific employment or training;  
(ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;

(iii) Report as directed to a community corrections officer;

(iv) Pay all court-ordered legal financial obligations;

(v) Perform community service work;

(vi) Stay out of areas designated by the sentencing judge.

(c) If the offender violates any of the sentence conditions in (b) of this subsection, the department shall impose sanctions administratively, with notice to the prosecuting attorney and the sentencing court. Upon motion of the court or the prosecuting attorney, a violation hearing shall be held by the court. If the court finds that conditions have been willfully violated, the court may impose confinement consisting of up to the remaining one-half of the midpoint of the standard range. All total confinement served during the period of community custody shall be credited to the offender, regardless of whether the total confinement is served as a result of the original sentence, as a result of a sanction imposed by the department, or as a result of a violation found by the court. The term of community supervision shall be tolled by any period of time served in total confinement as a result of a violation found by the court.

(d) The department shall determine the rules for calculating the value of a day fine based on the offender's income and reasonable obligations which the offender has for the support of the offender and any dependents. These rules shall be developed in consultation with the administrator for the courts, the office of financial management, and the commission.

(7) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(8)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

(A) Frequency and type of contact between offender and therapist;

(B) Specific issues to be addressed in the treatment and description of planned treatment modalities;

(C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;

(D) Anticipated length of treatment; and

(E) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sexual offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eight years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(A) The court shall place the defendant on community ~~((supervision))~~ custody for the length of the suspended sentence or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department of corrections under subsection (14) of this section; and

(B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

(I) Devote time to a specific employment or occupation;

(II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(III) Report as directed to the court and a community corrections officer;

(IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or

(V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

(iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.

(iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community ~~(supervision)~~ custody, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community ~~(supervision)~~ custody.

(v) If a violation of conditions occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.205(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in (a)(vi) of this subsection.

(vi) The court may revoke the suspended sentence at any time during the period of community ~~(supervision)~~ custody and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community ~~(supervision)~~ custody shall be credited to the offender if the suspended sentence is revoked.

~~((vii))~~ (vii) Except as provided in a~~((vii))~~(viii) of this subsection, after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW.

~~((viii))~~ (viii) A sex offender therapist who examines or treats a sex offender pursuant to this subsection (8) does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (8) and the rules adopted by the department of health.

For purposes of this subsection, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(b) When an offender commits any felony sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his or her term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

(i) Devote time to a specific employment or occupation;

(ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(iii) Report as directed to the court and a community corrections officer;

(iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his or her community supervision, the court may order the offender to serve out the balance of his or her community supervision term in confinement in the custody of the department of corrections.

Nothing in this subsection (8)(b) shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (8)(b) does not apply to any crime committed after July 1, 1990.

(c) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds.

(9)(a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after July 1, 1988, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense committed on or after July 1, 1990, but before the effective date of this act, or a serious violent offense committed on or after July 1, 1990, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions:

(i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;

(ii) The offender shall work at department of corrections-approved education, employment, and/or community service;  
(iii) The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions;  
(iv) An offender in community custody shall not unlawfully possess controlled substances;  
(v) The offender shall pay supervision fees as determined by the department of corrections; and  
(vi) The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement.

(c) As a part of any sentence imposed under (a) or (b) of this subsection, the court may also order any of the following special conditions:

- (i) The offender shall remain within, or outside of, a specified geographical boundary;
- (ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;
- (iii) The offender shall participate in crime-related treatment or counseling services;
- (iv) The offender shall not consume alcohol; or
- (v) The offender shall comply with any crime-related prohibitions.

(d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

(10)(a) When a court sentences a person to the custody of the department of corrections for an offense categorized as a sex offense committed on or after the effective date of this act, the court shall, in addition to other terms of the sentence, sentence the offender to community custody for three years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community custody shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2).

(b) Unless a condition is waived by the court, the terms of community custody shall be the same as those provided for in subsection (9)(b) of this section and may include those provided for in subsection (9)(c) of this section. As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department of corrections under subsection (14) of this section.

(c) At any time prior to the completion of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.195 and may be punishable as contempt of court as provided for in RCW 7.21.040.

(11) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

((14)) (12) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order.

((12)) (13) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision or community placement which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

((13)) (14) All offenders sentenced to terms involving community supervision, community service, community placement, or legal financial obligation shall be under the supervision of the ~~(secretary of the)~~ department of corrections ~~(or such person as the secretary may designate)~~ and shall follow explicitly the instructions and conditions of the ~~(secretary including)~~ department of corrections.

(a) The instructions shall include, at a minimum, reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment.

(b) For sex offenders sentenced to terms involving community custody for crimes committed on or after the effective date of this act, the department may include, in addition to the instructions in (a) of this subsection, any appropriate conditions of supervision, including but not limited to, prohibiting the offender from having contact with any other specified individuals or specific class of individuals. The conditions authorized under this subsection (14)(b) may be imposed by the department prior to or during a sex offenders' community custody term. If a violation of conditions imposed by the court or the department pursuant to subsection (10) of this section occurs during community custody, it shall be deemed a violation of community placement for the purposes of RCW 9.94A.207 and shall authorize the department to transfer an offender to a more restrictive confinement status as provided in RCW 9.94A.205. At any time prior to the completion of a sex offender's term of community custody, the department may recommend to the court that any or all of the conditions imposed by the court or the department pursuant to subsection (10) of this section be continued beyond the expiration of the offender's term of community custody as authorized in subsection (10)(c) of this section.

The department may require offenders to pay for special services rendered on or after July 25, 1993, including electronic monitoring, day reporting, and telephone reporting, dependent upon the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

((14)) (15) All offenders sentenced to terms involving community supervision, community service, or community placement under the supervision of the department of corrections shall not own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the appropriate violation process and sanctions. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

((15)) (16) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

((16)) (17) A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

((17)) (18) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

~~((18))~~ (19) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement.

~~((19))~~ (20) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

~~((20))~~ (21) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

**Sec. 3.** RCW 9.94A.205 and 1988 c 153 s 4 are each amended to read as follows:

(1) If an inmate violates any condition or requirement of community custody, the department may transfer the inmate to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation and subject to the limitations of subsection (2) of this section.

(2)(a) For a sex offender sentenced to a term of community custody under RCW 9.94A.120(8) who violates any condition of community custody, the department may impose a sanction of up to sixty days confinement in a local correctional facility for each violation. If the department imposes a sanction, the department shall submit within seventy-two hours a report to the court and the prosecuting attorney outlining the violation or violations and the sanctions imposed.

(b) For a sex offender sentenced to a term of community custody under RCW 9.94A.120(10) who violates any condition of community custody after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned early release, the department may impose a sanction of up to sixty days in a local correctional facility for each violation.

(3) If an inmate is accused of violating any condition or requirement of community custody, he or she is entitled to a hearing before the department prior to the imposition of sanctions. The hearing shall be considered as inmate disciplinary proceedings and shall not be subject to chapter 34.05 RCW. The department shall develop hearing procedures and sanctions.

**Sec. 4.** RCW 9.94A.207 and 1988 c 153 s 5 are each amended to read as follows:

(1) The secretary may issue warrants for the arrest of any offender who violates a condition of community placement. The arrest warrants shall authorize any law enforcement or peace officer or community corrections officer of this state or any other state where such offender may be located, to arrest the offender and place him or her in total confinement pending disposition of the alleged violation. The department shall compensate the local jurisdiction at the office of financial management's adjudicated rate, in accordance with RCW 70.48.440. A community corrections officer, if he or she has reasonable cause to believe an offender in community placement has violated a condition of community placement, may suspend the person's community placement status and arrest or cause the arrest and detention in total confinement of the offender, pending the determination of the secretary as to whether the violation has occurred. The community corrections officer shall report to the secretary all facts and circumstances and the reasons for the action of suspending community placement status. A violation of a condition of community placement shall be deemed a violation of the sentence for purposes of RCW 9.94A.195. The authority granted to community corrections officers under this section shall be in addition to that set forth in RCW 9.94A.195.

(2) Inmates, as defined in RCW ~~((72.09.020))~~ 72.09.015, who have been transferred to community custody and who are detained in a local correctional facility are the financial responsibility of the department of corrections, except as provided in subsection (3) of this section. The community custody inmate shall be removed from the local correctional facility, except as provided in subsection (3) of this section, not later than eight days, excluding weekends and holidays, following admittance to the local correctional facility and notification that the inmate is available for movement to a state correctional institution. ~~((However, if good cause is shown,))~~

(3) The department may negotiate with local correctional authorities for an additional period of detention; however, sex offenders sanctioned for community custody violations under RCW 9.94A.205(2) to a term of confinement shall remain in the local correctional facility for the complete term of the sanction. For confinement sanctions imposed under RCW 9.94A.205(2)(a), the local correctional facility shall be financially responsible. For confinement sanctions imposed under RCW 9.94A.205(2)(b), the department of corrections shall be financially responsible for that portion of the sanction served during the time in which the sex offender is on community custody in lieu of earned early release, and the local correctional facility shall be financially responsible for that portion of the sanction served by the sex offender after the time in which the sex offender is on community custody in lieu of earned early release.

**Sec. 5.** RCW 9.94A.030 and 1995 c 268 s 2, 1995 c 108 s 1, and 1995 c 101 s 2 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time or imposed pursuant to RCW 9.94A.120 (6), (8), or (10) served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

(5) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(6) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(8) "Confinement" means total or partial confinement as defined in this section.

(9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to the provisions in RCW 38.52.430.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(12)(a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" shall always include juvenile convictions for sex offenses and serious violent offenses and shall also include a defendant's other prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony or a serious traffic offense and is criminal history as defined in RCW 13.40.020(9); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies or serious traffic offenses, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

(13) "Day fine" means a fine imposed by the sentencing judge that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(14) "Day reporting" means a program of enhanced supervision designed to monitor the defendant's daily activities and compliance with sentence conditions, and in which the defendant is required to report daily to a specific location designated by the department or the sentencing judge.

(15) "Department" means the department of corrections.

(16) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(17) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(18) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(19) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(20) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(21) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(22)(a) "First-time offender" means any person who is convicted of a felony (i) not classified as a violent offense or a sex offense under this chapter, or (ii) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug, nor the manufacture, delivery, or possession with intent to deliver methamphetamine, its salts, isomers, and salts of its isomers as defined in RCW 69.50.206(d)(2), nor the selling for profit of any controlled substance or counterfeit substance classified in schedule I, RCW 69.50.204, except leaves and flowering tops of marijuana, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction except for adjudications of sex offenses and serious violent offenses.

(23) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under this section;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.125;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection.

(24) "Nonviolent offense" means an offense which is not a violent offense.

(25) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(26) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section.

(27) "Persistent offender" is an offender who:

(a) Has been convicted in this state of any felony considered a most serious offense; and

(b) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted.

(28) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(29) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(30) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(31) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, assault of a child in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(32) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(33) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or a felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) A felony with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135; or

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(34) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(35) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(36) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(37) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(38) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(39) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county or the state are eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection (33) of this section are not eligible for the work crew program.

(40) "Work ethic camp" means an alternative incarceration program designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(41) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

(42) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

**Sec. 6.** RCW 4.24.550 and 1994 c 129 s 2 are each amended to read as follows:

(1) Public agencies are authorized to release relevant and necessary information regarding sex offenders to the public when the release of the information is necessary for public protection. This authority exists whether or not the public agency received notification about the sex offender from the department of corrections or the department of social and health services or any other public agency.

(2) Local law enforcement agencies and officials who decide to release information pursuant to this section shall make a good faith effort to notify the public and residents at least fourteen days before the sex offender is released or if the offender receives a special sex offender disposition alternative under RCW 13.40.160 or special sex offender sentencing alternative under RCW 9.94A.120 at least thirty days after the sex offender is sentenced. If a change occurs in the release plan, this notification provision will not require an extension of the release date. The department of corrections and the department of social and health services shall provide local law enforcement officials with all relevant information on sex offenders about to be released or placed into the community in a timely manner. The juvenile court shall provide local law enforcement officials with all relevant information on sex offenders allowed to remain in the community in a timely manner.

(3) An elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for damages for any discretionary decision to release relevant and necessary information, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith. The authorization and immunity in this section applies to information regarding: (a) A person convicted of, or juvenile found to have committed, a sex offense as defined by RCW 9.94A.030; (b) a person found not guilty of a sex offense by reason of insanity under chapter 10.77 RCW; (c) a person found incompetent to stand trial for a sex offense and subsequently committed under chapter 71.05 or 71.34 RCW; (d) a person committed as a sexual psychopath under chapter 71.06 RCW; or (e) a person committed as a sexually violent predator under chapter 71.09 RCW. The immunity provided under this section applies to the release of relevant information to other employees or officials or to the general public.

(4) Except as otherwise provided by statute, nothing in this section shall impose any liability upon a public official, public employee, or public agency for failing to release information as provided in subsections (2) and (3) of this section.

(5) Nothing in this section implies that information regarding persons designated in subsections (2) and (3) of this section is confidential except as otherwise provided by statute.

**Sec. 7.** RCW 13.40.215 and 1995 c 324 s 1 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, at the earliest possible date, and in no event later than thirty days before discharge, parole, or any other authorized leave or release, or before transfer to a community residential facility, the secretary shall send written notice of the discharge, parole, authorized leave or release, or transfer of a juvenile found to have committed a violent offense, a sex offense, or stalking, to the following:

(i) The chief of police of the city, if any, in which the juvenile will reside;

(ii) The sheriff of the county in which the juvenile will reside; and

(iii) The approved private schools and the common school district board of directors of the district in which the juvenile intends to reside or the approved private school or public school district in which the juvenile last attended school, whichever is appropriate, except when it has been determined by the department that the juvenile is twenty-one years old; is not required to return to school under chapter 28A.225 RCW; or will be in the community for less than seven consecutive days on approved leave and will not be attending school during that time.

(b) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific juvenile:

(i) The victim of the offense for which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the juvenile in any court proceedings involving the offense; and

(iii) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the juvenile. The notice to the chief of police or the sheriff shall include the identity of the juvenile, the residence where the juvenile will reside, the identity of the person, if any, responsible for supervising the juvenile, and the time period of any authorized leave.

(c) The thirty-day notice requirements contained in this subsection shall not apply to emergency medical furloughs.

(d) The existence of the notice requirements in this subsection will not require any extension of the release date in the event the release plan changes after notification.

(2)(a) If a juvenile found to have committed a violent offense, a sex offense, or stalking escapes from a facility of the department, the secretary shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the juvenile resided immediately before the juvenile's arrest. If previously requested, the secretary shall also notify the witnesses and the victim of the offense which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide. If the juvenile is recaptured, the secretary shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(b) The secretary may authorize a leave, for a juvenile found to have committed a violent offense, a sex offense, or stalking, which shall not exceed forty-eight hours plus travel time, to meet an emergency situation such as a death or critical illness of a member of the juvenile's family. The secretary may authorize a leave, which shall not exceed the time medically necessary, to obtain medical care not available in a juvenile facility maintained by the department. Prior to the commencement of an emergency or medical leave, the secretary shall give notice of the leave to the appropriate law enforcement agency in the jurisdiction in which the juvenile will be during the leave period. The notice shall include the identity of the juvenile, the time period of the leave, the residence of the juvenile during the leave, and the identity of the person responsible for supervising the juvenile during the leave. If previously requested, the department shall also notify the witnesses and victim of the offense which the juvenile was found to have committed or the victim's next of kin if the offense was a homicide.

In case of an emergency or medical leave the secretary may waive all or any portion of the requirements for leaves pursuant to RCW 13.40.205 (2)(a), (3), (4), and (5).

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(4) The secretary shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) Except as provided in subsection (2) of this section, at the earliest possible date, and in no event later than five days after sentencing a sex offender to a special sex offender disposition alternative under RCW 13.40.160(5), the juvenile court shall send written notice of the disposition to the following:

(a) The chief of police of the city, if any, in which the juvenile will reside; and

(b) The sheriff of the county in which the juvenile will reside.

(6) Upon discharge, parole, or other authorized leave or release, a convicted juvenile sex offender shall not attend a public elementary, middle, or high school that is attended by a victim of the sex offender. The parents or legal guardians of the convicted juvenile sex offender shall be responsible for transportation or other costs associated with or required by the sex offender's change in school that otherwise would be paid by a school district. Upon discharge, parole, or other authorized leave or release of a convicted juvenile sex offender, the secretary shall send written notice of the discharge, parole, or other authorized leave or release and the requirements of this subsection to the common school district board of directors of the district in which the sex offender intends to reside or the district in which the sex offender last attended school, whichever is appropriate.

~~((6))~~ (7) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

- (b) "Sex offense" means a sex offense under RCW 9.94A.030;  
(c) "Stalking" means the crime of stalking as defined in RCW 9A.46.110;  
(d) "Next of kin" means a person's spouse, parents, siblings, and children.

**Sec. 8.** RCW 13.40.217 and 1990 c 3 s 102 are each amended to read as follows:

In addition to any other information required to be released under this chapter, the department ((is)) and juvenile courts are authorized, pursuant to RCW 4.24.550, to release relevant information that is necessary to protect the public concerning juveniles adjudicated of sex offenses.

**Sec. 9.** RCW 9.95.062 and 1989 c 276 s 1 are each amended to read as follows:

(1) Notwithstanding CrR 3.2 or RAP 7.2, an appeal by a defendant in a criminal action shall not stay the execution of the judgment of conviction, if the court determines by a preponderance of the evidence that:

(a) The defendant is likely to flee or to pose a danger to the safety of any other person or the community if the judgment is stayed;  
or

(b) The delay resulting from the stay will unduly diminish the deterrent effect of the punishment; or  
(c) A stay of the judgment will cause unreasonable trauma to the victims of the crime or their families; or  
(d) The defendant has not undertaken to the extent of the defendant's financial ability to pay the financial obligations under the judgment or has not posted an adequate performance bond to assure payment.

(2) An appeal by a defendant convicted of one of the following offenses shall not stay execution of the judgment of conviction: Rape in the first or second degree (RCW 9A.44.040 and 9A.44.050); rape of a child in the first, second, or third degree (RCW 9A.44.073, 9A.44.076, and 9A.44.079); child molestation in the first, second, or third degree (RCW 9A.44.083, 9A.44.086, and 9A.44.089); sexual misconduct with a minor in the first or second degree (RCW 9A.44.093 and 9A.44.096); indecent liberties (RCW 9A.44.100); incest (RCW 9A.64.020); luring (RCW 9A.40.090); any class A or B felony that is a sexually motivated offense as defined in RCW 9.94A.030; a felony violation of RCW 9.68A.090; or any offense that is, under chapter 9A.28 RCW, a criminal attempt, solicitation, or conspiracy to commit one of those offenses.

(3) In case the defendant has been convicted of a felony, and has been unable to obtain release pending the appeal by posting an appeal bond, cash, adequate security, release on personal recognizance, or any other conditions imposed by the court, the time the defendant has been imprisoned pending the appeal shall be deducted from the term for which the defendant was sentenced, if the judgment is affirmed.

**Sec. 10.** RCW 10.64.025 and 1989 c 276 s 2 are each amended to read as follows:

(1) A defendant who has been found guilty of a felony and is awaiting sentencing shall be detained unless the court finds by clear and convincing evidence that the defendant is not likely to flee or to pose a danger to the safety of any other person or the community if released. Any bail bond that was posted on behalf of a defendant shall, upon the defendant's conviction, be exonerated.

(2) A defendant who has been found guilty of one of the following offenses shall be detained pending sentencing: Rape in the first or second degree (RCW 9A.44.040 and 9A.44.050); rape of a child in the first, second, or third degree (RCW 9A.44.073, 9A.44.076, and 9A.44.079); child molestation in the first, second, or third degree (RCW 9A.44.083, 9A.44.086, and 9A.44.089); sexual misconduct with a minor in the first or second degree (RCW 9A.44.093 and 9A.44.096); indecent liberties (RCW 9A.44.100); incest (RCW 9A.64.020); luring (RCW 9A.40.090); any class A or B felony that is a sexually motivated offense as defined in RCW 9.94A.030; a felony violation of RCW 9.68A.090; or any offense that is, under chapter 9A.28 RCW, a criminal attempt, solicitation, or conspiracy to commit one of those offenses.

**Sec. 11.** RCW 9A.44.130 and 1995 c 268 s 3, 1995 c 248 s 1, and 1995 c 195 s 1 are each reenacted and amended to read as follows:

(1) Any adult or juvenile residing in this state who has been found to have committed or has been convicted of any sex offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense, shall register with the county sheriff for the county of the person's residence.

(2) The person shall provide the county sheriff with the following information when registering: (a) Name; (b) address; (c) date and place of birth; (d) place of employment; (e) crime for which convicted; (f) date and place of conviction; (g) aliases used; and (h) social security number.

(3)(a) Sex offenders shall register within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses:

(i) **SEX OFFENDERS IN CUSTODY.** Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The agency that has jurisdiction over the offender shall provide notice to the sex offender of the duty to register. Failure to register within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection (7) of this section.

(ii) **SEX OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION.** Sex offenders, who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. A change in supervision status of a sex offender who was required to register under this subsection (3)(a)(ii) as of July 28, 1991, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) **SEX OFFENDERS UNDER FEDERAL JURISDICTION.** Sex offenders who, on or after July 23, 1995, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. A change in supervision status of a sex offender who was required to register under this subsection (3)(a)(iii) as of July 23, 1995, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) **SEX OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED.** Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) **SEX OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS.** Sex offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within thirty days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after February 28, 1990. Sex offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) SEX OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released prior to July 23, 1995, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify offenders who were released prior to July 23, 1995. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection (7) of this section.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (7) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or

arraignment. Failure to register as required under this subsection (c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(4)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send written notice of the change of address to the county sheriff (~~within ten~~) at least fourteen days (or) before moving. If any person required to register pursuant to this section moves to a new county, the person must send written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with (the) that county sheriff ((in the new county)) within ~~(ten days)~~ twenty-four hours of moving. The person must also send written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. If any person required to register pursuant to this section moves out of Washington state, the person must also send written notice within ten days of moving to the new state or a foreign country to the county sheriff with whom the person last registered in Washington state.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(5) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints.

(6) "Sex offense" for the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330 means any offense defined as a sex offense by RCW 9.94A.030 and any violation of RCW 9.68A.090 or 9A.44.096 as well as any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030.

(7) A person who knowingly fails to register or who moves without notifying the county sheriff as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a class A felony or a federal or out-of-state conviction for an offense that under the laws of this state would be a class A felony. If the crime was other than a class A felony or a federal or out-of-state conviction for an offense that under the laws of this state would be a class A felony, violation of this section is a gross misdemeanor.

**Sec. 12.** RCW 9A.44.140 and 1995 c 268 s 4 are each amended to read as follows:

(1) The duty to register under RCW 9A.44.130 shall end:

(a) For a person convicted of a class A felony: Such person may only be relieved of the duty to register under subsection (3) or (4) of this section.

(b) For a person convicted of a class B felony: Fifteen years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent fifteen consecutive years in the community without being convicted of any new offenses.

(c) For a person convicted of a class C felony (~~or any~~), a violation of RCW 9.68A.090 or 9A.44.096, or an attempt, solicitation, or conspiracy to commit a class C felony: Ten years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent ten consecutive years in the community without being convicted of any new offenses.

(2) The provisions of subsection (1) of this section shall apply equally to a person who has been found not guilty by reason of insanity under chapter 10.77 RCW of a sex offense.

(3) Any person having a duty to register under RCW 9A.44.130 may petition the superior court to be relieved of that duty. The petition shall be made to the court in which the petitioner was convicted of the offense that subjects him or her to the duty to register, or, in the case of convictions in other states, a foreign country, or a federal or military court, to the court in Thurston county. The prosecuting attorney of the county shall be named and served as the respondent in any such petition. The court shall consider the nature of the registrable offense committed, and the criminal and relevant noncriminal behavior of the petitioner both before and after conviction, and may consider other factors. Except as provided in subsection (4) of this section, the court may relieve the petitioner of the duty to register only if the petitioner shows, with clear and convincing evidence, that future registration of the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

(4) An offender having a duty to register under RCW 9A.44.130 for a sex offense committed when the offender was a juvenile may petition the superior court to be relieved of that duty. The court shall consider the nature of the registrable offense committed, and the criminal and relevant noncriminal behavior of the petitioner both before and after adjudication, and may consider other factors. The court may relieve the petitioner of the duty to register for a sex offense that was committed while the petitioner was fifteen years of age or older only if the petitioner shows, with clear and convincing evidence, that future registration of the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330. The court may relieve the petitioner of the duty to register for a sex offense that was committed while the petitioner was under the age of fifteen if the petitioner (a) has not been adjudicated of any additional sex offenses during the twenty-four months following the adjudication for the sex offense giving rise to the duty to register, and (b) the petitioner proves by a preponderance of the evidence that future registration of the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

(5) Unless relieved of the duty to register pursuant to this section, a violation of RCW 9A.44.130 is an ongoing offense for purposes of the statute of limitations under RCW 9A.04.080.

(6) Nothing in RCW 9.94A.220 relating to discharge of an offender shall be construed as operating to relieve the offender of his or her duty to register pursuant to RCW 9A.44.130.

NEW SECTION. Sec. 13. Sections 6 through 8 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 14. Sections 1 through 5 of this act apply to crimes committed on or after the effective date of this act.

NEW SECTION. Sec. 15. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1996, in the supplemental omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 9.94A.120, 9.94A.205, 9.94A.207, 4.24.550, 13.40.215, 13.40.217, 9.95.062, and 10.64.025; reenacting and amending RCW 9.94A.030, 9A.44.130, and 9A.44.140; creating new sections; prescribing penalties; and declaring an emergency.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Hargrove, the Senate concurred in the House amendments to Substitute Senate Bill No. 6274.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6274, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6274, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senators Cantu and Moyer - 2.

SUBSTITUTE SENATE BILL NO. 6274, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 4, 1996

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 1339 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Ballasiotes, Schoesler and Quall.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Hargrove, the Senate refuses to grant the request of the House for a conference on House Bill No. 1339, insists on its position regarding the Senate amendment(s) and asks the House to concur therein.

#### MESSAGE FROM THE HOUSE

March 4, 1996

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2533 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Heavey, the rules were suspended and Substitute House Bill No. 2533 was returned to second reading and read the second time.

#### MOTIONS

On motion of Senator Hargrove, the following amendment by Senators Hargrove and Long was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9.95 RCW to read as follows:

(1) When a superior court places a defendant convicted of a misdemeanor or gross misdemeanor on probation and orders supervision under RCW 9.92.060 or 9.95.210, the department of corrections has initial responsibility for supervision of that defendant.

(2) A county legislative authority may assume responsibility for the supervision of all defendants within its jurisdiction who have been convicted of a misdemeanor or gross misdemeanor and sentenced to probation by a superior court. The assumption of responsibility shall be made by contract with the department of corrections on a biennial basis.

(3) If a county assumes supervision responsibility, the county shall supervise all superior court misdemeanor probationers within that county for the duration of the biennium, as set forth in the contract with the department of corrections.

(4) A contract between a county legislative authority and the department of corrections for the transfer of supervision responsibility must include, at a minimum, the following provisions:

(a) The county's agreement to supervise all misdemeanor probationers who are sentenced by a superior court within that county and who reside within that county;

(b) A reciprocal agreement regarding the supervision of superior court misdemeanor probationers sentenced in one county but who reside in another county;

(c) The county's agreement to comply with the minimum standards for classification and supervision of offenders as required under section 2 of this act;

(d) The amount of funds available from the department of corrections to the county for supervision of superior court misdemeanor probationers, calculated according to a formula established by the department of corrections;

(e) A method for the payment of funds by the department of corrections to the county;

(f) The county's agreement that any funds received by the county under the contract will be expended only to cover costs of supervision of superior court misdemeanor probationers;

(g) The county's agreement to account to the department of corrections for the expenditure of all funds received under the contract and to submit to audits for compliance with the supervision standards and financial requirements of this section;

(h) Provisions regarding rights and remedies in the event of a possible breach of contract or default by either party; and

(i) Provisions allowing for voluntary termination of the contract by either party, with good cause, after sixty days' written notice.

(5) If the contract between the county and the department of corrections is terminated for any reason, the department of corrections shall reassume responsibility for supervision of superior court misdemeanor probationers within that county. In such an event, the department of corrections retains any and all rights and remedies available by law and under the contract.

(6) The state of Washington and the department of corrections are immune from civil liability for any harm caused by the actions of a superior court misdemeanor probationer who is under the supervision of a county. A county is immune from civil liability for any harm caused by the actions of a superior court misdemeanor probationer who is under the supervision of the department of corrections. The immunity granted under this subsection applies regardless of whether the supervising agency is in compliance with the standards of supervision at the time of the misdemeanor probationer's actions.

(7) The state of Washington, the department of corrections and its employees, community corrections officers, any county under contract with the department of corrections pursuant to this section and its employees, probation officers, and volunteers who assist community corrections officers and probation officers in the superior court misdemeanor probation program are not liable for civil damages resulting from any act or omission in the rendering of superior court misdemeanor probation activities unless the act or omission constitutes gross negligence. For purposes of this section, "volunteers" is defined according to RCW 51.12.035.

(8) If sufficient resources are not available for the department of corrections, or the county assuming supervision responsibility, to comply with the minimum standards of supervision required by section 2 of this act, the state of Washington and the department of corrections, or the county, is immune from civil liability for any harm caused by an inability to comply with the standards of supervision.

**NEW SECTION. Sec. 2.** A new section is added to chapter 9.95 RCW to read as follows:

(1) Probation supervision of misdemeanor offenders sentenced in a superior court must be based upon an offender classification system and supervision standards.

(2) Any entity under contract with the department of corrections pursuant to section 1 of this act shall establish and maintain a classification system that:

(a) Provides for a standardized assessment of offender risk;

(b) Differentiates between higher and lower risk offenders based on criminal history and current offense;

(c) Assigns cases to a level of supervision based on assessed risk;

(d) Provides, at a minimum, three levels of supervision;

(e) Provides for periodic review of an offender's classification level during the term of supervision; and

(f) Structures the discretion and decision making of supervising officers.

(3) Any entity under contract with the department of corrections pursuant to section 1 of this act may establish and maintain supervision standards that:

(a) Identify the frequency and nature of offender contact within each of at least three classification levels;

(b) Provide for a minimum of one face-to-face contact each month with offenders classified at the highest level of risk;

(c) Provide for a minimum of one personal contact per quarter for lower-risk offenders;

(d) Provide for specific reporting requirements for offenders within each level of the classification system;

(e) Assign higher-risk offenders to staff trained to deal with higher-risk offenders;

(f) Verify compliance with sentence conditions imposed by the court; and

(g) Report to the court violations of sentence conditions as appropriate.

(4) Under no circumstances may an entity under contract with the department of corrections pursuant to section 1 of this act establish or maintain supervision that is less stringent than that offered by the department.

(5) The minimum supervision standards established and maintained by the department of corrections shall provide for no less than one contact per quarter for misdemeanor probationers under its jurisdiction. The contact shall be a personal interaction accomplished either face-to-face or by telephone, unless the department finds that the individual circumstances of the offender do not require personal interaction to meet the objectives of the supervision. The circumstances under which the department may find that an offender does not require personal interaction are limited to the following: (a) The offender has no special conditions or crime-related prohibitions imposed by the court other than legal financial obligations; and (b) the offender poses minimal risk to public safety.

(6) The classification system and supervision standards must be established and met within the resources available as provided for by the legislature and the cost of supervision assessments collected, and may be enhanced by funds otherwise generated by the supervising entity.

**Sec. 3.** RCW 9.95.210 and 1995 1st sp.s. c 19 s 29 are each amended to read as follows:

(1) In granting probation, the superior court may suspend the imposition or the execution of the sentence and may direct that the suspension may continue upon such conditions and for such time as it shall designate, not exceeding the maximum term of sentence or two years, whichever is longer.

(2) In the order granting probation and as a condition thereof, the superior court may in its discretion imprison the defendant in the county jail for a period not exceeding one year and may fine the defendant any sum not exceeding the statutory limit for the offense committed, and court costs. As a condition of probation, the superior court shall require the payment of the penalty assessment required by RCW 7.68.035. The superior court may also require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary: (a) To comply with any order of the court for the payment of family support; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement; (c) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required; (d) following consideration of the financial condition of the person subject to possible electronic monitoring, to pay for the costs of electronic monitoring if that monitoring was required by the court as a condition of release from custody or as a condition of probation; (e) to contribute to a county or interlocal drug fund; and (f) to make restitution to a public agency for the costs of an emergency response under RCW 38.52.430, and may require bonds for the faithful observance of any and all conditions imposed in the probation.

(3) The superior court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the superior court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the superior court within one year of imposition of the sentence for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the superior court shall hold a restitution hearing and shall enter a restitution order.

(4) In granting probation, the superior court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary. If the county legislative authority has elected to assume responsibility for the supervision of superior court misdemeanor probationers within its jurisdiction, the superior court misdemeanor probationer shall report to a probation officer employed or contracted for by the county. In cases where a superior court misdemeanor probationer is sentenced in one county, but resides within another county, there must be provisions for the probationer to report to the agency having supervision responsibility for the probationer's county of residence.

(5) If the probationer has been ordered to make restitution and the superior court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made. If the superior court has ordered supervision and restitution has not been made as ordered, the officer shall inform the prosecutor of that violation of the terms of probation not less than three months prior to the termination of the probation period. The secretary of corrections will promulgate rules and regulations for the conduct of the person during the term of probation. For defendants found guilty in district court, like functions as the secretary performs in regard to probation may be performed by probation officers employed for that purpose by the county legislative authority of the county wherein the court is located.

**Sec. 4.** RCW 9.95.214 and 1995 1st sp.s. c 19 s 32 are each amended to read as follows:

Whenever a defendant convicted of a misdemeanor or gross misdemeanor is placed on probation under RCW 9.92.060 or 9.95.210, and the defendant is supervised by the department of corrections or a county probation department, the department or county probation department may assess and collect from the defendant for the duration of the term of supervision a monthly assessment not to exceed one hundred dollars per month. This assessment shall be paid to the ~~((department))~~ agency supervising the defendant and shall be applied, along with funds appropriated by the legislature, toward the payment or part payment of the cost of supervising the defendant.

**Sec. 5.** RCW 9.92.060 and 1995 1st sp.s. c 19 s 30 are each amended to read as follows:

(1) Whenever any person is convicted of any crime except murder, burglary in the first degree, arson in the first degree, robbery, rape of a child, or rape, the superior court may, in its discretion, at the time of imposing sentence upon such person, direct that such sentence be stayed and suspended until otherwise ordered by ~~((such))~~ the superior court, and that the sentenced person be placed under the charge of a community corrections officer employed by the department of corrections, or if the county elects to assume responsibility for the supervision of all superior court misdemeanor probationers a probation officer employed or contracted for by the county, upon such terms as the superior court may determine.

(2) As a condition to suspension of sentence, the superior court shall require the payment of the penalty assessment required by RCW 7.68.035. In addition, the superior court may require the convicted person to make such monetary payments, on such terms as the superior court deems appropriate under the circumstances, as are necessary: (a) To comply with any order of the court for the payment of family support; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement; (c) to pay any fine imposed and not suspended and the court or other costs incurred in the prosecution of the case, including reimbursement of the state for costs of extradition if return to this state by extradition was required; and (d) to contribute to a county or interlocal drug fund.

(3) As a condition of the suspended sentence, the superior court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary. If the county legislative authority has elected to assume responsibility for the supervision of superior court misdemeanor probationers within its jurisdiction, the superior court misdemeanor probationer shall report to a probation officer employed or contracted for by the county. In cases where a superior court misdemeanor probationer is sentenced in one county, but resides within another county, there must be provisions for the probationer to report to the agency having supervision responsibility for the probationer's county of residence.

(4) If restitution to the victim has been ordered under subsection (2)(b) of this section and the superior court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made as ordered. If the superior court has ordered supervision and restitution has not been made, the officer shall inform the prosecutor of that violation of the terms of the suspended sentence not less than three months prior to the termination of the suspended sentence.

**Sec. 6.** RCW 10.64.120 and 1991 c 247 s 3 are each amended to read as follows:

(1) Every judge of a court of limited jurisdiction shall have the authority to levy upon a person a monthly assessment not to exceed ~~((fifty))~~ one hundred dollars for services provided whenever ~~((a))~~ the person is referred by the court to the misdemeanant probation department for evaluation or supervision services. The assessment may also be made by a ~~((sentencing))~~ judge in superior court when such misdemeanor or gross misdemeanor cases are heard in the superior court.

(2) For the purposes of this section the office of the administrator for the courts shall define a probation department and adopt rules for the qualifications of probation officers based on occupational and educational requirements developed by an oversight committee. This oversight committee shall include a representative from the district and municipal court judges association, the misdemeanor corrections association, the office of the administrator for the courts, and associations of cities and counties. The oversight committee shall consider qualifications that provide the training and education necessary to (a) conduct presentencing and postsentencing background investigations, including sentencing recommendations to the court regarding jail terms, alternatives to incarceration, and conditions of release; and (b) provide ongoing supervision and assessment of offenders' needs and the risk they pose to the community.

(3) It shall be the responsibility of the probation services office to implement local procedures approved by the court of limited jurisdiction to ensure collection and payment of such fees into the general fund of the city or county treasury.

~~((3))~~ (4) Revenues raised under this section shall be used to fund programs for probation services and shall be in addition to those funds provided in RCW 3.62.050.

**Sec. 7.** RCW 36.01.070 and 1967 c 200 s 9 are each amended to read as follows:

Notwithstanding the provisions of chapter 72.01 RCW or any other provision of law, counties may engage in probation and parole services and employ personnel therefor under such terms and conditions as any such county shall so determine. If a county elects to assume responsibility for the supervision of superior court misdemeanor offenders placed on probation under RCW 9.92.060 or 9.95.210, the county may contract with other counties to receive or provide such probation services. A county may also enter into partnership agreements with the department of corrections under RCW 72.09.300.

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 9.95.210, 9.95.214, 9.92.060, 10.64.120, and 36.01.070; and adding new sections to chapter 9.95 RCW."

#### MOTION

On motion of Senator Hargrove, Substitute House Bill No. 2533, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2533, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2533, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudreau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2533, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

February 28, 1996

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6174 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.80.330 and 1993 c 363 s 6 are each amended to read as follows:

The board shall perform the following planning duties in consultation with the four-year institutions, the community and technical college system, and when appropriate the work force training and education coordinating board, the superintendent of public instruction, and the independent higher educational institutions:

(1) Develop and establish role and mission statements for each of the four-year institutions and for the community and technical college system;

(2) Identify the state's higher education goals, objectives, and priorities;

(3) Prepare a comprehensive master plan which includes but is not limited to:

(a) Assessments of the state's higher education needs. These assessments may include, but are not limited to: The basic and continuing needs of various age groups; business and industrial needs for a skilled work force; analyses of demographic, social, and economic trends; consideration of the changing ethnic composition of the population and the special needs arising from such trends; college attendance, retention, and dropout rates, and the needs of recent high school graduates and placebound adults. The board should consider the needs of residents of all geographic regions, but its initial priorities should be applied to heavily populated areas underserved by public institutions;

(b) Recommendations on enrollment and other policies and actions to meet those needs;

(c) Guidelines for continuing education, adult education, public service, and other higher education programs.

The initial plan shall be submitted to the governor and the legislature by December 1, 1987. Comments on the plan from the board's advisory committees and the institutions shall be submitted with the plan.

The plan shall be updated every four years, and presented to the governor and the appropriate legislative policy committees.

Following public hearings, the legislature shall, by concurrent resolution, approve or recommend changes to the initial plan, and the updates. The plan shall then become state higher education policy unless legislation is enacted to alter the policies set forth in the plan;

(4) Review, evaluate, and make recommendations on operating and capital budget requests from four-year institutions and the community and technical college system, based on the elements outlined in subsections (1), (2), and (3) of this section, and on guidelines which outline the board's fiscal priorities. These guidelines shall be distributed to the institutions and the community college board by December of each odd-numbered year. The institutions and the community college board shall submit an outline of their proposed budgets, identifying major components, to the board no later than August 1 of each even-numbered year. The board shall submit recommendations on the proposed budgets and on the board's budget priorities to the office of financial management before ~~(October 15)~~ November 1st of each even-numbered year, and to the legislature by January 1 of each odd-numbered year;

(5) Design and implement a pilot project that permits some needy resident students to use their state need grant awards to study in other states. The design of the pilot project shall include, but need not be limited to, needy students from Clark county who wish to attend an eligible institution of higher education located in the Portland area. The board may adopt rules to establish eligibility criteria for student and institutional participation in the pilot project. By December 15, 2002, the board shall provide to the governor and appropriate committees of the legislature a report on the results of the pilot project. The report shall include a recommendation on the extent to which financial aid portability should be permitted for Washington's students;

~~(6) Recommend legislation affecting higher education;~~

~~((6)) (7) Recommend tuition and fees policies and levels based on comparisons with peer institutions;~~

~~((7)) (8) Establish priorities and develop recommendations on financial aid based on comparisons with peer institutions;~~

~~((8)) (9) Prepare recommendations on merging or closing institutions; ~~(and~~~~

~~(9)) (10) Develop criteria for identifying the need for new baccalaureate institutions;~~

(11) Identify instructional program areas and localities in the state where contracting for services with institutions of higher education, as defined in RCW 28B.07.020(4), would be a cost-effective way of meeting identified needs; and

(12) Contract with institutions of higher education, as defined in RCW 28B.07.020(4), for instructional program services that lead to certification, licensure, or a degree at the baccalaureate, master's, or doctoral levels, in a field of study other than theology. Any contract under this subsection shall meet conditions that include, but need not be limited to the following:

(a) The board has found a need for the services and has found that the proposed contract represents a cost-effective way of providing the services;

(b) Only students who would meet the residency requirements described in RCW 28B.15.012 and 28B.15.013 if they were enrolled in a state supported institution of higher education may be included within the financial terms of the contract; and

(c) The contract includes provisions that ensure accountability in the expenditure of any public funds and provide periodic evaluations of the effectiveness of the contract.

Sec. 2. RCW 28B.10.790 and 1985 c 370 s 54 are each amended to read as follows:

(1) Washington residents attending any nonprofit college or university in another state ~~(which) that~~ has a reciprocity agreement with the state of Washington shall be eligible for the student financial aid program outlined in RCW 28B.10.800 through 28B.10.824 if ~~((+))~~ (a) they qualify as a "needy student" under RCW 28B.10.802(3), and ((2)) (b) the institution attended is a member institution of an accrediting association recognized by rule of the higher education coordinating board for the purposes of this section and is specifically encompassed within or directly affected by (such) the reciprocity agreement and agrees to and complies with program rules and regulations pertaining to (such) the students and institutions adopted (pursuant to) under RCW 28B.10.822.

(2) Washington residents participating in the pilot project under RCW 28B.80.330(5) shall be eligible for the student financial aid program outlined in RCW 28B.10.800 through 28B.10.824 if the residents (a) qualify as needy students under RCW 28B.10.802(3), (b) are enrolled at an eligible institution as defined by the board under RCW 28B.80.330(5), and (c) meet any additional criteria established by the board for participation in the pilot project."

On page 1, line 2 of the title, after "board;" strike the remainder of the title and insert "and amending RCW 28B.80.330 and 28B.10.790.", and the same are herewith transmitted.

MOTION

On motion of Senator Bauer, the Senate refuses to concur in the House amendments to Senate Bill No. 6174 and asks the House to recede therefrom.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6513 and the pending House striking amendments, deferred March 4, 1996.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Spanel to the scope and object of the amendments by the House of Representatives, the President finds that Substitute Senate Bill No. 6513 is a measure which recognizes the cultural and economic significance of locating the U.S.S. Missouri in Bremerton; acknowledges a multi-million dollar commitment on the part of Kitsap County and the Port of Bremerton; makes a finding that an investment in the Missouri will provide economic benefits to the state of Washington; and declares that the Legislature will act as a partner in securing the Port of Bremerton as a permanent homeport for the Missouri.

"The House amendments identify economic, historical and educational benefits to the state from locating the Missouri in Bremerton; recognizes the role that state ferries will play in providing access to the ship; appropriates three million dollars for the purpose of reimbursing Kitsap County and the Port of Bremerton for construction expenditures relative to the Missouri; and provides a sales and use tax exemption for marine fuel to support passenger only ferry service in order to address increased tourism associated with visitors to the U.S.S. Missouri.

"In addition, Section 4 of the amendment would allow use of all or a portion of the revenue made available by the tax exemption for 'economic development activities,' apparently whether or not such activities may be related to the subject of the bill, the U.S.S. Missouri.

"The President, therefore, finds that the proposed striking amendments, because of the amendatory language in Section 4, do expand the scope and object of the bill and the point of order is well taken."

The House striking amendments to Substitute Senate Bill No. 6513 were ruled out of order.

MOTION

On motion of Senator Spanel, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 6513 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 4, 1996

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 2828 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Casada, Crouse and Patterson.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Sutherland, the Senate refuses to grant the request of the House for a conference on Engrossed Substitute House Bill No. 2828, insists on its position regarding the Senate amendment(s) and asks the House to concur therein.

MESSAGE FROM THE HOUSE

March 4, 1996

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2478 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Bauer, the rules were suspended, Substitute House Bill No. 2478 was returned to second reading and read the second time.

MOTION

Senator Bauer moved that the following amendment by Senators Bauer and Wood be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.15.067 and 1995 1st sp.s. c 9 s 4 are each amended to read as follows:

(1) Tuition fees shall be established under the provisions of this chapter.

(2) Academic year tuition for full-time students at the state's institutions of higher education for the 1995-96 academic year, other than the summer term, shall be as provided in this subsection.

(a) At the University of Washington and Washington State University:

(i) For resident undergraduate students and other resident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, two thousand seven hundred sixty-four dollars;

(ii) For nonresident undergraduate students and other nonresident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, eight thousand two hundred sixty-eight dollars;

(iii) For resident graduate and law students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, four thousand four hundred ninety dollars;

(iv) For nonresident graduate and law students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, eleven thousand six hundred thirty-four dollars;

(v) For resident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, seven thousand four hundred ninety-seven dollars; and

(vi) For nonresident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, nineteen thousand four hundred thirty-one dollars.

(b) At the regional universities and The Evergreen State College:

(i) For resident undergraduate and all other resident students not in graduate study programs, two thousand forty-five dollars;

(ii) For nonresident undergraduate and all other nonresident students not in graduate study programs, seven thousand nine hundred ninety-two dollars;

(iii) For resident graduate students, three thousand four hundred forty-three dollars; and

(iv) For nonresident graduate students, eleven thousand seventy-one dollars.

(c) At the community colleges:

(i) For resident students, one thousand two hundred twelve dollars; and

(ii) For nonresident students, five thousand one hundred sixty-two dollars and fifty cents.

(3) Academic year tuition for full-time students at the state's institutions of higher education beginning with the 1996-97 academic year, other than the summer term, shall be as provided in this subsection.

(a) At the University of Washington and Washington State University:

(i) For resident undergraduate students and other resident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, two thousand eight hundred seventy-five dollars;

(ii) For nonresident undergraduate students and other nonresident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, ~~((eight thousand five hundred ninety-nine))~~ nine thousand four hundred ninety-one dollars;

(iii) For resident graduate and law students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, four thousand six hundred sixty-nine dollars;

(iv) For nonresident graduate and law students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, twelve thousand one hundred dollars;

(v) For resident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, seven thousand seven hundred ninety-seven dollars; and

(vi) For nonresident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, twenty thousand two hundred nine dollars.

(b) At the regional universities and The Evergreen State College:

(i) For resident undergraduate and all other resident students not in graduate study programs, two thousand one hundred twenty-seven dollars;

(ii) For nonresident undergraduate and all other nonresident students not in graduate study programs, eight thousand three hundred twelve dollars;

(iii) For resident graduate students, three thousand five hundred eighty-one dollars; and

(iv) For nonresident graduate students, eleven thousand five hundred fourteen dollars.

(c) At the community colleges:

(i) For resident students, one thousand two hundred sixty-one dollars; and

(ii) For nonresident students, five thousand three hundred sixty-nine dollars and fifty cents.

(4) The tuition fees established under this chapter shall not apply to high school students enrolling in community colleges under RCW 28A.600.300 through 28A.600.395.

**NEW SECTION. Sec. 2.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Bauer and Wood to Substitute House Bill No. 2478, under suspension of the rules.

The motion by Senator Bauer carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Bauer, the following title amendment was adopted:

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "and amending RCW 28B.15.067."

On motion of Senator Bauer, Substitute House Bill No. 2478, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2478, as amended by the Senate under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2478, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 3; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Smith, Snyder, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn and Wood - 42.

Voting nay: Senators Fraser, Spanel, West and Zarelli - 4.

Absent: Senators Loveland, Rinehart and Sheldon - 3.

SUBSTITUTE HOUSE BILL NO. 2478, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Thibaudeau, Senator Pelz was excused.

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Rasmussen, Gubernatorial Appointment No. 9209, David Schodde, as a member of the Board of Trustees for Green River Community College District No. 10, was confirmed.

APPOINTMENT OF DAVID SCHODDE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Pelz - 1.

MOTION

On motion of Senator McCaslin, Senator Schow was excused.

MOTION

On motion of Senator Hochstatter, Gubernatorial Appointment No. 9210, Patricia Schrom, as a member of the Board of Trustees for Big Bend Community College District No. 18, was confirmed.

APPOINTMENT OF PATRICIA SCHROM

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senator Rinehart - 1.

Excused: Senators Pelz and Schow - 2.

MOTION

On motion of Senator Thibaudeau, Senators Kohl, Loveland and Sheldon were excused.

MOTION

On motion of Senator Rasmussen, Gubernatorial Appointment No. 9258, James P. Dawson, as a member of the Board of Trustees for Pierce Community College District No. 11, was confirmed.

APPOINTMENT OF JAMES P. DAWSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44.

Absent: Senator Rinehart - 1.

Excused: Senators Kohl, Loveland, Pelz and Sheldon - 4.

MOTIONS

On motion of Senator Anderson, Senator Zarelli was excused.

On motion of Senator Thibaudeau, Senator Hargrove was excused.

MOTION

On motion of Senator Sellar, Gubernatorial Appointment No. 9264, Fred D. Bertrand, as a member of the Board of Trustees for Wenatchee Community College District No. 15, was confirmed.

#### APPOINTMENT OF FRED D. BERTRAND

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn and Wood - 44.

Absent: Senators McDonald and West - 2.

Excused: Senators Hargrove, Pelz and Zarelli - 3.

#### MOTION

On motion of Senator Heavey, Gubernatorial Appointment No. 9211, Paul J. Wysocki, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community College District No. 6, was confirmed.

#### APPOINTMENT OF PAUL J. WYSOCKI

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2. Voting yea: Senators Anderson, A., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Wojahn and Wood - 45.

Absent: Senators Bauer and Winsley - 2.

Excused: Senators Pelz and Zarelli - 2.

#### MOTION

On motion of Senator Thibaudeau, Senators Haugen and Rinehart were excused.

#### MOTION

On motion of Senator Moyer, Gubernatorial Appointment No. 9163, Judith Butler, as a member of the Higher Education Facilities Authority, was confirmed.

#### APPOINTMENT OF JUDITH BUTLER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Haugen, Pelz, Rinehart and Zarelli - 4.

#### MOTION

On motion of Senator Heavey, Gubernatorial Appointment No. 9170, Richard Spangler, as a member of the Work Force Training and Education Coordinating Board, was confirmed.

#### APPOINTMENT OF RICHARD SPANGLER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn and Wood - 43.

Absent: Senators McDonald and West - 2.

Excused: Senators Haugen, Pelz, Rinehart and Zarelli - 4.

#### MOTION

On motion of Senator Fairley, Gubernatorial Appointment No. 9197, Larry B. Ogg, as a member of the Board of Trustees for Shoreline Community College District No. 7, was confirmed.

#### APPOINTMENT OF LARRY B. OGG

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 45.

Excused: Senators Haugen, Pelz, Rinehart and Zarelli - 4.

#### MOTION

On motion of Senator Fairley, Gubernatorial Appointment No. 9205, Shoubee Liaw, as a member of the Board of Trustees for Shoreline Community College District No. 7, was confirmed.

#### MOTION

On motion of Senator Sellar, Senators Finkbeiner and Hale were excused.

#### APPOINTMENT OF SHOUBEE LIAW

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 44.

Excused: Senators Finkbeiner, Hale, Haugen, Rinehart and Zarelli - 5.

#### MOTION

On motion of Senator Strannigan, Gubernatorial Appointment No. 9250, Steve Parker, as a member of the Board of Trustees for Everett Community College District No. 5, was confirmed.

#### APPOINTMENT OF STEVE PARKER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 3; Excused, 5.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley and Wojahn - 41.

Absent: Senators McDonald, West and Wood - 3.

Excused: Senators Finkbeiner, Hale, Haugen, Rinehart and Zarelli - 5.

#### MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9217, James R. Faulstich, as a member of the Higher Education Coordinating Board, was confirmed.

#### APPOINTMENT OF JAMES R. FAULSTICH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43.

Absent: Senators McCaslin and Sellar - 2.

Excused: Senators Finkbeiner, Hale, Haugen and Rinehart - 4.

#### MOTION

On motion of Senator Quigley, Gubernatorial Appointment No. 9253, Karen Kiessler, as a member of the Board of Pharmacy, was confirmed.

#### MOTION

On motion of Senator Thibaudeau, Senators Kohl and Smith were excused.

#### APPOINTMENT OF KAREN KIESSLING

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Heavey, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43.

Excused: Senators Finkbeiner, Hale, Haugen, Kohl, Rinehart and Smith - 6.

MOTION

On motion of Senator Quigley, Gubernatorial Appointment No. 9254, Suann M. Bond, as a member of the Board of Pharmacy, was confirmed.

APPOINTMENT OF SUANN M. BOND

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44.

Excused: Senators Finkbeiner, Hale, Haugen, Rinehart and Smith - 5.

MOTION

On motion of Senator Anderson, Senator McDonald was excused.

MOTION

On motion of Senator Pelz, Gubernatorial Appointment No. 9272, Elizabeth McLaughlin, as a member of the Gambling Commission, was confirmed.

APPOINTMENT OF ELIZABETH McLAUGHLIN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5. Voting yea: Senators Anderson, A., Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43.

Absent: Senator Bauer - 1.

Excused: Senators Finkbeiner, Hale, Haugen, McDonald and Rinehart - 5.

MOTION

On motion of Senator Smith, Gubernatorial Appointment No. 9235, Chief Samuel R. Johnston, as a member of the Clemency and Pardons Board, was confirmed.

APPOINTMENT OF CHIEF SAMUEL R. JOHNSTON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5. Voting yea: Senators Anderson, A., Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 42.

Absent: Senators Bauer and Strannigan - 2.

Excused: Senators Finkbeiner, Hale, Haugen, McDonald and Rinehart - 5.

MOTION

On motion of Senator Thibaudeau, Senator Pelz was excused.

MOTION

On motion of Senator Smith, Gubernatorial Appointment No. 9238, Judge Michael Spearman, as a member of the Sentencing and Guidelines Commission, was confirmed.

APPOINTMENT OF JUDGE MICHAEL SPEARMAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 42.

Absent: Senator Strannigan - 1.

Excused: Senators Finkbeiner, Hale, Haugen, McDonald, Pelz and Rinehart - 6.

MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9206, Donald V. Rhodes, as a member of the Board of Trustees for South Puget Sound Community College District No. 24, was confirmed.

APPOINTMENT OF DONALD V. RHODES

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 42.

Absent: Senator Strannigan - 1.

Excused: Senators Finkbeiner, Hale, Haugen, McDonald, Pelz and Rinehart - 6.

President Pro Tempore Wojahn assumed the Chair.

MOTION

On motion of Senator Prince, Gubernatorial Appointment No. 9269, Erika Hennings, as a member of the Board of Trustees for Big Bend Community College District No. 18, was confirmed.

MOTION

On motion of Senator McCaslin, Senator Strannigan was excused.

APPOINTMENT OF ERIKA HENNINGS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43.

Absent: Senator Schow - 1.

Excused: Senators Haugen, McDonald, Pelz, Rinehart and Strannigan - 5.

MOTION

On motion of Senator Anderson, Senator Schow was excused.

MOTION

On motion of Senator Heavey, Gubernatorial Appointment No. 9255, Jeff G. Johnson, as a member of the Work Force Training and Education Coordinating Board, was confirmed.

APPOINTMENT OF JEFF G. JOHNSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43.

Excused: Senators Haugen, McDonald, Pelz, Rinehart, Schow and Strannigan - 6.

Vice President Pro Tempore Franklin assumed the Chair.

MOTION

On motion of Senator Anderson, Senator Finkbeiner was excused.

MOTION

On motion of Senator Heavey, Gubernatorial Appointment No. 9239, Kirstianne Blake, as a member of the Spokane Joint Center for Higher Education, was confirmed.

APPOINTMENT OF KIRSTIANNE BLAKE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 42.

Excused: Senators Finkbeiner, Haugen, McDonald, Pelz, Rinehart, Schow and Strannigan - 7.

MOTION

On motion of Senator Spanel, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

March 5, 1996

GA 9223 JUDGE ROBERT W. WINSOR, appointed November 17, 1995, for a term ending September 25, 1998, as a member of the Clemency and Pardons Board.  
Reported by Committee on Law and Justice

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Smith, Chair; Goings, Haugen, Johnson, Roach, Quigley and Schow.

HOLD.

March 5, 1996

GA 9236 DR. ANITA MENDEZ-PETERSON, appointed November 7, 1995, for a term ending September 25, 1997, as a member of the Clemency and Pardons Board.  
Reported by Committee on Law and Justice

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Smith, Chair; Goings, Haugen, Johnson, Quigley and Schow.

HOLD.

March 5, 1996

GA 9275 BARBARA COTHERN, appointed February 14, 1996, for a term ending December 31, 2000, as a member of the Public Disclosure Commission.  
Reported by Committee on Law and Justice

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Smith, Chair; Goings, Haugen, Johnson, Long, Roach, Quigley and Schow.

HOLD.

MOTION

On motion of Senator Spanel, the rules were suspended, Gubernatorial Appointment No. 9223, Robert W. Winsor, as a member of the Clemency and Pardons Board; Gubernatorial Appointment No. 9236, Dr. Anita Mendez-Peterson, as a member of the Clemency and Pardons Board; and Gubernatorial Appointment No. 9275, Barbara Cothorn, as a member of the Public Disclosure Commission were advanced to second reading and placed on the second reading calendar.

MOTION

At 4:47 p.m., on motion of Senator Spanel, the Senate adjourned until 10:00 a.m., Wednesday, March 6, 1996.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-EIGHTH DAY, MARCH 5, 1996

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**FIFTY-NINTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia, Wednesday, March 6, 1996

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Hargrove, Haugen, Pelz, Rinehart and Wojahn. On motion of Senator Thibaudeau, Senators Bauer, Haugen, Pelz, Rinehart and Wojahn were excused.

The Sergeant at Arms Color Guard, consisting of Pages Lisa Staiger and Brian Holbrook, presented the Colors. Reverend Phil Rue, pastor of the Gloria Dei Lutheran Church of Olympia, offered the prayer.

**MOTION**

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

**MESSAGES FROM THE HOUSE**

March 5, 1996

MR. PRESIDENT:

The Speaker has signed:  
SUBSTITUTE HOUSE BILL NO. 1018,  
SECOND SUBSTITUTE HOUSE BILL NO. 1289,  
THIRD SUBSTITUTE HOUSE BILL NO. 1381,  
HOUSE BILL NO. 1627,  
HOUSE BILL NO. 1712,  
SECOND SUBSTITUTE HOUSE BILL NO. 1860,  
SUBSTITUTE HOUSE BILL NO. 1990,  
SUBSTITUTE HOUSE BILL NO. 2075,  
HOUSE BILL NO. 2134,  
SUBSTITUTE HOUSE BILL NO. 2151,  
HOUSE BILL NO. 2172,  
SUBSTITUTE HOUSE BILL NO. 2192,  
HOUSE BILL NO. 2291,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2309,  
SUBSTITUTE HOUSE BILL NO. 2310,  
SUBSTITUTE HOUSE BILL NO. 2339,  
ENGROSSED HOUSE BILL NO. 2396,  
SUBSTITUTE HOUSE BILL NO. 2446,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2592,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2640,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2793, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 5, 1996

MR. PRESIDENT:

The Speaker has signed:  
SECOND SUBSTITUTE HOUSE BILL NO. 1229,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2227,  
HOUSE BILL NO. 2250, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 5, 1996

MR. PRESIDENT:

The Speaker has signed:  
SUBSTITUTE SENATE BILL NO. 5167,  
SECOND SUBSTITUTE SENATE BILL NO. 5175,  
SUBSTITUTE SENATE BILL NO. 5250,  
SECOND SUBSTITUTE SENATE BILL NO. 5516,  
SUBSTITUTE SENATE BILL NO. 5818,  
SUBSTITUTE SENATE BILL NO. 5865,  
SUBSTITUTE SENATE BILL NO. 6078,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6120,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6168,  
SUBSTITUTE SENATE BILL NO. 6173,  
SUBSTITUTE SENATE BILL NO. 6180,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6241,  
SENATE BILL NO. 6243,  
SECOND SUBSTITUTE SENATE BILL NO. 6260,  
ENGROSSED SENATE BILL NO. 6277,  
SENATE BILL NO. 6286,

SUBSTITUTE SENATE BILL NO. 6322,  
ENGROSSED SENATE BILL NO. 6413,  
SENATE BILL NO. 6428,  
SUBSTITUTE SENATE BILL NO. 6514,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6521,  
SUBSTITUTE SENATE BILL NO. 6532,  
ENGROSSED SENATE BILL NO. 6544,  
SUBSTITUTE SENATE BILL NO. 6576,  
SUBSTITUTE SENATE BILL NO. 6583,  
SUBSTITUTE SENATE BILL NO. 6636,  
SUBSTITUTE SENATE BILL NO. 6692,  
SUBSTITUTE SENATE BILL NO. 6699,  
SENATE BILL NO. 6718,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6753,  
SENATE BILL NO. 6757,  
SENATE CONCURRENT RESOLUTION NO. 8428,  
SENATE CONCURRENT RESOLUTION NO. 8431, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 5, 1996

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following House Bills and passed the bills as amended by the Senate:  
SUBSTITUTE HOUSE BILL NO. 2140,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2150,  
SUBSTITUTE HOUSE BILL NO. 2167,  
SECOND SUBSTITUTE HOUSE BILL NO. 2323,  
HOUSE BILL NO. 2365,  
SUBSTITUTE HOUSE BILL NO. 2420,  
SUBSTITUTE HOUSE BILL NO. 2785,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2909.

TIMOTHY A. MARTIN, Chief Clerk

March 5, 1996

MR. PRESIDENT:

The House receded from its amendment(s) to SECOND SUBSTITUTE SENATE BILL NO. 6272 and passed the bill without the House amendment(s), and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 5, 1996

MR. PRESIDENT:

The House receded from its amendment(s) to SENATE BILL NO. 6476 and passed the bill without the House amendment(s), and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 5, 1996

MR. PRESIDENT:

The House receded from its amendment(s) to SUBSTITUTE SENATE BILL NO. 6542 and passed the bill without the House amendment(s), and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 5, 1996

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SECOND SUBSTITUTE SENATE BILL NO. 5258. The Speaker has appointed the following members as conferees: Representatives Boldt, Cooke and Dickerson.

TIMOTHY A. MARTIN, Chief Clerk

March 5, 1996

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SENATE BILL NO. 6247. The Speaker has appointed the following members as conferees: Representatives Van Luven, Radcliff and Ogden.

TIMOTHY A. MARTIN, Chief Clerk

March 5, 1996

MR. PRESIDENT:

The House grants the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 6285. The Speaker has appointed the following members as conferees: Representatives Ballasiotes, Radcliff and Quall.

TIMOTHY A. MARTIN, Chief Clerk

March 5, 1996

MR. PRESIDENT:

The House grants the request of the Senate for a conference on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6705. The Speaker has appointed the following members as conferees: Representatives Carlson, Huff and Jacobsen.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SECOND SUBSTITUTE HOUSE BILL NO. 1229,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2227,  
HOUSE BILL NO. 2250.

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5322,  
SUBSTITUTE SENATE BILL NO. 6274,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6680.

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 1018,  
SECOND SUBSTITUTE HOUSE BILL NO. 1289,  
THIRD SUBSTITUTE HOUSE BILL NO. 1381,  
HOUSE BILL NO. 1627,  
HOUSE BILL NO. 1712,  
SECOND SUBSTITUTE HOUSE BILL NO. 1860,  
SUBSTITUTE HOUSE BILL NO. 1990,  
SUBSTITUTE HOUSE BILL NO. 2075,  
HOUSE BILL NO. 2134,  
SUBSTITUTE HOUSE BILL NO. 2151,  
HOUSE BILL NO. 2172,  
SUBSTITUTE HOUSE BILL NO. 2192,  
HOUSE BILL NO. 2291,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2309,  
SUBSTITUTE HOUSE BILL NO. 2310,  
SUBSTITUTE HOUSE BILL NO. 2339,  
ENGROSSED HOUSE BILL NO. 2396,  
SUBSTITUTE HOUSE BILL NO. 2446,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2592,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2640,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2793.

MOTION

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

SENATE RESOLUTION 1996-8710

By Senators McAuliffe, Thibaudeau, Fairley, Sheldon, Rasmussen, Hargrove, Wood, Kohl, Spanel, Snyder, Franklin, Hochstatter, Owen, Goings, Deccio, Roach, Johnson, Finkbeiner, Winsley, Zarelli, Long, Hale, Sutherland and McCaslin

WHEREAS, A significant number of the public education staff serving the needs of the children of this state are classified school employees; and

WHEREAS, Classified school employees are instrumental in the fulfilling of this state's paramount responsibility to educate children; and

WHEREAS, Classified school employees are involved in maintaining school buildings, providing safe transportation to and from school facilities, keeping school facilities clean and orderly, assisting in the classroom, and providing many other necessary services; and

WHEREAS, These dedicated individuals deserve recognition and thanks for the excellent work they are doing for this state, for their communities, and for the children enrolled in Washington's schools;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the second week of March as Classified School Employee Week in Washington State, and urge all citizens to join in recognizing the dedication and hard work of these individuals.

Senators McAuliffe and Johnson spoke to Senate Resolution 1996-8710.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Classified School Employees, who were seated in the gallery.

MOTION

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

SENATE RESOLUTION 1996-8706

By Senators McAuliffe, Roach, Sellar, Wood, Finkbeiner, Sheldon, Johnson, Prentice, Cantu, Long, Prince, Goings, Morton, Pelz, Franklin, Hochstatter, Hale, Kohl, Bauer, Loveland, Thibaudeau, Spanel, Strannigan, Snyder, Newhouse, Fairley, Fraser and Moyer

WHEREAS, Reading is a basic life skill and the foundation for all future learning, and students need to graduate from high school with adequate reading skills; and

WHEREAS, Teachers, parents, educators, librarians, state-wide education associations, literacy councils, local school districts, business, higher education, and educational service districts are interested in promoting ideas with regard to the effective teaching of reading; and

WHEREAS, The world is moving into a technological-information age in which full participation in education, science, business, industry, and other professions will require increasing levels of literacy; and

WHEREAS, Research clearly shows that children read better if they are read to at home, encouraged to read in their free time, and when their parents value education, and students need to be encouraged to spend considerably more time reading than watching television; and

WHEREAS, There is a documented connection between illiteracy and juvenile crime; and

WHEREAS, There are many state-wide education organizations that plan to focus their attention on the teaching and learning of reading; and

WHEREAS, A state-wide focus on literacy will result in improved instruction state-wide and create an atmosphere that fosters a love of reading;

NOW, THEREFORE, BE IT RESOLVED, That the Senate respectfully pray that the Governor of the state of Washington declare 1997 as the Year of the Reader; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Secretary of the Senate to the Honorable Mike Lowry, Governor, and to the Honorable Judith Billings, Superintendent of Public Instruction.

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator McAuliffe, Gubernatorial Appointment No. 9246, Susan I. Davidson, as a member of the Board of Trustees for the State School for the Blind, was confirmed.

APPOINTMENT OF SUSAN I. DAVIDSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5. Voting yea: Senators Anderson, A., Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 43.

Absent: Senator Hargrove - 1.

Excused: Senators Bauer, Haugen, Pelz, Rinehart and Wojahn - 5.

MOTION

At 10:25 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:26 a.m. by President Pritchard.

SIGNED BY THE PRESIDENT

The President signed:  
SECOND SUBSTITUTE SENATE BILL NO. 6272,  
SENATE BILL NO. 6476,  
SUBSTITUTE SENATE BILL NO. 6542.

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

MESSAGE FROM THE HOUSE

March 5, 1996

MR. PRESIDENT:

The House refuses to recede from its amendment(s) to SECOND SUBSTITUTE SENATE BILL NO. 5417 and insists on its position and asks the Senate to concur therein, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Smith, the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5417.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5417, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5417, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senator Deccio - 1.

Excused: Senators Haugen and Rinehart - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5417, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 5, 1996

MR. PRESIDENT:

The House refuses to recede from its amendment(s) to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5700 and insists on its position and asks the Senate to concur therein, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Owen, the Senate refuses to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5700, insists on its position and again asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

March 5, 1996

MR. PRESIDENT:

The House recedes from its amendment(s) to SENATE BILL NO. 6217 on page 2, line 11, after "section." and passed the bill with certain House amendment(s), and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

EDITOR'S NOTE: The Senate concurred in the remaining House amendments March 2, 1996.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6217, as amended by the House, without the amendment on page 2, after line 11, after "section."

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6217, as amended by the House, but without the amendment on page 2, after line 11, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 46.

Voting nay: Senator Wojahn - 1.

Excused: Senators Haugen and Rinehart - 2.

SENATE BILL NO. 6217, as amended by the House, but without the amendment on page 2, after line 11, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 5, 1996

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2186 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Dyer, Backlund and Conway.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Quigley moved that the Senate refuse to grant the request of the House for a conference on Substitute House Bill No. 2186, and asks the House to concur therein.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Quigley that the Senate refuses to grant the request of the House for a conference on Substitute House Bill No. 2186 and asks the House to concur therein.

The motion by Senator Quigley carried and the Senate refuses to grant the request of the House for a conference on Substitute House Bill No. 2186 and asks the House to concur therein.

#### MESSAGE FROM THE HOUSE

March 5, 1996

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 2672 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Heavey, the rules were suspended, Engrossed House Bill No. 2672 was returned to second reading and read the second time.

#### MOTION

Senator Pelz moved that the following amendment by Senators Pelz and Deccio be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 9.46 RCW to read as follows:

(1) A person may not hold, conduct, or operate live greyhound racing for public exhibition, parimutuel betting, or special exhibition events, if such activities are conducted for gambling purposes. A person may not transmit or receive intrastate or interstate simulcasting of greyhound racing for commercial, parimutuel, or exhibition purposes, if such activities are conducted for gambling purposes.

(2) A person who violates this section is guilty of a class B felony, under RCW 9.46.220, professional gambling in the first degree, and is subject to the penalty under RCW 9A.20.021.

**Sec. 2.** RCW 9.46.0269 and 1987 c 4 s 18 are each amended to read as follows:

(1) A person is engaged in "professional gambling" for the purposes of this chapter when:

(a) Acting other than as a player or in the manner authorized by this chapter, the person knowingly engages in conduct which materially aids any other form of gambling activity; or

(b) Acting other than as a player or in the manner authorized by this chapter, the person knowingly accepts or receives money or other property pursuant to an agreement or understanding with any other person whereby he or she participates or is to participate in the proceeds of gambling activity;

(c) The person engages in bookmaking; (~~or~~)

(d) The person conducts a lottery; or

(e) The person violates section 1 of this act.

(2) Conduct under subsection (1)(a) of this section, except as exempted under this chapter, includes but is not limited to conduct directed toward the creation or establishment of the particular game, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the actual conduct of the playing phases thereof, toward the arrangement of any of its financial or recording phases, or toward any other phase of its operation. If a person having substantial proprietary or other authoritative control over any premises shall permit the premises to be used with the person's knowledge for the purpose of conducting gambling activity other than gambling activities authorized by this chapter, and acting other than as a player, and the person permits such to occur or continue or makes no effort to prevent its occurrence or continuation, the person shall be considered as being engaged in professional gambling: PROVIDED, That the proprietor of a bowling establishment who awards prizes obtained from player contributions, to players successfully knocking down pins upon the contingency of identifiable pins being placed in a specified position or combination of positions, as designated by the posted rules of the bowling establishment, where the proprietor does not participate in the proceeds of the "prize fund" shall not be construed to be engaging in "professional gambling" within the meaning of this chapter: PROVIDED FURTHER, That the books and records of the games shall be open to public inspection."

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Pelz to adopt the striking amendment by Senators Pelz and Deccio to Engrossed House Bill No. 2672, under suspension of the rules.

The motion by Senator Pelz carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Pelz, the following title amendment was adopted:

On page 1, line 2 of the title, after "Washington;" strike the remainder of the title and insert "amending RCW 9.46.0269; adding a new section to chapter 9.46 RCW; and prescribing penalties."

On motion of Senator Pelz, Engrossed House Bill No. 2672, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2672, as amended by the Senate under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2672, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Haugen and Rinehart - 2.

ENGROSSED HOUSE BILL NO. 2672, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 5, 1996

MR. PRESIDENT:

Under suspension of the rules, FOURTH SUBSTITUTE SENATE BILL NO. 5159, was returned to second reading for the purpose of amendment(s). The following amendment was adopted and the bill passed the House as amended:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A warm water game fish enhancement program is created in the department to be funded from the sale of a warm water game fish surcharge. The enhancement program shall be designed to increase the opportunities to fish for and catch warm water game fish including: Largemouth black bass, smallmouth black bass, channel catfish, black crappie, white crappie, walleye, and tiger musky. The program shall be designed to use a practical applied approach to increasing warm water fishing. The department shall use the funds available efficiently to assure the greatest increase in the fishing for warm water fish at the lowest cost. This approach shall involve the minimization of overhead and administrative costs and the maximization of productive in-the-field activities.

**NEW SECTION. Sec. 2.** Unless the context clearly requires otherwise, as used in this chapter, "warm water game fish" includes the following species: Bass, channel catfish, walleye, crappie, and other species as defined by the department.

**NEW SECTION. Sec. 3.** (1) A warm water game fish surcharge allows a person to fish throughout the state for warm water game fish.

(2) The annual fee for a game fish surcharge is five dollars and the surcharge is required in addition to an annual game fishing license, except for those persons under fifteen years of age for which there is no charge. Holders of three-day resident fishing licenses, three-day nonresident fishing licenses, and nonresident annual fishing licenses shall pay a five-dollar surcharge to fish for warm water fish.

(3) The department shall use the most cost-effective format in designing and administering the warm water game fish surcharge.

(4) A warm water game fish surcharge shall only be required to fish for: Largemouth bass, smallmouth bass, walleye, black crappie, white crappie, channel catfish, and tiger musky.

**NEW SECTION. Sec. 4.** The goals of the warm water game fish enhancement program are to improve the fishing for warm water game fish using cost-effective management. Development of new ponds and lakes shall be an important and integral part of the program. The department shall work with the department of natural resources to coordinate the reclamation of surface mines and the development of warm water game fish ponds. Improvement of warm water fishing shall be coordinated with the protection and conservation of cold water fish populations. This shall be accomplished by carefully designing the warm water projects to have minimal adverse effects upon the cold water fish populations. New pond and lake development should have beneficial effects upon wildlife due to the increase in lacustrine and wetland habitat that will accompany the improvement of warm water fish habitat. The department shall not develop projects that will increase the populations of undesirable or deleterious fish species such as carp, squawfish, walking catfish, and others.

Fish culture programs shall be used in conditions where they will prove to be cost-effective, and may include the purchase of warm water fish from aquatic farmers defined in RCW 15.85.020. Consideration should be made for development of urban area enhancement of fishing opportunity for put-and-take species, such as channel catfish, that are amenable to production by low-cost fish culture methods. Fish culture shall also be used for stocking of high value species, such as walleye, smallmouth bass, and tiger musky. Introduction of special genetic strains that show high potential for recreational fishing improvement, including Florida strain largemouth bass and striped bass, shall be considered.

Transplantation and introduction of exotic warm water fish shall be carefully reviewed to assure that adverse effects to native fish and wildlife populations do not occur. This review shall include an analysis of consequences from disease and parasite introduction.

Population management through the use of fish toxicants, including rotenone or derris root, shall be an integral part of the warm water game fish enhancement program. However, any use of fish toxicants shall be subject to a thorough review to prevent adverse effects to cold water fish, desirable warm water fish, and other biota. Eradication of deleterious fish species shall be a goal of the program.

Habitat improvement shall be a major aspect of the warm water game fish enhancement program. Habitat improvement opportunities shall be defined with scientific investigations, field surveys, and by using the extensive experience of other state management entities. Installation of cover, structure, water flow control structures, screens, spawning substrate, vegetation control, and other management techniques shall be fully used. The department shall work to gain access to privately owned waters that can be developed with habitat improvements to improve the warm water resource for public fishing.

The department shall use the resources of cooperative groups to assist in the planning and implementation of the warm water game fish enhancement program. In the development of the program the department shall actively involve the organized fishing clubs that primarily fish for warm water fish. The warm water fish enhancement program shall be cooperative between the department and private landowners; private landowners shall not be required to alter the uses of their private property to fulfill the purposes of the warm water fish enhancement program. The director shall not impose restrictions on the use of private property, or take private property, for the purpose of the warm water fish enhancement program.

**NEW SECTION. Sec. 5.** The warm water game fish account is hereby created in the state wildlife fund. Moneys in the account are subject to legislative appropriation and shall be used for the purpose of funding the warm water game fish enhancement program, including the development of warm water pond and lake habitat, culture of warm water game fish, improvement of warm water fish habitat, management of warm water fish populations, and other practical activities that will improve the fishing for warm water fish. Funds from the warm water game fish surcharge shall not serve as replacement funding for department-operated warm water fish projects existing on December 31, 1994. Funds from the warm water game fish account shall not be used for the operation or construction of the warm water fish culture project at Ringold unless specifically authorized by legislation.

Funds from the sale of the warm water game fish surcharges shall be deposited in the warm water game fish account.

**NEW SECTION. Sec. 6.** The department of fish and wildlife shall provide to the natural resource committees of the legislature an operational and management plan for the Ringold warm water fish culture project on or before December 31, 1996.

**NEW SECTION. Sec. 7.** Sections 1 through 5 of this act shall constitute a new chapter in Title 77 RCW.

**NEW SECTION. Sec. 8.** (1) Sections 1, 2, and 4 through 6 of this act shall take effect July 1, 1996.

(2) Section 3 of this act shall take effect January 1, 1997."

Correct the title accordingly., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Drew moved that the Senate do concur in the House amendment to Fourth Substitute Senate Bill No. 5159.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Drew that the Senate do concur in the House amendment to Fourth Substitute Senate Bill No. 5159.

The motion by Senator Drew carried and the Senate concurred in the House amendment to Fourth Substitute Senate Bill No. 5159.

#### MOTION

On motion of Senator Anderson, Senator Cantu was excused.

The President declared the question before the Senate to be the roll call on the final passage of Fourth Substitute Senate Bill No. 5159, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Fourth Substitute Senate Bill No. 5159, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz,

Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Excused: Senators Cantu, Haugen and Rinehart - 3.

FOURTH SUBSTITUTE SENATE BILL NO. 5159, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1996

MR. PRESIDENT:

Under suspension of the rules, ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5676 was returned to second reading for the purpose of amendment(s). The following amendment was adopted and the bill passed the Senate as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 26.09.191 and 1994 c 267 s 1 are each amended to read as follows:

(1) The permanent parenting plan shall not require mutual decision-making or designation of a dispute resolution process other than court action if it is found that a parent has engaged in any of the following conduct: (a) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (b) physical, sexual, or a pattern of emotional abuse of a child; or (c) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

(2)(a) The parent's residential time with the child shall be limited if it is found that the parent has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; ~~((or))~~ (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm; or (iv) the parent has been convicted as an adult of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (a)(iv)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (a)(iv)(A) through (H) of this subsection.

This subsection (2)(a) shall not apply when (c) or (d) of this subsection applies.

(b) The parent's residential time with the child shall be limited if it is found that the parent resides with a person who has engaged in any of the following conduct: (i) Physical, sexual, or a pattern of emotional abuse of a child; ~~((or))~~ (ii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault that causes grievous bodily harm or the fear of such harm; or (iii) the person has been convicted as an adult or as a juvenile has been adjudicated of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (b)(iii)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (b)(iii)(A) through (H) of this subsection.

This subsection (2)(b) shall not apply when (c) or (e) of this subsection applies.

(c) ~~If a parent has been ((convicted as an adult of a sexual offense under RCW 9A.64.020 or chapter 9.68A or 9A.44 RCW, or has been)) found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter. If a parent resides with an adult or a juvenile who has been ((convicted, or with a juvenile who has been adjudicated, of a sexual offense under RCW 9A.64.020 or chapter 9.68A or 9A.44 RCW, or who has been)) found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with the parent's child except contact that occurs outside that person's presence.~~

(d) There is a rebuttable presumption that a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection poses a present danger to a child. Unless the parent rebuts this presumption, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (d)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (d)(i) through (vii) of this subsection.

(e) There is a rebuttable presumption that a parent who resides with a person who, as an adult, has been convicted, or as a juvenile has been adjudicated, of the sex offenses listed in (e)(i) through (ix) of this subsection places a child at risk of abuse or harm when that parent exercises residential time in the presence of the convicted or adjudicated person. Unless the parent rebuts the presumption, the court shall restrain the parent from contact with the parent's child except for contact that occurs outside of the convicted or adjudicated person's presence:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (e)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (e)(i) through (vii) of this subsection.

(f) The presumption established in (d) of this subsection may be rebutted only after a written finding that:

(i) If the child was not the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, and (B) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the offending parent is in the child's best interest, and (C) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child.

(g) The presumption established in (e) of this subsection may be rebutted only after a written finding that:

(i) If the child was not the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent residing with the convicted or adjudicated person is appropriate and that parent is able to protect the child in the presence of the convicted or adjudicated person, and (B) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the parent residing with the convicted or adjudicated person in the presence of the convicted or adjudicated person is in the child's best interest, and (C) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes contact between the parent and child in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child.

(h) If the court finds that the parent has met the burden of rebutting the presumption under (f) of this subsection, the court may allow a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection to have residential time with the child supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(i) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who has been adjudicated as a juvenile of a sex offense listed in (e)(i) through (ix) of this subsection to have residential time with the child in the presence of the person adjudicated as a juvenile, supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(j) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who, as an adult, has been convicted of a sex offense listed in (e)(i) through (ix) of this subsection to have residential time with the child in the presence of the convicted person supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(k) A court shall not order unsupervised contact between the offending parent and a child of the offending parent who was sexually abused by that parent. A court may order unsupervised contact between the offending parent and a child who was not sexually abused by the parent after the presumption under (d) of this subsection has been rebutted and supervised residential time has occurred for at least two years with no further arrests or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW and (i) the sex offense of the offending parent was not committed against a child of the offending parent, and (ii) the court finds that unsupervised contact between the child and the offending parent is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treating child sexual abuse victims who has supervised at least one period of residential time between the parent and the child, and after consideration of evidence of the offending parent's compliance with community supervision requirements, if any. If the offending parent was not ordered by a court to participate in treatment for sex offenders, then the parent shall obtain a psychosexual evaluation conducted by a state-certified sex offender treatment provider indicating that the offender has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child.

(l) A court may order unsupervised contact between the parent and a child which may occur in the presence of a juvenile adjudicated of a sex offense listed in (e)(i) through (ix) of this subsection who resides with the parent after the presumption under (e) of this subsection has been rebutted and supervised residential time has occurred for at least two years during which time the adjudicated juvenile has had no further arrests, adjudications, or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW, and (i) the court finds that unsupervised contact between the child and the parent that may occur in the presence of the adjudicated juvenile is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treatment of child sexual abuse victims who has supervised at least one period of residential time between the parent and the child in the presence of the adjudicated juvenile, and after consideration of evidence of the adjudicated juvenile's compliance with community supervision or parole requirements, if any. If the adjudicated juvenile was not ordered by

a court to participate in treatment for sex offenders, then the adjudicated juvenile shall obtain a psychosexual evaluation conducted by a state-certified sex offender treatment provider indicating that the adjudicated juvenile has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child which may occur in the presence of the adjudicated juvenile who is residing with the parent.

(m)(i) The limitations imposed by the court under (a) or (b) of this subsection shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting residential time. If the court expressly finds based on the evidence that limitations on the residential time with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting residential time, the court shall restrain the parent requesting residential time from all contact with the child.

(ii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused the child, except upon recommendation by an evaluator or therapist for the child that the child is ready for contact with the parent and will not be harmed by the contact. The court shall not enter an order allowing a parent to have contact with the child in the offender's presence if the parent resides with a person who has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused a child, unless the court finds that the parent accepts that the person engaged in the harmful conduct and the parent is willing to and capable of protecting the child from harm from the person.

(iii) If the court limits residential time under (a) or (b) of this subsection to require supervised contact between the child and the parent, the court shall not approve of a supervisor for contact between a child and a parent who has engaged in physical, sexual, or a pattern of emotional abuse of the child unless the court finds based upon the evidence that the supervisor accepts that the harmful conduct occurred and is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing to or capable of protecting the child.

~~((e))~~ (n) If the court expressly finds based on the evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of (a), (b), and ~~((d))~~ (m)(i) and (iii) of this subsection, or if the court expressly finds that the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a), (b), and ~~((d))~~ (m)(i) and (iii) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court. This subsection shall not apply when (c) ~~(and (d)(iii))~~, (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this subsection apply.

(3) A parent's involvement or conduct may have an adverse effect on the child's best interests, and the court may preclude or limit any provisions of the parenting plan, if any of the following factors exist:

(a) A parent's neglect or substantial nonperformance of parenting functions;  
(b) A long-term emotional or physical impairment which interferes with the parent's performance of parenting functions as defined in RCW 26.09.004;

(c) A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions;

(d) The absence or substantial impairment of emotional ties between the parent and the child;

(e) The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development;

(f) A parent has withheld from the other parent access to the child for a protracted period without good cause; or

(g) Such other factors or conduct as the court expressly finds adverse to the best interests of the child.

(4) In entering a permanent parenting plan, the court shall not draw any presumptions from the provisions of the temporary parenting plan.

(5) In determining whether any of the conduct described in this section has occurred, the court shall apply the civil rules of evidence, proof, and procedure.

(6) For the purposes of this section, a parent's child means that parent's natural child, adopted child, or stepchild.

**Sec. 2.** RCW 26.10.160 and 1994 c 267 s 2 are each amended to read as follows:

(1) A parent not granted custody of the child is entitled to reasonable visitation rights except as provided in subsection (2) of this section.

(2)(a) Visitation with the child shall be limited if it is found that the parent seeking visitation has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; ~~((e))~~ (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm; or (iv) the parent has been convicted as an adult of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (a)(iv)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (a)(iv)(A) through (H) of this subsection.

This subsection (2)(a) shall not apply when (c) or (d) of this subsection applies.

(b) The parent's ~~(residential time)~~ visitation with the child shall be limited if it is found that the parent resides with a person who has engaged in any of the following conduct: (i) Physical, sexual, or a pattern of emotional abuse of a child; ~~((e))~~ (ii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault ~~((which))~~ that causes grievous bodily harm or the fear of such harm; or (iii) the person has been convicted as an adult or as a juvenile has been adjudicated of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (b)(iii)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (b)(iii)(A) through (H) of this subsection.

This subsection (2)(b) shall not apply when (c) or (e) of this subsection applies.

(c) If a parent has been (~~convicted as an adult of a sexual offense under RCW 9A.64.020 or chapter 9.68A or 9A.44 RCW, or has been~~) found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter. If a parent resides with an adult or a juvenile who has been (~~convicted, or with a juvenile who has been adjudicated, of a sexual offense under RCW 9A.64.020 or chapter 9.68A or 9A.44 RCW, or who has been~~) found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with the parent's child except contact that occurs outside that person's presence.

(d) There is a rebuttable presumption that a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection poses a present danger to a child. Unless the parent rebuts this presumption, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (d)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (d)(i) through (vii) of this subsection.

(e) There is a rebuttable presumption that a parent who resides with a person who, as an adult, has been convicted, or as a juvenile has been adjudicated, of the sex offenses listed in (e)(i) through (ix) of this subsection places a child at risk of abuse or harm when that parent exercises visitation in the presence of the convicted or adjudicated person. Unless the parent rebuts the presumption, the court shall restrain the parent from contact with the parent's child except for contact that occurs outside of the convicted or adjudicated person's presence:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (e)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (e)(i) through (vii) of this subsection.

(f) The presumption established in (d) of this subsection may be rebutted only after a written finding that:

(i) If the child was not the victim of the sex offense committed by the parent requesting visitation, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, and (B) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the parent requesting visitation, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the offending parent is in the child's best interest, and (C) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child.

(g) The presumption established in (e) of this subsection may be rebutted only after a written finding that:

(i) If the child was not the victim of the sex offense committed by the person who is residing with the parent requesting visitation, (A) contact between the child and the parent residing with the convicted or adjudicated person is appropriate and that parent is able to protect the child in the presence of the convicted or adjudicated person, and (B) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the person who is residing with the parent requesting visitation, (A) contact between the child and the parent in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the parent residing with the convicted or adjudicated person in the presence of the convicted or adjudicated person is in the child's best interest, and (C) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes contact between the parent and child in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child.

(h) If the court finds that the parent has met the burden of rebutting the presumption under (f) of this subsection, the court may allow a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection to have visitation with the child supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such visitation. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(i) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who has been adjudicated as a juvenile of a sex offense listed in (e)(i) through (ix) of this subsection to have visitation with the child in the presence of the person adjudicated as a juvenile, supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such visitation. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(j) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who, as an adult, has been convicted of a sex offense listed in (e)(i) through (ix) of this subsection to have visitation with the child in the presence of the convicted person supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such visitation. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(k) A court shall not order unsupervised contact between the offending parent and a child of the offending parent who was sexually abused by that parent. A court may order unsupervised contact between the offending parent and a child who was not sexually abused by the parent after the presumption under (d) of this subsection has been rebutted and supervised visitation has occurred for at least two years with no further arrests or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW and (i) the sex offense of the offending parent was not committed against a child of the offending parent, and (ii) the court finds that unsupervised contact between the child and the offending parent is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treating child sexual abuse victims who has supervised at least one period of visitation between the parent and the child, and after consideration of evidence of the offending parent's compliance with community supervision requirements, if any. If the offending parent was not ordered by a court to participate in treatment for sex offenders, then the parent shall obtain a psychosexual evaluation conducted by a state-certified sex offender treatment provider indicating that the offender has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child.

(l) A court may order unsupervised contact between the parent and a child which may occur in the presence of a juvenile adjudicated of a sex offense listed in (e)(i) through (ix) of this subsection who resides with the parent after the presumption under (e) of this subsection has been rebutted and supervised visitation has occurred for at least two years during which time the adjudicated juvenile has had no further arrests, adjudications, or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW, and (i) the court finds that unsupervised contact between the child and the parent that may occur in the presence of the adjudicated juvenile is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treatment of child sexual abuse victims who has supervised at least one period of visitation between the parent and the child in the presence of the adjudicated juvenile, and after consideration of evidence of the adjudicated juvenile's compliance with community supervision or parole requirements, if any. If the adjudicated juvenile was not ordered by a court to participate in treatment for sex offenders, then the adjudicated juvenile shall obtain a psychosexual evaluation conducted by a state-certified sex offender treatment provider indicating that the adjudicated juvenile has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child which may occur in the presence of the adjudicated juvenile who is residing with the parent.

(m)(i) The limitations imposed by the court under (a) or (b) of this subsection shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting visitation. If the court expressly finds based on the evidence that limitations on visitation with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting visitation, the court shall restrain the person seeking visitation from all contact with the child.

(ii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused the child, except upon recommendation by an evaluator or therapist for the child that the child is ready for contact with the parent and will not be harmed by the contact. The court shall not enter an order allowing a parent to have contact with the child in the offender's presence if the parent resides with a person who has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused a child, unless the court finds that the parent accepts that the person engaged in the harmful conduct and the parent is willing to and capable of protecting the child from harm from the person.

(iii) If the court limits (~~(residential time)~~) visitation under (a) or (b) of this subsection to require supervised contact between the child and the parent, the court shall not approve of a supervisor for contact between a child and a parent who has engaged in physical, sexual, or a pattern of emotional abuse of the child unless the court finds based upon the evidence that the supervisor accepts that the harmful conduct occurred and is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing to or capable of protecting the child.

~~((e))~~ (n) If the court expressly finds based on the evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of (a), (b), and ~~((d))~~ (m) (i) and (iii) of this subsection, or if the court expressly finds (~~based on the evidence~~) that the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a), (b), and ~~((d))~~ (m)(i) and (iii) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court. This subsection shall not apply when (c) ~~((and (d)(ii)))~~, (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this subsection apply.

(3) Any person may petition the court for visitation rights at any time including, but not limited to, custody proceedings. The court may order visitation rights for any person when visitation may serve the best interest of the child whether or not there has been any change of circumstances.

(4) The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child. Modification of a parent's visitation rights shall be subject to the requirements of subsection (2) of this section.

(5) For the purposes of this section, a parent's child means that parent's natural child, adopted child, or stepchild.

**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Smith, the Senate concurred in the House amendment to Engrossed Second Substitute Senate Bill No. 5676.

#### MOTION

On motion of Senator Anderson, Senator Deccio was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5676, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5676, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yeas: Senators Anderson, A., Bauer, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45.

Excused: Senators Cantu, Deccio, Haugen and Rinehart - 4.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5676, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 5, 1996

MR. PRESIDENT:

Under suspension of the rules, SUBSTITUTE SENATE BILL NO. 6197, was returned to second reading for the purpose of amendment(s). The following amendments were adopted and the bill passed the House as amended:

On page 1, line 13 of the amendment, after "The" strike "department shall give credit to the applicant for" and insert "department's consideration shall extend to"

On page 1, line 29 of the amendment, after "The" strike "department shall give credit to the applicant for" and insert "department's consideration shall extend to", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Fraser moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 6197.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Fraser that the Senate do concur in the House amendments to Substitute Senate Bill No. 6197.

The motion by Senator Fraser carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 6197.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6197, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6197, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yeas: Senators Anderson, A., Bauer, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45.

Excused: Senators Cantu, Deccio, Haugen and Rinehart - 4.

SUBSTITUTE SENATE BILL NO. 6197, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 5, 1996

MR. PRESIDENT:

Under suspension of the rules, ENGROSSED SUBSTITUTE SENATE BILL NO. 6204 was returned to second reading for the purpose of amendment(s). The following amendment was adopted and the bill passed the House as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.61.525 and 1979 ex.s. c 136 s 86 are each amended to read as follows:

~~(It shall be unlawful for any person to operate a motor vehicle in a negligent manner. For the purpose of this section to "operate in a negligent manner" shall be construed to mean the operation of a vehicle in such a manner as to endanger or be likely to endanger any persons or property. PROVIDED HOWEVER, That any person operating a motor vehicle on private property with the consent of the owner in a manner consistent with the owner's consent shall not be guilty of negligent driving.~~

~~The offense of operating a vehicle in a negligent manner shall be considered to be a lesser offense than, but included in, the offense of operating a vehicle in a reckless manner, and any person charged with operating a vehicle in a reckless manner may be convicted of the lesser offense of operating a vehicle in a negligent manner. Any person violating the provisions of this section will be guilty of a misdemeanor. PROVIDED, That the director may not revoke any license under this section, and such offense is not punishable by imprisonment or by a fine exceeding two hundred fifty dollars.)~~ (1)(a) A person is guilty of negligent driving in the first degree if he or she operates a motor vehicle in a manner that is both negligent and endangers or is likely to endanger any person or property, and exhibits the effects of having consumed liquor or an illegal drug.

(b) It is an affirmative defense to negligent driving in the first degree by means of exhibiting the effects of having consumed an illegal drug that must be proved by the defendant by a preponderance of the evidence, that the driver has a valid prescription for the drug consumed, and has been consuming it according to the prescription directions and warnings.

(c) Negligent driving in the first degree is a misdemeanor.

(2)(a) A person is guilty of negligent driving in the second degree if, under circumstances not constituting negligent driving in the first degree, he or she operates a motor vehicle in a manner that is both negligent and endangers or is likely to endanger any person or property.

(b) It is an affirmative defense to negligent driving in the second degree that must be proved by the defendant by a preponderance of the evidence, that the driver was operating the motor vehicle on private property with the consent of the owner in a manner consistent with the owner's consent.

(c) Negligent driving in the second degree is a traffic infraction and is subject to a penalty of two hundred fifty dollars.

(3) For the purposes of this section:

(a) "Negligent" means the failure to exercise ordinary care, and is the doing of some act that a reasonably careful person would not do under the same or similar circumstances or the failure to do something that a reasonably careful person would do under the same or similar circumstances.

(b) "Exhibiting the effects of having consumed liquor" means that a person has the odor of liquor on his or her breath, or that by speech, manner, appearance, behavior, lack of coordination, or otherwise exhibits that he or she has consumed liquor, and either:

(i) Is in possession of or in close proximity to a container that has or recently had liquor in it; or

(ii) Is shown by other evidence to have recently consumed liquor.

(c) "Exhibiting the effects of having consumed an illegal drug" means that a person by speech, manner, appearance, behavior, lack of coordination, or otherwise exhibits that he or she has consumed an illegal drug and either:

(i) Is in possession of an illegal drug; or

(ii) Is shown by other evidence to have recently consumed an illegal drug.

(d) "Illegal drug" means a controlled substance under chapter 69.50 RCW for which the driver does not have a valid prescription or that is not being consumed in accordance with the prescription directions and warnings, or a legend drug under chapter 69.41 RCW for which the driver does not have a valid prescription or that is not being consumed in accordance with the prescription directions and warnings.

(4) Any act prohibited by this section that also constitutes a crime under any other law of this state may be the basis of prosecution under such other law notwithstanding that it may also be the basis for prosecution under this section.

**NEW SECTION. Sec. 2.** (1) The office of the administrator for the courts shall collect data on the following after the effective date of this act:

(a) The number of arrests, charges, and convictions for negligent driving in the first degree;

(b) The number of notices of infraction issued for negligent driving in the second degree; and

(c) The number of charges for negligent driving that were the result of an amended charge from some other offense, and the numbers for each such other offense.

(2) The office of the administrator for the courts shall compile the collected data and make a report to the legislature no later than October 1, 1998.

**Sec. 3.** RCW 46.61.5055 and 1995 1st sp.s. c 17 s 2 are each amended to read as follows:

(1) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within five years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than one year. Twenty-four consecutive hours of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By suspension of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of ninety days. The period of license, permit, or privilege suspension may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall suspend the offender's license, permit, or privilege;

or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than one year. Two consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By suspension of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of one hundred twenty days. The period of license, permit, or privilege suspension may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall suspend the offender's license, permit, or privilege.

(2) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within five years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than one year. Thirty days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of one year. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than one year. Forty-five days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of four hundred fifty days. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege.

(3) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or more prior offenses within five years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than one year. Ninety days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of two years. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than one year. One hundred twenty days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of three years. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege.

(4) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property.

(5) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

(6) After expiration of any period of suspension or revocation of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(7)(a) In addition to any nonsuspendable and nondeferable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding two years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (ii) not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The court may impose conditions of probation that include nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i) and (ii) or (a)(i) and (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(8)(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(iv) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(v) A conviction for a violation of RCW 46.61.525(1) or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(vi) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (iii), ~~((e#))~~ (iv), or (v) of this subsection if committed in this state; ~~((#))~~

~~((#))~~ (vii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance; or

(viii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.525(1), or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.502, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522.

(b) "Within five years" means that the arrest for a prior offense occurred within five years of the arrest for the current offense.

**Sec. 4.** RCW 46.52.130 and 1994 c 275 s 16 are each amended to read as follows:

A certified abstract of the driving record shall be furnished only to the individual named in the abstract, an employer, the insurance carrier that has insurance in effect covering the employer or a prospective employer, the insurance carrier that has insurance in effect covering the named individual, the insurance carrier to which the named individual has applied, an alcohol/drug assessment or treatment agency approved by the department of social and health services, to which the named individual has applied or been assigned for evaluation or treatment, or city and county prosecuting attorneys. City attorneys and county prosecuting attorneys may provide the driving record to alcohol/drug assessment or treatment agencies approved by the department of social and health services to which the named individual has applied or been assigned for evaluation or treatment. The director, upon proper request, shall furnish a certified abstract covering the period of not more than the last three years to insurance companies. Upon proper request, the director shall furnish a certified abstract covering a period of not more than the last five years to state approved alcohol/drug assessment or treatment agencies, except that the certified abstract shall also include records of alcohol-related offenses as defined in RCW 46.01.260(2) covering a period of not more than the last ten years. Upon proper request, a certified abstract of the full driving record maintained by the department shall be furnished to a city or county prosecuting attorney, to the individual named in the abstract or to an employer or prospective employer of the named individual. The abstract, whenever possible, shall include an enumeration of motor vehicle accidents in which the person was driving; the total number of vehicles involved; whether the vehicles were legally parked or moving; whether the vehicles were occupied at the time of the accident; any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law; and the status of the person's driving privilege in this state. The enumeration shall include any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served upon the named individual by an arresting officer. Certified abstracts furnished to prosecutors and alcohol/drug assessment or treatment agencies shall also indicate whether a recorded violation is an alcohol-related offense as defined in RCW 46.01.260(2) that was originally charged as one of the alcohol-related offenses designated in RCW 46.01.260(2)(a)(i).

The abstract provided to the insurance company shall exclude any information, except that related to the commission of misdemeanors or felonies by the individual, pertaining to law enforcement officers or fire fighters as defined in RCW 41.26.030, or any officer of the Washington state patrol, while driving official vehicles in the performance of occupational duty. The abstract provided to the insurance company shall include convictions for RCW 46.61.525 (1) and (2) except that the abstract shall report them only as negligent driving without reference to whether they are for first or second degree negligent driving. The abstract provided to the insurance company shall exclude any deferred prosecution under RCW 10.05.060, except that if a person is removed from a deferred prosecution under RCW 10.05.090, the abstract shall show the deferred prosecution as well as the removal.

The director shall collect for each abstract the sum of four dollars and fifty cents which shall be deposited in the highway safety fund.

Any insurance company or its agent receiving the certified abstract shall use it exclusively for its own underwriting purposes and shall not divulge any of the information contained in it to a third party. No policy of insurance may be canceled, nonrenewed, denied, or have the rate increased on the basis of such information unless the policyholder was determined to be at fault. No insurance company or its agent for underwriting purposes relating to the operation of commercial motor vehicles may use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment, nor may any insurance company or its agent for underwriting purposes relating to the operation of noncommercial motor vehicles use any information contained in the abstract relative to any person's operation of commercial motor vehicles.

Any employer or prospective employer receiving the certified abstract shall use it exclusively for his or her own purpose to determine whether the licensee should be permitted to operate a commercial vehicle or school bus upon the public highways of this state and shall not divulge any information contained in it to a third party.

Any alcohol/drug assessment or treatment agency approved by the department of social and health services receiving the certified abstract shall use it exclusively for the purpose of assisting its employees in making a determination as to what level of treatment, if any, is appropriate. The agency, or any of its employees, shall not divulge any information contained in the abstract to a third party.

Any violation of this section is a gross misdemeanor.

**Sec. 5.** RCW 46.20.021 and 1991 c 293 s 3 and 1991 c 73 s 1 are each reenacted and amended to read as follows:

(1) No person, except as expressly exempted by this chapter, may drive any motor vehicle upon a highway in this state unless the person has a valid driver's license issued to Washington residents under the provisions of this chapter. A violation of this subsection is a misdemeanor and is a lesser included offense within the offenses described in RCW 46.20.342(1) or 46.20.420. However, if a person in violation of this section provides the citing officer with an expired driver's license or other valid identifying documentation under RCW 46.20.035 at the time of the stop and is not in violation of RCW 46.20.342(1) or 46.20.420, the violation of this section is an infraction and is subject to a penalty of two hundred fifty dollars. If the person appears in person before the court or submits by mail written proof that he or she obtained a valid license after being cited, the court shall reduce the penalty to fifty dollars.

(2) For the purposes of obtaining a valid driver's license, a resident is a person who manifests an intent to live or be located in this state on more than a temporary or transient basis. Evidence of residency includes but is not limited to:

(a) Becoming a registered voter in this state; or

(b) Receiving benefits under one of the Washington public assistance programs; or

(c) Declaring that he or she is a resident for the purpose of obtaining a state license or tuition fees at resident rates.

(3) The term "Washington public assistance programs" referred to in subsection (2)(b) of this section includes only public assistance programs for which more than fifty percent of the combined costs of benefits and administration are paid from state funds. Programs which are not included within the term "Washington public assistance programs" pursuant to the above criteria include, but are not limited to the food stamp program under the federal food stamp act of 1964; programs under the child nutrition act of 1966, 42 U.S.C. Secs. 1771 through 1788; and aid to families with dependent children, 42 U.S.C. Secs. 601 through 606.

(4) No person shall receive a driver's license unless and until he or she surrenders to the department all valid driver's licenses in his or her possession issued to him or her by any other jurisdiction. The department shall establish a procedure to invalidate the surrendered photograph license and return it to the person. The invalidated license, along with the valid temporary Washington driver's license provided for in RCW 46.20.055(3), shall be accepted as proper identification. The department shall notify the issuing department that the licensee is now licensed in a new jurisdiction. No person shall be permitted to have more than one valid driver's license at any time.

(5) New Washington residents are allowed thirty days from the date they become residents as defined in this section to procure a valid Washington driver's license.

(6) Any person licensed as a driver under this chapter may exercise the privilege thereby granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise such privilege by any county, municipal or local board, or body having authority to adopt local police regulations.

**Sec. 6.** RCW 46.63.020 and 1995 1st sp.s. c 16 s 1, 1995 c 332 s 16, and 1995 c 256 s 25 are each reenacted and amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration and markings indicating that a vehicle has been destroyed or declared a total loss;

(6) RCW 46.16.010 relating to initial registration of motor vehicles;

(7) RCW 46.16.011 relating to permitting unauthorized persons to drive;

(8) RCW 46.16.160 relating to vehicle trip permits;

(9) RCW 46.16.381 (6) or (9) relating to unauthorized use or acquisition of a special placard or license plate for disabled persons' parking;

(10) RCW 46.20.021 relating to driving without a valid driver's license, unless the person cited for the violation provided the citing officer with an expired driver's license or other valid identifying documentation under RCW 46.20.035 at the time of the stop and was not in violation of RCW 46.20.342(1) or 46.20.420, in which case the violation is an infraction;

(11) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;

(12) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

(13) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

(14) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

(15) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;

(16) RCW 46.25.170 relating to commercial driver's licenses;

(17) Chapter 46.29 RCW relating to financial responsibility;  
(18) RCW 46.30.040 relating to providing false evidence of financial responsibility;  
(19) RCW 46.37.435 relating to wrongful installation of suncreening material;  
(20) RCW 46.44.180 relating to operation of mobile home pilot vehicles;  
(21) RCW 46.48.175 relating to the transportation of dangerous articles;  
(22) RCW 46.52.010 relating to duty on striking an unattended car or other property;  
(23) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;  
(24) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;  
(25) RCW 46.52.100 relating to driving under the influence of liquor or drugs;  
(26) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;  
(27) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;  
(28) RCW 46.55.035 relating to prohibited practices by tow truck operators;  
(29) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;  
(30) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;  
(31) RCW 46.61.022 relating to failure to stop and give identification to an officer;  
(32) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;  
(33) RCW 46.61.500 relating to reckless driving;  
(34) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;  
(35) RCW ((46.61.5055 (section 5, chapter 332 (Substitute Senate Bill No. 5141), Laws of 1995))) 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;  
(36) RCW 46.61.520 relating to vehicular homicide by motor vehicle;  
(37) RCW 46.61.522 relating to vehicular assault;  
(38) RCW 46.61.525(1) relating to first degree negligent driving;  
(39) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;  
(40) RCW 46.61.530 relating to racing of vehicles on highways;  
(41) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;  
(42) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;  
(43) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;  
(44) Chapter 46.65 RCW relating to habitual traffic offenders;  
(45) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;  
(46) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;  
(47) Chapter 46.80 RCW relating to motor vehicle wreckers;  
(48) Chapter 46.82 RCW relating to driver's training schools;  
(49) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;  
(50) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW."  
Correct the title as necessary., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Smith, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 6204.  
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6204, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6204, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Excused: Senators Deccio, Haugen and Rinehart - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6204, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 28, 1996

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6253 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.040 and 1995 c 269 s 303 are each amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The legislature finds that the commission, having accomplished its original statutory directive to implement this chapter, and having expertise in sentencing practice and policies, shall(~~(following a public hearing or hearings))~~):

(a) (~~Devise a series of recommended standard sentence ranges for all felony offenses and a system for determining which range of punishment applies to each offender based on the extent and nature of the offender's criminal history, if any;~~

~~(b) Devise recommended prosecuting standards in respect to charging of offenses and plea agreements; and~~

~~(c) Devise recommended standards to govern whether sentences are to be served consecutively or concurrently.~~

~~(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine.~~

~~(4) In devising the standard sentence ranges of total and partial confinement under this section, the commission is subject to the following limitations:~~

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.020.

(5) In carrying out its duties under subsection (2) of this section, the commission shall give consideration to the existing guidelines adopted by the association of superior court judges and the Washington association of prosecuting attorneys and the experience gained through use of those guidelines. The commission shall emphasize confinement for the violent offender and alternatives to total confinement for the nonviolent offender.

(6) This commission shall conduct a study to determine the capacity of correctional facilities and programs which are or will be available. While the commission need not consider such capacity in arriving at its recommendations, the commission shall project whether the implementation of its recommendations would result in exceeding such capacity. If the commission finds that this result would probably occur, then the commission shall prepare an additional list of standard sentences which shall be consistent with such capacity.

(7) The commission may) Evaluate state sentencing policy, to include whether the sentencing ranges and standards are consistent with and further:

(i) The purposes of this chapter as defined in RCW 9.94A.010; and

(ii) The intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender.

The commission shall provide the governor and the legislature with its evaluation and recommendations under this subsection not later than December 1, 1996, and every two years thereafter;

(b) Recommend to the legislature revisions or modifications to the standard sentence ranges, state sentencing policy, prosecuting standards, and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity(-);

((8) The commission shall) (c) Study the existing criminal code and from time to time make recommendations to the legislature for modification(-);

((9) The commission may (a)) (d)(i) Serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local adult and juvenile sentencing practices; ((b)) (ii) develop and maintain a computerized adult and juvenile sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and ((c)) (iii) conduct ongoing research regarding adult and juvenile sentencing guidelines, use of total confinement and alternatives to total confinement, plea bargaining, and other matters relating to the improvement of the adult criminal justice system(-) and the juvenile justice system;

((10) The staff and executive officer of the commission may provide staffing and services to the juvenile disposition standards commission, if authorized by RCW 13.40.025 and 13.40.027. The commission may conduct joint meetings with the juvenile disposition standards commission.

((11) The commission shall) (e) Assume the powers and duties of the juvenile disposition standards commission after June 30, (1997-) 1996;

((12)) (f) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally, specifically review the guidelines relating to the confinement of minor and first offenders as well as the use of diversion, and review the application of current and proposed juvenile sentencing standards and guidelines for potential adverse impacts on the sentencing outcomes of racial and ethnic minority youth;

(g) Solicit the comments and suggestions of the juvenile justice community concerning disposition standards, and make recommendations to the legislature regarding revisions or modifications of the standards in accordance with section 2 of this act. The evaluations shall be submitted to the legislature on December 1 of each odd-numbered year. The department of social and health services shall provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders, and with recommendations for modification of the disposition standards. The office of the administrator for the courts shall provide the commission with available data on diversion and dispositions of juvenile offenders under chapter 13.40 RCW; and

(h) Not later than December 1, 1997, and at least every two years thereafter, based on available information, report to the governor and the legislature on:

(i) Racial disproportionality in juvenile and adult sentencing;

(ii) The capacity of state and local juvenile and adult facilities and resources; and

(iii) Recidivism information on adult and juvenile offenders.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine.

(4) The standard sentence ranges of total and partial confinement under this chapter are subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.021.

(5) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW.

**NEW SECTION. Sec. 2.** A new section is added to chapter 9.94A RCW to read as follows:

(1) The sentencing guidelines commission shall recommend to the legislature no later than December 1, 1996, disposition standards for all offenses subject to the juvenile justice act, chapter 13.40 RCW.

(2) The standards shall establish, in accordance with the purposes of chapter 13.40 RCW, ranges that may include terms of confinement and/or community supervision established on the basis of the current offense and the history and seriousness of previous offenses, but in no case may the period of confinement and supervision exceed that to which an adult may be subjected for the same offense or offenses.

(3) Standards recommended for offenders listed in RCW 13.40.020(1) shall include a range of confinement that may not be less than thirty days. No standard range may include a period of confinement that includes both more than thirty, and thirty or fewer, days. Disposition standards recommended by the commission shall provide that in all cases where a youth is sentenced to a term of confinement in excess of thirty days the department may impose an additional period of parole.

(4) Standards of confinement that may be proposed may relate only to the length of the proposed terms and not to the nature of the security to be imposed.

(5) The commission's recommendations for the disposition standards shall result in a simplified sentencing system. In setting the new standards, the commission shall focus on the need to protect public safety by emphasizing punishment, deterrence, and confinement for violent and repeat offenders. The seriousness of the offense shall be the most important factor in determining the length of confinement, while the offender's age and criminal history shall count as contributing factors. The commission shall increase judicial flexibility and discretion by broadening standard ranges of confinement. The commission shall provide for the use of basic training camp programs. Alternatives to total confinement shall be considered for nonviolent offenders.

(6) In setting new standards, the commission must also study the feasibility of creating a disposition option allowing a court to order minor/first or middle offenders into inpatient substance abuse treatment. To determine the feasibility of that option, the commission must review the number of existing beds and funding available through private, county, state, or federal resources, criteria for eligibility for funding, competing avenues of access to those beds, the current system's method of prioritizing the needs for limited bed space, the average length of stay in inpatient treatment, the costs of that treatment, and the cost-effectiveness of inpatient treatment compared to outpatient treatment.

(7) In setting new standards, the commission must also recommend disposition and institutional options for serious or chronic offenders between the ages of fifteen and twenty-five who currently must either be released from juvenile court jurisdiction at age twenty-one or who are prosecuted as adults because the juvenile system is inadequate to address the seriousness of their crimes, their rehabilitation needs, or public safety. One option must include development of a youthful offender disposition option that combines adult criminal sentencing guidelines and juvenile disposition standards and addresses: (a) Whether youthful offenders would be under jurisdiction of the department of corrections or the department of social and health services; (b) whether current age restrictions on juvenile court jurisdiction would be modified; and (c) whether the department of social and health services or the department of corrections would provide institutional and community correctional services. The option must also recommend an implementation timeline and plan, identify funding and capital construction or improvement options to provide separate facilities for youthful offenders, and identify short and long-term fiscal impacts.

(8) In developing the new standards, the commission must review disposition options in other states and consult with interested parties including superior court judges, prosecutors, defense attorneys, juvenile court administrators, victims' advocates, the department of corrections and the department of social and health services, and members of the legislature.

(9) The commission shall consider whether juveniles prosecuted under the juvenile justice system for committing violent, sex, or repeated property offenses should be automatically prosecuted as adults when their term of confinement under the adult sentencing system is longer than their term of confinement under the juvenile system. The commission shall consider the option of allowing the prosecutor to determine in which system the juvenile should be prosecuted based on the anticipated length of confinement in both systems if the court imposes an exceptional sentence or manifest injustice above the standard range as requested by the prosecutor.

**Sec. 3.** RCW 9.94A.060 and 1993 c 11 s 1 are each amended to read as follows:

(1) The commission consists of ~~((sixteen))~~ twenty voting members, one of whom the governor shall designate as chairperson. With the exception of ex officio voting members, the voting members of the commission shall be appointed by the governor, subject to confirmation by the senate.

(2) The voting membership consists of the following:

(a) The head of the state agency having general responsibility for adult correction programs, as an ex officio member;

(b) The director of financial management or designee, as an ex officio member;

(c) Until ~~((June 30, 1998, the chair of))~~ the indeterminate sentence review board ceases to exist pursuant to RCW 9.95.0011, the chair of the board, as an ex officio member;

(d) The ~~((chair of the clemency and pardons board))~~ head of the state agency, or the agency head's designee, having responsibility for juvenile corrections programs, as an ex officio member;

(e) Two prosecuting attorneys;

(f) Two attorneys with particular expertise in defense work;

(g) Four persons who are superior court judges;

(h) One person who is the chief law enforcement officer of a county or city;

(i) ~~((Three))~~ Four members of the public who are not ~~((and have never been))~~ prosecutors, defense attorneys, judges, or law enforcement officers, one of whom is a victim of crime or a crime victims' advocate;

(j) One person who is an elected official of a county government, other than a prosecuting attorney or sheriff;

(k) One person who is an elected official of a city government;

(l) One person who is an administrator of juvenile court services.

In making the appointments, the governor shall endeavor to assure that the commission membership includes adequate representation and expertise relating to both the adult criminal justice system and the juvenile justice system. In making the appointments, the governor shall seek the recommendations of the Washington prosecutors in respect to the prosecuting attorney members, of the Washington state bar association in respect to the defense attorney members, of the association of superior court judges in respect to the members who are judges, ((and)) of the Washington association of sheriffs and police chiefs in respect to the member who is a law enforcement officer, of the Washington state association of counties in respect to the member who is a county official, of the association of Washington cities in respect to the member who is a city official, of the office of crime victims advocacy and other organizations of crime victims in respect to the member who is a victim of crime or a crime victims' advocate, and of the Washington association of juvenile court administrators in respect to the member who is an administrator of juvenile court services.

(3)~~(a)~~ All voting members of the commission, except ex officio voting members, shall serve terms of three years and until their successors are appointed and confirmed. ~~((However, the governor shall stagger the terms by appointing four of the initial members for terms of one year, four for terms of two years, and four for terms of three years.))~~

~~(b) The governor shall stagger the terms of the members appointed under subsection (2)(j), (k), and (l) of this section by appointing one of them for a term of one year, one for a term of two years, and one for a term of three years.~~

(4) The speaker of the house of representatives and the president of the senate may each appoint two nonvoting members to the commission, one from each of the two largest caucuses in each house. The members so appointed shall serve two-year terms, or until they cease to be members of the house from which they were appointed, whichever occurs first.

(5) The members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members shall be reimbursed by their respective houses as provided under RCW 44.04.120, as now existing or hereafter amended. Members shall be compensated in accordance with RCW 43.03.250.

**Sec. 4.** RCW 13.40.025 and 1995 c 269 s 302 are each amended to read as follows:

(1) There is established a juvenile disposition standards commission to propose disposition standards to the legislature in accordance with RCW 13.40.030 and perform the other responsibilities set forth in this chapter.

(2) The commission shall be composed of the secretary or the secretary's designee and the following nine members appointed by the governor, subject to confirmation by the senate: (a) A superior court judge; (b) a prosecuting attorney or deputy prosecuting attorney; (c) a law enforcement officer; (d) an administrator of juvenile court services; (e) a public defender actively practicing in juvenile court; (f) a county legislative official or county executive; and (g) three other persons who have demonstrated significant interest in the adjudication and disposition of juvenile offenders. In making the appointments, the governor shall seek the recommendations of the association of superior court judges in respect to the member who is a superior court judge; of Washington prosecutors in respect to the prosecuting attorney or deputy prosecuting attorney member; of the Washington association of sheriffs and police chiefs in respect to the member who is a law

enforcement officer; of juvenile court administrators in respect to the member who is a juvenile court administrator; and of the state bar association in respect to the public defender member; and of the Washington association of counties in respect to the member who is either a county legislative official or county executive.

(3) The secretary or the secretary's designee shall serve as chairman of the commission.

(4) The secretary shall serve on the commission during the secretary's tenure as secretary of the department. The term of the remaining members of the commission shall be three years. The initial terms shall be determined by lot conducted at the commission's first meeting as follows: (a) Four members shall serve a two-year term; and (b) four members shall serve a three-year term. In the event of a vacancy, the appointing authority shall designate a new member to complete the remainder of the unexpired term.

(5) Commission members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Members shall be compensated in accordance with RCW 43.03.240.

(6) The commission shall cease to exist on June 30, ~~((1997)) 1996~~, and its powers and duties shall be transferred to the sentencing guidelines commission established under RCW 9.94A.040.

**Sec. 5.** RCW 13.40.030 and 1989 c 407 s 3 are each amended to read as follows:

~~(1)((a) The juvenile disposition standards commission shall recommend to the legislature no later than November 1st of each year disposition standards for all offenses. The standards shall establish, in accordance with the purposes of this chapter, ranges which may include terms of confinement and/or community supervision established on the basis of a youth's age, the instant offense, and the history and seriousness of previous offenses, but in no case may the period of confinement and supervision exceed that to which an adult may be subjected for the same offense(s). Standards recommended for offenders listed in RCW 13.40.020(1) shall include a range of confinement which may not be less than thirty days. No standard range may include a period of confinement which includes both more than thirty, and thirty or less, days. Disposition standards recommended by the commission shall provide that in all cases where a youth is sentenced to a term of confinement in excess of thirty days the department may impose an additional period of parole not to exceed eighteen months. Standards of confinement which may be proposed may relate only to the length of the proposed terms and not to the nature of the security to be imposed. In developing recommended disposition standards, the commission shall consider the capacity of the state juvenile facilities and the projected impact of the proposed standards on that capacity.~~

~~(b))~~ The secretary shall submit guidelines pertaining to the nature of the security to be imposed on youth placed in his or her custody based on the age, offense(s), and criminal history of the juvenile offender. Such guidelines shall be submitted to the legislature for its review no later than November 1st of each year. At the same time the secretary shall submit a report on security at juvenile facilities during the preceding year. The report shall include the number of escapes from each juvenile facility, the most serious offense for which each escapee had been confined, the number and nature of offenses found to have been committed by juveniles while on escape status, the number of authorized leaves granted, the number of failures to comply with leave requirements, the number and nature of offenses committed while on leave, and the number and nature of offenses committed by juveniles while in the community on minimum security status; to the extent this information is available to the secretary. The department shall include security status definitions in the security guidelines it submits to the legislature pursuant to this section.

~~(2) ((In developing recommendations for))~~ The permissible ranges of confinement ~~((under this section the commission shall be))~~ resulting from a finding of manifest injustice under RCW 13.40.0357 are subject to the following limitations:

(a) Where the maximum term in the range is ninety days or less, the minimum term in the range may be no less than fifty percent of the maximum term in the range;

(b) Where the maximum term in the range is greater than ninety days but not greater than one year, the minimum term in the range may be no less than seventy-five percent of the maximum term in the range; and

(c) Where the maximum term in the range is more than one year, the minimum term in the range may be no less than eighty percent of the maximum term in the range.

**Sec. 6.** RCW 13.50.010 and 1994 sp.s. c 7 s 541 are each amended to read as follows:

(1) For purposes of this chapter:

(a) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the department of social and health services and its contracting agencies, schools; and, in addition, persons or public or private agencies having children committed to their custody;

(b) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders;

(c) "Social file" means the juvenile court file containing the records and reports of the probation counselor;

(d) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information. Any information in records maintained by the department of social and health services relating to a petition filed pursuant to chapter 13.34 RCW that is found by the court, upon proof presented, to be false or inaccurate shall be corrected or expunged from such records by the agency;

(b) An agency shall take reasonable steps to assure the security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment. The court may also permit inspection by or release to individuals or agencies, including juvenile justice advisory committees of county law and justice councils, engaged in legitimate research for educational, scientific, or public purposes. The court may also permit inspection of, or release of information from, records which have been sealed pursuant to RCW 13.50.050(11). The court shall release to the sentencing guidelines commission records needed for its research and data-gathering functions under RCW 9.94A.040 and other statutes. Access to records or information for research purposes shall

be permitted only if the anonymity of all persons mentioned in the records or information will be preserved. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) Juvenile detention facilities shall release records to the (~~juvenile disposition standards~~) sentencing guidelines commission under RCW 13.40.025 and 9.94A.040 upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission.

**Sec. 7.** RCW 72.09.300 and 1994 sp.s. c 7 s 542 are each amended to read as follows:

(1) Every county legislative authority shall by resolution or ordinance establish a local law and justice council. The county legislative authority shall determine the size and composition of the council, which shall include the county sheriff and a representative of the municipal police departments within the county, the county prosecutor and a representative of the municipal prosecutors within the county, a representative of the city legislative authorities within the county, a representative of the county's superior, juvenile, district, and municipal courts, the county jail administrator, the county clerk, the county risk manager, and the secretary of corrections. Officials designated may appoint representatives.

(2) A combination of counties may establish a local law and justice council by intergovernmental agreement. The agreement shall comply with the requirements of this section.

(3) The local law and justice council shall develop a local law and justice plan for the county. The council shall design the elements and scope of the plan, subject to final approval by the county legislative authority. The general intent of the plan shall include seeking means to maximize local resources including personnel and facilities, reduce duplication of services, and share resources between local and state government in order to accomplish local efficiencies without diminishing effectiveness. The plan shall also include a section on jail management. This section may include the following elements:

- (a) A description of current jail conditions, including whether the jail is overcrowded;
- (b) A description of potential alternatives to incarceration;
- (c) A description of current jail resources;
- (d) A description of the jail population as it presently exists and how it is projected to change in the future;
- (e) A description of projected future resource requirements;
- (f) A proposed action plan, which shall include recommendations to maximize resources, maximize the use of intermediate sanctions, minimize overcrowding, avoid duplication of services, and effectively manage the jail and the offender population;
- (g) A list of proposed advisory jail standards and methods to effect periodic quality assurance inspections of the jail;
- (h) A proposed plan to collect, synthesize, and disseminate technical information concerning local criminal justice activities, facilities, and procedures;
- (i) A description of existing and potential services for offenders including employment services, substance abuse treatment, mental health services, and housing referral services.

(4) The council may propose other elements of the plan, which shall be subject to review and approval by the county legislative authority, prior to their inclusion into the plan.

(5) The county legislative authority may request technical assistance in developing or implementing the plan from other units or agencies of state or local government, which shall include the department, the office of financial management, and the Washington association of sheriffs and police chiefs.

(6) Upon receiving a request for assistance from a county, the department may provide the requested assistance.

(7) The secretary may adopt rules for the submittal, review, and approval of all requests for assistance made to the department. The secretary may also appoint an advisory committee of local and state government officials to recommend policies and procedures relating to the state and local correctional systems and to assist the department in providing technical assistance to local governments. The committee shall include representatives of the county sheriffs, the police chiefs, the county prosecuting attorneys, the county and city legislative authorities, and the jail administrators. The secretary may contract with other state and local agencies and provide funding in order to provide the assistance requested by counties.

(8) The department shall establish a base level of state correctional services, which shall be determined and distributed in a consistent manner state-wide. The department's contributions to any local government, approved pursuant to this section, shall not operate to reduce this base level of services.

(9) The council shall establish an advisory committee on juvenile justice proportionality. The council shall appoint the county juvenile court administrator and at least five citizens as advisory committee members. The citizen advisory committee members shall be representative of the county's ethnic and geographic diversity. The advisory committee members shall serve two-year terms and may be reappointed. The duties of the advisory committee include:

(a) Monitoring and reporting to the (~~juvenile disposition standards~~) sentencing guidelines commission on the proportionality, effectiveness, and cultural relevance of:

- (i) The rehabilitative services offered by county and state institutions to juvenile offenders; and
- (ii) The rehabilitative services offered in conjunction with diversions, deferred dispositions, community supervision, and parole;
- (b) Reviewing citizen complaints regarding bias or disproportionality in that county's juvenile justice system;
- (c) By September 1 of each year, beginning with 1995, submit to the (~~juvenile disposition standards~~) sentencing guidelines commission a report summarizing the advisory committee's findings under (a) and (b) of this subsection.

**Sec. 8.** 1995 c 269 s 3603 (uncodified) is amended to read as follows:

Section 301 of this act shall take effect June 30, (~~1997~~) 1996.

**NEW SECTION. Sec. 9.** RCW 13.40.027 and 1993 c 415 s 9, 1992 c 205 s 103, 1989 c 407 s 2, 1986 c 288 s 9, & 1981 c 299 s 4 are each repealed.

**NEW SECTION. Sec. 10.** 1996 c . . . s 3 (section 3 of this act) is repealed, effective June 30, 1999.

**NEW SECTION. Sec. 11.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1996, in the supplemental omnibus appropriations act, this act is null and void.

**NEW SECTION. Sec. 12.** (1) Sections 1 through 8 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

(2) Section 9 of this act takes effect July 1, 1996."

On page 1, line 1 of the title, after "commission;" strike the remainder of the title and insert "amending RCW 9.94A.040, 9.94A.060, 13.40.025, 13.40.030, 13.50.010, and 72.09.300; amending 1995 c 269 s 3603 (uncodified); adding a new section to chapter 9.94A RCW; creating a new section; repealing RCW 13.40.027; providing an effective date; and declaring an emergency.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Smith, the Senate concurred in the House amendments to Senate Bill No. 6253.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6253, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6253, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Excused: Senators Deccio, Haugen and Rinehart - 3.

SENATE BILL NO. 6253, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 12:05 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 8:46 p.m. by President Pritchard.

#### MESSAGES FROM THE HOUSE

- MR. PRESIDENT: March 6, 1996  
The House concurred in the Senate amendment(s) to HOUSE BILL NO. 1339 and passed the bill as amended by the Senate.  
TIMOTHY A. MARTIN, Chief Clerk
- MR. PRESIDENT: March 6, 1996  
The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2186 and passed the bill as amended by the Senate.  
TIMOTHY A. MARTIN, Chief Clerk
- MR. PRESIDENT: March 6, 1996  
The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2478 and passed the bill as amended by the Senate.  
TIMOTHY A. MARTIN, Chief Clerk
- MR. PRESIDENT: March 6, 1996  
The House concurred in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 2672 and passed the bill as amended by the Senate.  
TIMOTHY A. MARTIN, Chief Clerk
- MR. PRESIDENT: March 6, 1996  
The House has adopted SENATE CONCURRENT RESOLUTION NO. 8429, and the same is herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk
- MR. PRESIDENT: March 6, 1996  
The House has adopted SENATE CONCURRENT RESOLUTION NO. 8432, and the same is herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk
- MR. PRESIDENT: March 6, 1996  
The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4423, and the same is herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk
- MR. PRESIDENT: March 6, 1996  
The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4424, and the same is herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk
- MR. PRESIDENT: March 6, 1996  
The House receded from its amendment(s) to SENATE BILL NO. 6672 and passed the bill without the House amendment(s), and the same are herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

March 6, 1996

MR. PRESIDENT:

The Speaker has signed:  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5322,  
SECOND SUBSTITUTE SENATE BILL NO. 6272,  
SUBSTITUTE SENATE BILL NO. 6274,  
SENATE BILL NO. 6476,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6680, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 6, 1996

MR. PRESIDENT:

The Speaker has signed:  
ENGROSSED HOUSE BILL NO. 1647,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1704,  
SUBSTITUTE HOUSE BILL NO. 1964,  
FOURTH SUBSTITUTE HOUSE BILL NO. 2009,  
HOUSE BILL NO. 2126,  
HOUSE BILL NO. 2152,  
SUBSTITUTE HOUSE BILL NO. 2188,  
SECOND SUBSTITUTE HOUSE BILL NO. 2293,  
SUBSTITUTE HOUSE BILL NO. 2311,  
SUBSTITUTE HOUSE BILL NO. 2358,  
SUBSTITUTE HOUSE BILL NO. 2371,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2406,  
HOUSE BILL NO. 2414,  
SUBSTITUTE HOUSE BILL NO. 2468,  
SUBSTITUTE HOUSE BILL NO. 2498,  
SUBSTITUTE HOUSE BILL NO. 2545,  
SUBSTITUTE HOUSE BILL NO. 2580,  
ENGROSSED HOUSE BILL NO. 2613,  
HOUSE BILL NO. 2623,  
SUBSTITUTE HOUSE BILL NO. 2656,  
SUBSTITUTE HOUSE BILL NO. 2682,  
SUBSTITUTE HOUSE BILL NO. 2689,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2703,  
SUBSTITUTE HOUSE BILL NO. 2720,  
SUBSTITUTE HOUSE BILL NO. 2724,  
SUBSTITUTE HOUSE BILL NO. 2772,  
HOUSE BILL NO. 2790,  
ENGROSSED HOUSE BILL NO. 2837,  
HOUSE BILL NO. 2849,  
SUBSTITUTE HOUSE BILL NO. 2936, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
FOURTH SUBSTITUTE SENATE BILL NO. 5159,  
SECOND SUBSTITUTE SENATE BILL NO. 5417,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5676,  
SUBSTITUTE SENATE BILL NO. 6197,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6204,  
SENATE BILL NO. 6217,  
SENATE BILL NO. 6253.

SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 6672,  
SENATE CONCURRENT RESOLUTION NO. 8429,  
SENATE CONCURRENT RESOLUTION NO. 8432.

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED HOUSE BILL NO. 1647,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1704,  
SUBSTITUTE HOUSE BILL NO. 1964,  
FOURTH SUBSTITUTE HOUSE BILL NO. 2009,  
HOUSE BILL NO. 2126,  
HOUSE BILL NO. 2152,  
SUBSTITUTE HOUSE BILL NO. 2188,  
SECOND SUBSTITUTE HOUSE BILL NO. 2293,  
SUBSTITUTE HOUSE BILL NO. 2311,  
SUBSTITUTE HOUSE BILL NO. 2358,  
SUBSTITUTE HOUSE BILL NO. 2371,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2406,  
HOUSE BILL NO. 2414,  
SUBSTITUTE HOUSE BILL NO. 2468,

SUBSTITUTE HOUSE BILL NO. 2498,  
SUBSTITUTE HOUSE BILL NO. 2545,  
SUBSTITUTE HOUSE BILL NO. 2580,  
ENGROSSED HOUSE BILL NO. 2613,  
HOUSE BILL NO. 2623,  
SUBSTITUTE HOUSE BILL NO. 2656,  
SUBSTITUTE HOUSE BILL NO. 2682,  
SUBSTITUTE HOUSE BILL NO. 2689,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2703,  
SUBSTITUTE HOUSE BILL NO. 2720,  
SUBSTITUTE HOUSE BILL NO. 2724,  
SUBSTITUTE HOUSE BILL NO. 2772,  
HOUSE BILL NO. 2790,  
ENGROSSED HOUSE BILL NO. 2837,  
HOUSE BILL NO. 2849,  
SUBSTITUTE HOUSE BILL NO. 2936.

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

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

March 6, 1996  
GA 9158 JAMES MCGHEE, appointed May 19, 1995, for a term ending August 2, 2000, as a member of the Lottery Commission.  
Reported by Committee on Labor, Commerce and Trade

MAJORITY Recommendation. That said appointment be confirmed. Signed by Senators Pelz, Chair; Heavey, Vice Chair; Fraser, Franklin and Wojahn.

March 6, 1996  
GA 9183 ROGER J. CONTOR, appointed August 15, 1995, for a term ending January 19, 2001, as a member of the Fish and Wildlife Commission.  
Reported by Committee on Natural Resources

MAJORITY Recommendation. That said appointment be confirmed. Signed by Senators Drew, Chair; Spanel, Vice Chair; Hargrove, Haugen, Owen and Snyder.

March 6, 1996  
GA 9241 MAURICE McGRATH, reappointed January 4, 1996, for a term ending September 30, 1999, as a member of the Spokane Joint Center for Higher Education.  
Reported by Committee on Higher Education

MAJORITY Recommendation. That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Hale, McAuliffe, Prince, Rasmussen and Sheldon.

March 6, 1996  
GA 9257 DR. MARTIN KAATZ, reappointed January 24, 1996, for a term ending January 1, 2001, as a member of the Forest Practices Appeals Board.  
Reported by Committee on Natural Resources

MAJORITY Recommendation. That said appointment be confirmed. Signed by Senators Drew, Chair; Spanel, Vice Chair; Hargrove, Haugen, Owen and Snyder.

March 6, 1996  
GA 9271 BRIAN STILES, appointed February 13, 1996, for a term ending September 30, 2000, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.  
Reported by Committee on Higher Education

MAJORITY Recommendation. That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Hale, McAuliffe, Prince, Rasmussen and Sheldon.

March 6, 1996  
GA 9282 PETER J. GOLDMARK, appointed February 16, 1996, for a term ending September 30, 2001, as a member of the Board of Regents for Washington State University.  
Reported by Committee on Higher Education

MAJORITY Recommendation. That said appointment be confirmed. Signed by Senators Bauer, Chair; Drew, Hale, McAuliffe, Prince, Rasmussen and Sheldon.

MOTION

On motion of Senator Spanel, the rules were suspended, Gubernatorial Appointment No. 9158, No. 9183, No. 9241, No. 9257, No. 9271, and No. 9282 were advanced to second reading and placed on the second reading calendar.

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

MESSAGE FROM THE GOVERNOR

February 27, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Denisse F. Barry, appointed February 27, 1996, for a term ending December 5, 1998, as a member of the State Hospital, Eastern Washington Advisory Board.

Sincerely,  
MIKE LOWRY, Governor

Referred to Committee on Human Services and Corrections.

MESSAGE FROM THE GOVERNOR

March 6, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 6, 1996, Governor Lowry approved the following Senate Bills entitled:

Engrossed Substitute Senate Bill No. 6427

Relating to the restoration and redevelopment of an unfinished nuclear energy facility.

Substitute Senate Bill No. 6579

Relating to the Washington credit union share guaranty association.

Sincerely,  
KENT CAPUTO, Legal Counsel to the Governor

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HCR 4423 by Representatives Johnson, Brumsickle, Radcliff, Cole, Quall, Talcott, McMahan, Hatfield, Thompson, Mulliken, Sheldon, Smith, Stevens, Clements, Hargrove, Sterk, Beeksma, H. Sommers, Wolfe, Kessler, Elliot, K. Schmidt, Lambert, Silver, Casada, Carrell, Chandler, Sherstad, B. Thomas, Crouse, Buck, Pelesky, Cooke, McMorris, D. Schmidt, Hymes, Mastin, Mitchell, Huff, Fuhrman, Goldsmith, Blanton, Delvin, Cairnes, Hankins, Sehlin, L. Thomas, Honeyford, Carlson, Backlund, Mason, Linville, Conway, D. Sommers, Scheuerman, Romero, Ogden, Brown, R. Fisher, Cody, Murray, Costa, Tokuda, Regala, Dickerson, Robertson, Keiser, Chopp, Skinner and Dyer

Requesting the governor to declare the Year of the Reader.

HCR 4424 by Representatives Delvin, Chandler, Robertson, Clements, Foreman, Grant, Schoesler, Hankins, Mulliken, Linville, B. Thomas, Honeyford, McMahan and Silver

Establishing a legislative joint committee on water resources.

MOTION

On motion of Senator Spanel, the rules were suspended, House Concurrent Resolution No. 4423 and House Concurrent Resolution No. 4424 were advanced to second reading and placed on the second reading calendar.

MOTION

At 8:53 p.m., on motion of Senator Spanel, the Senate adjourned until 8:00 a.m., Thursday, March 7, 1996.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FIFTY-NINTH DAY, MARCH 6, 1996

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NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

SIXTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 7, 1996

The Senate was called to order at 8:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Hale, Haugen, Long, Rinehart and Sheldon. On motion of Senator Anderson, Senators Hale and Long were excused.

The Sergeant at Arms Color Guard, consisting of Teresa Burns and Chris Canorro, presented the Colors. President Pritchard offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 6, 1996

MR. PRESIDENT:

The House has adopted ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4426, and the same is herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

March 6, 1996

MR. PRESIDENT:

The House has adopted ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4427 and the same is herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

March 6, 1996

MR. PRESIDENT:

The Speaker has signed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1231,  
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1967,  
SECOND SUBSTITUTE HOUSE BILL NO. 2323,  
SUBSTITUTE HOUSE BILL NO. 2376,  
SUBSTITUTE HOUSE BILL NO. 2444,  
ENGROSSED HOUSE BILL NO. 2452,  
HOUSE BILL NO. 2467,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2485,  
SUBSTITUTE HOUSE BILL NO. 2518,  
SUBSTITUTE HOUSE BILL NO. 2762,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2909,  
HOUSE BILL NO. 2932, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1231,  
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1967,  
SECOND SUBSTITUTE HOUSE BILL NO. 2323,  
SUBSTITUTE HOUSE BILL NO. 2376,  
SUBSTITUTE HOUSE BILL NO. 2444,  
ENGROSSED HOUSE BILL NO. 2452,  
HOUSE BILL NO. 2467,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2485,  
SUBSTITUTE HOUSE BILL NO. 2518,  
SUBSTITUTE HOUSE BILL NO. 2762,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2909,  
HOUSE BILL NO. 2932.

MOTION

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

SENATE RESOLUTION 1996-8709

By Senators Moyer, Quigley and Rasmussen

WHEREAS, The Washington State Legislature has worked diligently toward a public policy of market dynamics in health care to advance the goals of affordability and access to health insurance for all our citizens; and

WHEREAS, Access to affordable health insurance contributes to the health of Washington's citizens by making it easier and less costly to take advantage of preventive health care services and timely treatment of physical ailments; and

WHEREAS, The purchase of health insurance by individual buyers is threatened by rising costs; and

WHEREAS, The availability of health insurance to individuals is diminishing; and

WHEREAS, All health care purchasers benefit from a health insurance market that includes a variety of choices, benefits and payment methods; and

WHEREAS, The private health care system has the capacity to tailor insurance coverage to meet the distinct and diverse needs of each individual health care purchaser; and

WHEREAS, Health insurers have a duty to make affordable health care insurance available to every citizen in Washington; and

WHEREAS, The Washington State Insurance Commissioner has a responsibility to oversee rules and regulations affecting the insurance industry in a manner that benefits the citizens of the state; and

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington requests the Health Care Policy Board, representatives of the health insurance industry, the Insurance Commissioner's Office and other parties of interest to meet as appropriate; and

BE IT FURTHER RESOLVED, That the purpose of these meetings be to develop recommendations to the Legislature for a course of action to resolve the problems adversely affecting access to and the affordability of individual health care by January 1, 1997.

Senators Moyer and Quigley spoke to Senate Resolution 1996-8709.

MOTION

At 8:14 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 9:40 a.m. by President Pritchard.

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator McAuliffe, Gubernatorial Appointment No. 9274, Dr. Ronald LaFayette, as a member of the Board of Trustees for the State School for the Deaf, was confirmed.

APPOINTMENT OF DR. RONALD LaFAYETTE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 3; Excused, 2. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44.

Absent: Senators Haugen, Rinehart and Sheldon - 3.

Excused: Senators Hale and Long - 2.

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

MESSAGE FROM THE HOUSE

March 6, 1996

MR. PRESIDENT:

Under suspension of the rules, SENATE BILL NO. 6339 was returned to second reading for the purpose of amendment(s). The following amendment was adopted and the bill passed the House as amended:

On page 4, beginning on line 28, strike all of subsection (10) and insert the following:

"(10) (a) Persons who have completed a nationally recognized alcohol management or intervention program since July 1, 1993, may be issued a class 12 or 13 permit upon providing proof of completion of such training to the board.

(b) Persons who completed the board's alcohol server training program after July 1, 1995, may be issued a class 13 permit upon providing proof of completion of such training to the board.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

Senator Pelz moved that the Senate do concur in the House amendment to Senate Bill No. 6339. Debate ensued.

The President declared the question before the Senate to be the motion by Senator Pelz that the Senate do concur in the House amendment to Senate Bill No. 6339.

The motion by Senator Pelz carried and the Senate concurred in the House amendment to Senate Bill No. 6339.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6339, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6339, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Absent: Senator Haugen - 1.

SENATE BILL NO. 6339, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 1, 1996

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6392 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1. LEGISLATIVE FINDINGS.** It is the intent of the legislature to ensure that all enrollees in managed care settings have access to adequate information regarding health care services covered by health carriers' health plans, and provided by health care providers and health care facilities. It is only through such disclosure that Washington state citizens can be fully informed as to the extent of health insurance coverage, availability of health care service options, and necessary treatment. With such information, citizens are able to make knowledgeable decisions regarding their health care.

**NEW SECTION. Sec. 2. CENSORING PROVIDER INFORMATION TO PATIENTS BY CARRIERS.** (1) No health carrier subject to the jurisdiction of the state of Washington may in any way preclude or discourage their providers from informing patients of the care they require, including various treatment options, and whether in their view such care is consistent with medical necessity, medical appropriateness, or otherwise covered by the patient's service agreement with the health carrier. No health carrier may prohibit, discourage, or penalize a provider otherwise practicing in compliance with the law from advocating on behalf of a patient with a health carrier. Nothing in this section shall be construed to authorize providers to bind health carriers to pay for any service.

(2) No health carrier may preclude or discourage patients or those paying for their coverage from discussing the comparative merits of different health carriers with their providers. This prohibition specifically includes prohibiting or limiting providers participating in those discussions even if critical of a carrier.

(3) The insurance commissioner is prohibited from adopting rules regarding this section.

**NEW SECTION. Sec. 3. PATIENT AND PROVIDER MANAGED CARE OPT-OUT PROVISION.** Notwithstanding any other provision of law, no health carrier subject to the jurisdiction of the state of Washington may prohibit directly or indirectly its enrollees from freely contracting at any time to obtain any health care services outside the health care plan on any terms or conditions the enrollees choose. Nothing in this section shall be construed to bind a carrier for any services delivered outside the health plan. The provisions of this section shall be disclosed pursuant to section 4(2) of this act. The insurance commissioner is prohibited from adopting rules regarding this section.

**NEW SECTION. Sec. 4. CARRIER DISCLOSURE TO PATIENTS REGARDING CARRIER POLICIES.** (1) Upon the request of an enrollee or a prospective enrollee, a health carrier, as defined in RCW 48.43.005, and the Washington state health care authority, established by chapter 41.05 RCW, shall provide the following information:

- (a) The availability of a point-of-service plan and how the plan operates within the coverage;
- (b) Any documents, instruments, or other information referred to in the enrollment agreement;
- (c) A full description of the procedures to be followed by an enrollee for consulting a provider other than the primary care provider and whether the enrollee's primary care provider, the carrier's medical director, or another entity must authorize the referral;
- (d) Whether a plan provider is restricted to prescribing drugs from a plan list or plan formulary, what drugs are on the plan list or formulary, and the extent to which enrollees will be reimbursed for drugs that are not on the plan's list or formulary;
- (e) Procedures, if any, that an enrollee must first follow for obtaining prior authorization for health care services;
- (f) A written description of any reimbursement or payment arrangements, including, but not limited to, capitation provisions, fee-for-service provisions, and health care delivery efficiency provisions, between a carrier and a provider;
- (g) Circumstances under which the plan may retrospectively deny coverage for emergency and nonemergency care that had prior authorization under the plan's written policies;
- (h) A copy of all grievance procedures for claim or service denial and for dissatisfaction with care; and
- (i) Descriptions and justifications for provider compensation programs, including any incentives or penalties that are intended to encourage providers to withhold services or minimize or avoid referrals to specialists.

(2) Each health carrier, as defined in RCW 48.43.005, and the Washington state health care authority, established by chapter 41.05 RCW, shall provide to all enrollees and prospective enrollees a list of available disclosure items.

(3) Nothing in this section shall be construed to require a carrier to divulge proprietary information to an enrollee.

(4) The insurance commissioner is prohibited from adopting rules regarding this section.

**NEW SECTION. Sec. 5. LIABILITY IMMUNITY FOR PLAN COMPARISON ACTIVITIES.** (1) A public or private entity who exercises due diligence in preparing a document of any kind that compares health carriers of any kind is immune from civil liability from claims based on the document and the contents of the document.

(2)(a) There is absolute immunity to civil liability from claims based on such a comparison document and its contents if the information was provided by the carrier, was substantially accurately presented, and contained the effective date of the information that the carrier supplied, if any.

(b) Where due diligence efforts to obtain accurate information have been taken, there is immunity from claims based on such a comparison document and its contents if the publisher of the comparison document asked for such information from the carrier, was refused, and relied on any usually reliable source for the information including, but not limited to, carrier enrollees, customers, agents, brokers, or providers. The carrier enrollees, customers, agents, brokers, or providers are likewise immune from civil liability on claims based on information they provided if they believed the information to be accurate and had exercised due diligence in their efforts to confirm the accuracy of the information provided.

(3) The immunity from liability contained in this section applies only if the comparison document contains the following in a conspicuous place and in easy to read typeface:

This comparison is based on information believed to be reliable by its publisher, but the accuracy of the information cannot be guaranteed. Caution is suggested to all readers who are encouraged to confirm data of importance to the reader before any purchasing or other decisions are made.

(4) The insurance commissioner is prohibited from adopting rules regarding this section.

NEW SECTION. Sec. 6. CAPTIONS. Captions used in this act do not constitute part of the law.

NEW SECTION. Sec. 7. CODIFICATION. Sections 1 through 5 of this act are each added to chapter 48.43 RCW.

NEW SECTION. Sec. 8. EFFECTIVE DATE. This act shall take effect July 1, 1996."

On page 1, line 1 of the title, after "entities;" strike the remainder of the title and insert "adding new sections to chapter 48.43 RCW; creating a new section; and providing an effective date.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Quigley moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 6392.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Quigley that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 6392.

The motion by Senator Quigley carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 6392.

#### MOTION

On motion of Senator Anderson, Senator Strannigan was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6392, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6392, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Voting nay: Senators Franklin and Prentice - 2.

Excused: Senator Strannigan - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6392, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 29, 1996

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6430 with the following amendment(s):

On page 2, after line 21, insert the following:

"NEW SECTION. Sec. 2. The sum of one million dollars, or as much thereof as may be necessary, is appropriated for fiscal year 1997, from the general fund to the Washington state gambling commission for regulating gambling activity."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Pelz, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 6430 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

March 5, 1996

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to SECOND SUBSTITUTE SENATE BILL NO. 5053 and asks the Senate to concur therein, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Haugen moved that the Senate refuse to recede from its amendment(s) to Second Substitute Senate Bill No. 5053, adheres to its position and asks the House to recede therefrom.

#### MOTION

Senator West moved that the Senate do concur in the House amendment(s) to Second Substitute Senate Bill No. 5053.

#### MOTION

Senator Spanel moved that further consideration of Second Substitute Senate Bill No. 5053 be deferred. Debate ensued.

#### CALL OF THE SENATE

Senators Snyder, Haugen and Spanel demanded a Call of the Senate.

A Call of the Senate was ordered.

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present except Senator Strannigan who was excused earlier.

#### MOTION

On motion of Senator Snyder, the Senate continued under the Call of the Senate.

Senator Strannigan was now present.

The President declared the question before the Senate to be the motion by Senator Spanel to defer further consideration of Second Substitute Senate Bill No. 5053.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Spanel to defer further consideration of Second Substitute Senate Bill No. 5053.

#### ROLL CALL

The Secretary called the roll and the motion to defer further consideration of Second Substitute Senate Bill No. 5053 failed by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Drew, Fairley, Franklin, Fraser, Hargrove, Haugen, Kohl, Long, Loveland, McAuliffe, McCaslin, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, Winsley and Wojahn - 24.

Voting nay: Senators Anderson, A., Bauer, Cantu, Deccio, Finkbeiner, Goings, Hale, Heavey, Hochstatter, Johnson, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Wood and Zarelli - 25.

The President declared the question before the Senate to be the positive motion by Senator West that the Senate do concur in the House amendment(s) to Second Substitute Senate Bill No. 5053.

Debate ensued.

#### MOTION TO LIMIT DEBATE

Senator Snyder: "Mr. President, I move that the members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment, except that the mover of the motion shall be allowed to open and close debate, and also that members be prohibited from yielding their time. This motion shall be in effect through Sine Die."

The President declared the question before the Senate to be the motion by Senator Snyder to limit debate.

The motion by Senator Snyder carried and debate is limited to three minutes through Sine Die.

Further debate ensued on the motion by Senator West to concur in the House amendment(s) to Second Substitute Senate Bill No. 5053.

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

The President declared the question before the Senate to be the roll call on the motion by Senator West to concur in the House amendment(s) to Second Substitute Senate Bill No. 5053.

#### ROLL CALL

The Secretary called the roll and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5053 by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Finkbeiner, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Wood and Zarelli - 26.

Voting nay: Senators Drew, Fairley, Franklin, Fraser, Haugen, Kohl, Long, Loveland, McAuliffe, McCaslin, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, Winsley and Wojahn - 23.

The President declared the question before the Senate to be roll call on the final passage of Second Substitute Senate Bill No. 5053, as amended by the House.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5053, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Finkbeiner, Goings, Hale, Hargrove, Heavey, Hochstatter, Johnson, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Wood and Zarelli - 26.

Voting nay: Senators Drew, Fairley, Franklin, Fraser, Haugen, Kohl, Long, Loveland, McAuliffe, McCaslin, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau, Winsley and Wojahn - 23.

SECOND SUBSTITUTE SENATE BILL NO. 5053, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### STATEMENT FOR THE JOURNAL

Concerning Engrossed Substitute Senate Bill No. 6211:  
It was my intention to vote no on final passage of this bill. However, due to confusion, on my part, between the 'short title' and the 'brief description,' I was mistaken on the bill. Please file this in your Journal for future reference.

SENATOR JOE ZARELLI, 18th District

#### MESSAGE FROM THE HOUSE

March 5, 1996

MR. PRESIDENT:

Under suspension of the rules, ENGROSSED SUBSTITUTE SENATE BILL NO. 6211 was returned to second reading for the purpose of amendment(s). The following amendments were adopted and the bill passed the House as amended:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 39.34 RCW to read as follows:

(1) Each county, city, and town is responsible for the prosecution, adjudication, sentencing, and incarceration of misdemeanor and gross misdemeanor offenses committed by adults in their respective jurisdictions, and referred from their respective law enforcement agencies, whether filed under state law or city ordinance, and must carry out these responsibilities through the use of their own courts, staff, and facilities, or by entering into contracts or interlocal agreements under this chapter to provide these services. Nothing in this section is intended to alter the statutory responsibilities of each county for the prosecution, adjudication, sentencing, and incarceration for not more than one year of felony offenders, nor shall this section apply to any offense initially filed by the prosecuting attorney as a felony offense or an attempt to commit a felony offense.

(2) The following principles must be followed in negotiating interlocal agreements or contracts: Cities and counties must consider (a) anticipated costs of services; and (b) anticipated and potential revenues to fund the services, including fines and fees, criminal justice funding, and state-authorized sales tax funding levied for criminal justice purposes.

(3) If an agreement as to the levels of compensation within an interlocal agreement or contract for gross misdemeanor and misdemeanor services cannot be reached between a city and county, then either party may invoke binding arbitration on the compensation issued by notice to the other party. In the case of establishing initial compensation, the notice shall request arbitration within thirty days. In the case of nonrenewal of an existing contract or interlocal agreement, the notice must be given one hundred twenty days prior to the expiration of the existing contract or agreement and the existing contract or agreement remains in effect until a new agreement is reached or until an arbitration award on the matter of fees is made. The city and county each select one arbitrator, and the initial two arbitrators pick a third arbitrator.

(4) For cities or towns that have not adopted, in whole or in part, criminal code or ordinance provisions related to misdemeanor and gross misdemeanor crimes as defined by state law, this section shall have no application until July 1, 1998.

**NEW SECTION. Sec. 2.** This act shall take effect January 1, 1997."

On page 1, line 1 of the title, after "costs;" strike the remainder of the title and insert "adding a new section to chapter 39.34 RCW; and providing an effective date.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Haugen, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 6211.

The President declared the question before the Senate to be roll call on the final passage of Engrossed Substitute Senate Bill No. 6211, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6211, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Voting nay: Senators Cantu and Newhouse - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6211, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### DISPENSE WITH CALL OF THE SENATE

The Call of the Senate was dispensed with on motion of Senator Snyder.

#### MOTION

At 10:42 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:24 a.m. by President Pritchard.

#### MESSAGE FROM THE HOUSE

March 7, 1996

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6251 with the following amendment(s):  
Strike everything after the enacting clause and insert the following:

#### "PART I GENERAL GOVERNMENT

Sec. 101. 1995 2nd sp.s. c 18 s 101 (uncodified) is amended to read as follows:

**FOR THE HOUSE OF REPRESENTATIVES**

General Fund Appropriation (FY 1996) \$ 23,862,000

General Fund Appropriation (FY 1997) \$ 23,685,000

Water Quality Account Appropriation \$ 15,000

TOTAL APPROPRIATION \$ ((47,547,000))

47,562,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$125,000 of the appropriation in this section is for the joint legislative ethics board.

(2) The legislature shall establish a medical assistance fiscal study group to analyze health care costs and utilization to seek solutions to the rapid increases in medical assistance expenditures.

(3) The legislature shall study the process and information used to determine eligibility for the general assistance-unemployable program administered by the department of social and health services economic services administration. The legislature shall: (a) Seek assistance from medical professionals with experience in assessing physical and mental disabilities; (b) explore options to provide designated training or support services for general assistance-unemployable recipients to enable them to become employable; and (c) propose program changes to meet the funding levels provided in the 1995-97 biennial budget. Findings and proposed program changes shall be reported to the fiscal committees of the legislature no later than December 20, 1995.

(4)(a) The respective fiscal committees of the house of representatives and the senate shall evaluate the fiscal notes used by the legislature to inform it of the costs and savings estimated to result from proposed legislation. The evaluation shall identify: (i) Whether the process for developing fiscal notes has adequate controls to ensure that the data and methodologies used are current and reliable, and (ii) how the accuracy, reliability and timeliness of fiscal notes can be improved.

(b) The study shall include: (i) A review of fiscal notes on legislation pertaining to a variety of state programs; (ii) a survey of fiscal note requirements, systems, and agencies in other states; (iii) an analysis of methods used in the public and private sectors that could be used to improve the reliability and accuracy and timeliness of fiscal notes; (iv) identification of statutes, policies, and rules that should be changed to improve the reliability and accuracy of fiscal notes; (v) recommendations on when fiscal notes should be required; (vi) recommendations on the appropriate assignment of responsibility for the development of fiscal notes; and (vii) recommendations on how the process for developing fiscal notes can be changed to reduce the time it takes to produce a reliable and accurate fiscal note.

(5) Within the funds provided in this section, the legislature shall review and identify state programs or services that may be competitively contracted to produce cost savings or improvements in the quality or level of services without harm to the public good. The review will include an evaluation of results obtained in other states that have competitively contracted for these and other programs or services. The review may include specific information regarding the feasibility of privatizing the construction and operation of correctional institutions and juvenile rehabilitation facilities. A preliminary report shall be completed by January 1, 1996, and a final report by January 1, 1997.

(6) The entire water quality account appropriation is provided for a study of lake health issues as provided in Engrossed Substitute Senate Bill No. 6666. If the bill is not enacted by June 30, 1996, the appropriation shall lapse.

Sec. 102. 1995 2nd sp.s. c 18 s 102 (uncodified) is amended to read as follows:

**FOR THE SENATE**

General Fund Appropriation (FY 1996) \$ 17,397,000

General Fund Appropriation (FY 1997) \$ ((19,198,000))

19,298,000

Water Quality Account Appropriation \$ 15,000

TOTAL APPROPRIATION \$ ((36,595,000))

36,710,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$125,000 of the appropriation in this section is for the joint legislative ethics board.

(2) The legislature shall establish a medical assistance fiscal study group to analyze health care costs and utilization to seek solutions to the rapid increases in medical assistance expenditures.

(3) The legislature shall study the process and information used to determine eligibility for the general assistance-unemployable program administered by the department of social and health services economic services administration. The legislature shall: (a) Seek assistance from medical professionals with experience in assessing physical and mental disabilities; (b) explore options to provide designated training or support services for general assistance-unemployable recipients to enable them to become employable; and (c) propose program changes to meet the funding levels provided in the 1995-97 biennial budget. Findings and proposed program changes shall be reported to the fiscal committees of the legislature no later than December 20, 1995.

(4)(a) The respective fiscal committees of the house of representatives and the senate shall evaluate the fiscal notes used by the legislature to inform it of the costs and savings estimated to result from proposed legislation. The evaluation shall identify: (i) Whether the process for developing fiscal notes has adequate controls to ensure that the data and methodologies used are current and reliable, and (ii) how the accuracy, reliability and timeliness of fiscal notes can be improved.

(b) The study shall include: (i) A review of fiscal notes on legislation pertaining to a variety of state programs; (ii) a survey of fiscal note requirements, systems, and agencies in other states; (iii) an analysis of methods used in the public and private sectors that could be used to improve the reliability and accuracy and timeliness of fiscal notes; (iv) identification of statutes, policies, and rules that should be changed to improve the reliability and accuracy of fiscal notes; (v) recommendations on when fiscal notes should be required; (vi) recommendations on the appropriate assignment of responsibility for the development of fiscal notes; and (vii) recommendations on how the process for developing fiscal notes can be changed to reduce the time it takes to produce a reliable and accurate fiscal note.

(5) Within the funds provided in this section, the legislature shall review and identify state programs or services that may be competitively contracted to produce cost savings or improvements in the quality or level of services without harm to the public good. The review will include an evaluation of results obtained in other states that have competitively contracted for these and other programs or services. The review may include specific information regarding the feasibility of privatizing the construction and operation of correctional institutions and juvenile rehabilitation facilities. A preliminary report shall be completed by January 1, 1996, and a final report by January 1, 1997.

(6) The entire water quality account appropriation is provided for a study of lake health issues as provided in Engrossed Substitute Senate Bill No. 6666. If the bill is not enacted by June 30, 1996, the appropriation shall lapse.

Sec. 103. 1995 2nd sp.s. c 18 s 103 (uncodified) is amended to read as follows:

**FOR THE LEGISLATIVE BUDGET COMMITTEE**

General Fund Appropriation (FY 1996) \$ ((1,557,000))

1,567,000

General Fund Appropriation (FY 1997) \$ ((1,268,000))

1,361,000

TOTAL APPROPRIATION \$ ((2,825,000))

2,928,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$288,000 is provided solely for the legislative budget committee to conduct a performance audit of the office of the superintendent of public instruction and report its finding to the appropriate committees of the legislature by December 31, 1995. In addition to the standard items reviewed in a performance audit, the committee is directed to provide the following: (a) A determination of methods to maximize the amount of federal funds received by the state; (b) the identification of potential cost savings from any office programs which could be eliminated or transferred to the private sector; (c) an analysis of gaps and overlaps in office programs; and (d) an evaluation of the efficiency with which the office of the superintendent of public instruction operates the programs under its jurisdiction and fulfills the duties assigned to it by law. In conducting the performance audit, the legislative budget committee is also directed to use performance measures or standards used by other states or other large education organizations in developing its findings.

(2) The general fund appropriation contains sufficient funds for the legislative budget committee to perform the study required in Second Substitute Senate Bill No. 5574 regarding the transfer of forest board lands to the counties. The study shall include a review of transferred timber cutting rights on forest board land. A recommendation shall be included which addresses the use of funds from the forest development account to repurchase such cutting rights.

(3) The legislative budget committee shall study staffing models and staff deployment at the juvenile rehabilitation facilities operated by the department of social and health services at Maple Lane, Green Hill, and Echo Glen. The study shall include: (i) A comparison of current staffing levels between each institution by type of living unit; (ii) staffing levels contemplated for new living units slated for occupancy in the 1997-99 biennium; (iii) analysis of the staffing level drivers, including programming, facilities design, and security requirements; (iv) a methodology for estimating the costs or savings associated with changes to institutional populations, with recommendations concerning the appropriate use of average and marginal costs; and (v) the costs and benefits of decommissioning older living units as new living units come on line. The findings shall be reported to the appropriate committees of the legislature by December 20, 1996.

(4) The legislative budget committee shall study the extent and uses of supplemental salaries for K-12 certificated staff. In conducting the study, the committee shall consult with the legislative evaluation and accountability project committee and the superintendent of public instruction. Included in the information to be provided shall be analysis of the extent to which supplemental salaries are provided for training consistent with the skills needed once the state's performance assessment system is operational. The findings shall be reported to the education and fiscal committees of the legislature by December 20, 1996.

(5) The legislative budget committee shall provide a follow-up report to the study done by the legislative evaluation and accountability program (LEAP) in 1995 on vocational education funding. In preparing the report, the committee shall consult with LEAP. Among the issues analyzed shall be changes of expenditure patterns in vocational education since the 1995 study and development of a funding formula that identifies more discrete funding elements than the current apportionment formula. The findings shall be reported to the education and fiscal committees of the legislature by December 20, 1996.

(6) \$10,000 is provided for a study to determine if a category for rear engine transit-style school buses should be added to the competitive price quote process under RCW 28A.160.195. The study shall compare identically equipped front engine and rear engine transit-style school buses of the same model year and the same capacity to determine if there is a definitive advantage in either type of bus in performance for transporting students to and from school and if there are documented savings in operating costs. The study shall include information from other states and national data regarding the use of front engine and rear engine transit-style school buses. The study shall also include information from private contractors' fleets as well as publicly owned and operated fleets. In addition, the study shall identify the cost differences, as provided by the manufacturer of the school buses, of identically equipped front engine and rear engine transit-style school buses of the same capacity. The study shall be submitted to the fiscal committees of the legislature and the superintendent of public instruction by August 1, 1996.

(7) The legislative budget committee shall conduct a survey of the use, in the state's public schools, of school nurses and other health workers and the sources of funding therefor. The survey shall be conducted during the 1996-97 school year and shall be reported to the appropriate committees of the legislature by December 1, 1997.

(8) \$48,000 of the general fund appropriation is provided solely for a performance audit by the legislative budget committee of the effectiveness of the job opportunities and basic skills (JOBS) training program. The audit will examine program costs, effectiveness, and outcomes since 1994. The committee may execute an interagency agreement with the Washington state institute for public policy for an analysis of the costs, effectiveness, and outcomes of JOBS programs in other states. Administrative data necessary for the audit shall be provided by the department of social and health services, the employment security department, the state board for community and technical colleges, local government providers, and private contractors. The department of social and health services shall require contractors to provide administrative and outcome data needed for this audit. Additional data may be collected directly from clients if not available from administrative records. The report will be submitted to the appropriate committees of the legislature by December 31, 1996.

Sec. 104. 1995 2nd sp.s. c 18 s 106 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE STATE ACTUARY**  
Department of Retirement Systems Expense Account  
Appropriation \$ 1,573,000

The appropriation in this section is subject to the following conditions and limitations: Funding is provided in this section to study options for expanding state and school district retiree access to health benefits purchased through the health care authority and the fiscal impacts of each option. The state actuary shall conduct this study in conjunction with the office of financial management, the health care authority, and the fiscal committees of the legislature.

Sec. 105. 1995 2nd sp.s. c 18 s 110 (uncodified) is amended to read as follows:

**FOR THE SUPREME COURT**  
General Fund Appropriation (FY 1996) \$ 4,419,000  
General Fund Appropriation (FY 1997) \$ ((4,456,000))

TOTAL APPROPRIATION \$ ((8,875,000))

4,536,000

8,955,000

Sec. 106. 1995 2nd sp.s. c 18 s 111 (uncodified) is amended to read as follows:

**FOR THE LAW LIBRARY**  
General Fund Appropriation (FY 1996) \$ 1,607,000  
General Fund Appropriation (FY 1997) \$ ((1,608,000))

TOTAL APPROPRIATION \$ ((3,215,000))

1,597,000

3,204,000

Sec. 107. 1995 2nd sp.s. c 18 s 112 (uncodified) is amended to read as follows:

**FOR THE COURT OF APPEALS**  
General Fund Appropriation (FY 1996) \$ ((8,834,000))

General Fund Appropriation (FY 1997) \$ ((8,834,000))

9,000,000

9,550,000

TOTAL APPROPRIATION \$ ((17,668,000)) 18,550,000

**Sec. 108.** 1995 2nd sp.s. c 18 s 113 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON JUDICIAL CONDUCT**

General Fund Appropriation (FY 1996) \$ ((595,000)) 755,000

General Fund Appropriation (FY 1997) \$ ((606,000)) 646,000

TOTAL APPROPRIATION \$ ((1,201,000)) 1,401,000

**Sec. 109.** 1995 2nd sp.s. c 18 s 114 (uncodified) is amended to read as follows:

**FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund Appropriation (FY 1996) \$ 11,658,000  
General Fund Appropriation (FY 1997) \$ ((11,728,000)) 11,832,000

Public Safety and Education Account  
Appropriation \$ ((41,403,000)) 36,605,000

Violence Reduction and Drug Enforcement Account

Appropriation \$ 35,000  
Judicial Information Systems Account  
Appropriation \$ ((6,446,000)) 13,074,000

TOTAL APPROPRIATION \$ ((71,235,000)) 73,204,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in the judicial information systems account shall be used to fund computer systems for the supreme court, the court of appeals, and the office of the administrator for the courts. Expanding services to the courts, technology improvements, and criminal justice proposals shall receive priority consideration for the use of these funds.

(2) \$63,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 5235 (judgeship for Clark county). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$6,510,000 of the public safety and education account appropriation is provided solely for the continuation of treatment alternatives to street crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(4) ~~(\$9,326,000 of the public safety and education account is provided solely for the indigent appeals program.)~~ \$69,000 of the general fund appropriation is provided solely to implement Senate Bill No. 6151 (judgeship for Thurston county). If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

~~(5) \$35,000 of the general fund appropriation is provided solely to implement Senate Bill No. 6495 (judgeships for Chelan/Douglas counties). If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.~~

~~((5))~~ (6) \$26,000 of the public safety and education account and ~~\$(110,000))~~ 1,385,000 of the judicial information systems account are to implement Engrossed Substitute Senate Bill No. 5219 (domestic violence). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

~~((6))~~ (7) \$138,000 of the public safety and education account is provided solely for Thurston county impact costs.

~~((7))~~ (8) \$223,000 of the public safety and education account is provided solely for the gender and justice commission.

~~((8))~~ (9) \$308,000 of the public safety and education account appropriation is provided solely for the minority and justice commission.

~~((9))~~ (10) No moneys appropriated in this section may be expended by the administrator for the courts for payments in excess of fifty percent of the employer contribution on behalf of superior court judges for insurance and health care plans and federal social security and medicare and medical aid benefits. Consistent with Article IV, section 13 of the state Constitution and 1996 Attorney General's Opinion No. 2, it is the intent of the legislature that the cost of these employer contributions shall be shared equally between the state and the county or counties in which the judges serve. The administrator for the courts shall establish procedures for the collection and disbursement of these employer contributions.

(11) \$35,000 of the violence reduction and drug enforcement account appropriation is provided solely to contract with the Washington state institute for public policy to collect data and information from jurisdictions within the state of Washington and outside the state of Washington, including other nations, that have experience with developing protocols and training standards for investigating child sexual abuse. The Washington state institute for public policy shall report to the legislature on the results of this study no later than December 1, 1996.

**NEW SECTION. Sec. 110.** A new section is added to 1995 2nd sp.s. c 18 (uncodified) to read as follows:

**FOR THE OFFICE OF PUBLIC DEFENSE**

Public Safety and Education Account  
Appropriation (FY 1997) \$ 5,805,000

The appropriation in this section is subject to the following conditions and limitations: If Substitute Senate Bill No. 6189 is not enacted by June 30, 1996, the appropriation in this section shall be made to the administrator for the courts.

**Sec. 111.** 1995 2nd sp.s. c 18 s 115 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE GOVERNOR**

General Fund--State Appropriation (FY 1996) \$ 2,899,000  
General Fund--State Appropriation (FY 1997) \$ ((2,898,000)) 4,238,000

General Fund--Federal Appropriation \$ 225,000  
TOTAL APPROPRIATION \$ ((5,797,000)) 7,362,000

The appropriations in this section are subject to the following conditions and limitations: \$1,340,000 of the general fund--state appropriation and \$225,000 of the general fund--federal appropriation are provided solely for hiring the chair and staff of the Puget Sound action team and for other administrative expenses necessary to implement Engrossed Substitute House Bill No. 2875. If the bill is not enacted by June 30, 1996, the governor shall: Coordinate state agency plan implementation activities and technical assistance to local governments, businesses, and others in implementing plan elements; encourage citizen involvement in plan implementation; coordinate the Puget Sound ambient monitoring program and research on Puget Sound; and perform other activities related to the Puget Sound water quality management plan pursuant to RCW 90.70.902.

**NEW SECTION. Sec. 112.** A new section is added to 1995 2nd sp.s. c 18 (uncodified) to read as follows:

**OFFICE OF THE GOVERNOR--CHILDREN AND FAMILY SERVICES.** (1) There is hereby appropriated to the office of the governor for the purposes of conducting a management improvement project for the children and family services division of the department of social and health services and establishing within the governor's office a state family and children's ombudsman the sum of one million five hundred eighteen thousand dollars, or so much thereof as may be necessary, from the general fund--state for the fiscal year ending June 30, 1997. Of this amount, \$1,100,000 is provided solely for allocation to the public policy institute at The Evergreen State College to direct the management improvement project for the division of children and family services. The public policy institute shall execute a contract with an objective, impartial expert in the field of organizational structure and process improvement to examine the structure and processes of the children and family services division. Activities performed pursuant to the contract must include, but are not limited to, study and development of the division's mission, goals, strategic plan, and performance-based outcome measures. The process used in examining the division shall include managers, supervisors, and front-line workers employed by the division and clients of the division. The contract shall be completed by December 1, 1996, and the results reported to the appropriate standing committees of the legislature by January 1, 1997.

(2) An oversight group is created for the management improvement project. The members of the oversight group shall be the attorney general, the chief of the state patrol, the family and children's ombudsman established under this section, and one person appointed by the governor. The oversight group shall provide assistance and direction to the staff and contractor involved in the management improvement project and shall be responsible for reporting results and recommendations from the project to the appropriate committees of the legislature. The group shall commence activities on May 1, 1996, and shall cease to exist on July 1, 1997.

(3) A legislative advisory committee is created to provide technical assistance and public input to the oversight group for the management improvement project. The committee shall consist of three members of the senate appointed by the president of the senate and three members of the house of representatives appointed by the speaker of the house. Not more than two members from each house shall be from the same political party.

(4) \$418,000 of the amount appropriated in this section is provided solely for the office of the family and children's ombudsman within the governor's office. The ombudsman shall report directly to the governor and shall exercise his or her powers and duties independently of the department of social and health services. The governor shall appoint the ombudsman, subject to confirmation by the senate. The staff of the office of constituent relations in the children and family services division of the department of social and health services are transferred to the office of the ombudsman to execute the duties of the ombudsman as provided in this section. The ombudsman shall perform the following duties in connection with the management improvement project and oversight group established in this section:

(a) Provide information as appropriate on the rights and responsibilities of individuals receiving family and children's services, and on the procedures for providing these services;

(b) Investigate, upon the ombudsman's own initiative or upon receipt of a complaint, an administrative act alleged to be contrary to law, rule, or policy, imposed without an adequate statement of reason, or based on irrelevant, immaterial, or erroneous grounds. However, the ombudsman may decline to investigate any complaint as provided by rules adopted by the ombudsman;

(c) Monitor the procedures as established, implemented, and practiced by the department to carry out its responsibilities in delivering family and children's services with a view toward appropriate preservation of families and ensuring the health and safety of children;

(d) Review the facilities and procedures of state institutions and state-licensed facilities or residences serving children;

(e) Review reports relating to the unexpected deaths of minors in the care of the department receiving family and children's services and make recommendations as appropriate; and

(f) Recommend changes in the procedures for addressing the needs of families and children.

(5) The department of social and health services, child-placing agencies, and providers of children and family services shall do all of the following:

(a) Upon the ombudsman's request, grant the ombudsman or the ombudsman's designee lawful access to all relevant information, records, and documents in the possession of the department or child-placing agency that the ombudsman considers necessary in an investigation;

(b) Assist the ombudsman to obtain the necessary releases of those confidential records and documents that by law require a release to authorize access by the ombudsman;

(c) Upon deciding not to act on a finding or recommendation made by the ombudsman, provide the ombudsman with a written statement setting forth the reason or reasons for the decision; and

(d) Provide the ombudsman upon request with progress reports concerning administrative processing of a complaint.

(6) The office shall have access, on a confidential basis, to juvenile justice records under chapter 13.50 RCW.

(7) The ombudsman shall have the following rights and powers:

(a) To copy and subpoena records held by the department of social and health services, except as prohibited by law; and

(b) To request legal assistance, including appointment of special counsel through the office of the attorney general.

(8) Subsections (4), (5), (6), and (7) of this section shall be inoperative to the extent that they conflict with the provisions of Second Substitute House Bill No. 2856.

**Sec. 113.** 1995 2nd sp.s. c 18 s 117 (uncodified) is amended to read as follows:

**FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund Appropriation (FY 1996) \$ ((1,107,000))	<u>1,125,000</u>
General Fund Appropriation (FY 1997) \$ ((1,045,000))	<u>1,051,000</u>
Industrial Insurance Premium Refund Account Appropriation \$ 725	
TOTAL APPROPRIATION \$ ((2,152,725))	<u>2,176,725</u>

**Sec. 114.** 1995 2nd sp.s. c 18 s 118 (uncodified) is amended to read as follows:

**FOR THE SECRETARY OF STATE**

General Fund Appropriation (FY 1996) \$ ((9,175,000))	<u>10,857,000</u>
General Fund Appropriation (FY 1997) \$ ((5,924,000))	<u>5,992,000</u>
Archives and Records Management Account Appropriation \$ ((4,330,000))	<u>5,215,000</u>
Department of Personnel Service Account Appropriation \$ 647,000	
TOTAL APPROPRIATION \$ ((20,076,000))	<u>22,711,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$(3,859,975))~~ 5,559,975 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) ~~\$(5,183,762))~~ 5,233,762 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) \$140,000 of the general fund appropriation is provided solely for the state's participation in the United States census block boundary suggestion program.

(4) ~~((The general fund appropriation for fiscal year 1996 shall be reduced by \$726,000 if Engrossed Senate Bill No. 5852 (presidential preference primary) is enacted by March 15, 1996.))~~ \$1,440,000 of the archives and records management account appropriation is provided solely for records services to local governments under Senate Bill No. 6718 and shall be paid solely out of revenue collected under that bill. If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

(5) \$10,000 of the archives and records management account appropriation is provided solely for the purposes of Substitute House Bill No. 1497 (preservation of electronic public records)(-).

**Sec. 115.** 1995 2nd sp.s. c 18 s 121 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER**

State Treasurer's Service Account

Appropriation \$ ~~((10,454,000))~~

10,654,000

**Sec. 116.** 1995 2nd sp.s. c 18 s 122 (uncodified) is amended to read as follows:

**FOR THE STATE AUDITOR**

General Fund Appropriation (FY 1996) \$ ~~((12,000))~~

78,000

General Fund Appropriation (FY 1997) \$ ~~((10,000))~~

430,000

~~(Municipal Revolving Account~~

~~Appropriation \$ 24,886,000))~~

Auditing Services Revolving Account

Appropriation \$ 11,814,000

TOTAL APPROPRIATION \$ ~~((36,722,000))~~

12,322,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) The state auditor, in consultation with the legislative budget committee, shall conduct a performance audit of the state investment board. In conducting the audit, the state auditor shall: (a) Establish and publish a schedule of the performance audit and shall solicit public comments relative to the operations of the state investment board at least three months prior to conducting the scheduled performance audit; (b) under the provisions of chapter 39.29 RCW, obtain and utilize a private firm to conduct the audit. The firm selected shall utilize professional staff possessing the education, training, and practical experience in auditing private and governmental entities responsible for the investment of funds necessary to capably conduct the audit required by this subsection. The firm selected for the audit shall determine the extent to which the state investment board is operating consistently with the performance audit measures developed by the state auditor, acting together with the board, the legislative budget committee, the office of financial management, the state treasurer, and other state agencies, as appropriate. The audit measures shall incorporate appropriate institutional investment industry criteria for measuring management practices and operations. The firm shall recommend in its report any actions deemed appropriate that the board can take to operate more consistently with such measures. The cost of the performance audit conducted shall be paid by the board from nonappropriated investment earnings.

(3) \$486,000 of the general fund appropriation is provided solely for staff and related costs to audit special education programs that exhibit unusual rates of growth, extraordinarily high costs, or other characteristics requiring attention of the state safety net committee. The auditor shall consult with the superintendent of public instruction regarding training and other staffing assistance needed to provide expertise to the audit staff.

**Sec. 117.** 1995 2nd sp.s. c 18 s 119 (uncodified) is amended to read as follows:

**FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund Appropriation (FY 1996) \$ ~~((151,000))~~

168,000

General Fund Appropriation (FY 1997) \$ ~~((152,000))~~

169,000

TOTAL APPROPRIATION \$ ~~((303,000))~~

337,000

**Sec. 118.** 1995 2nd sp.s. c 18 s 120 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS**

General Fund Appropriation (FY 1996) \$ ~~((173,000))~~

180,000

General Fund Appropriation (FY 1997) \$ ~~((173,000))~~

181,000

TOTAL APPROPRIATION \$ ~~((346,000))~~

361,000

**Sec. 119.** 1995 2nd sp.s. c 18 s 124 (uncodified) is amended to read as follows:

**FOR THE ATTORNEY GENERAL**

General Fund--State Appropriation (FY 1996) \$ 3,228,000

General Fund--State Appropriation (FY 1997) \$ ~~((3,225,000))~~

3,275,000

General Fund--Federal Appropriation \$ 1,624,000

Public Safety and Education Account

Appropriation \$ 1,250,000

State Investment Board Expense Account

Appropriation \$ 4,000,000

New Motor Vehicle Arbitration Account

Appropriation \$ 1,782,000

Legal Services Revolving Account

Appropriation \$ 113,972,000  
 Health Services Account Appropriation \$ 300,000  
 TOTAL APPROPRIATION \$ ((129,381,000))

129,431,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general shall include, at a minimum, the following information with each bill sent to agencies receiving legal services: (a) The number of hours and cost of attorney services provided during the billing period; (b) cost of support staff services provided during the billing period; (c) attorney general overhead and central support costs charged to the agency for the billing period; (d) direct legal costs, such as filing and docket fees, charged to the agency for the billing period; and (e) other costs charged to the agency for the billing period. The attorney general may, with approval of the office of financial management change its billing system to meet the needs of its user agencies.

(3) \$4,000,000 from the state investment board expense account appropriation is provided solely for attorney general costs and related expenses in aggressively pursuing litigation related to real estate investments on behalf of the state investment board. To the maximum extent possible, attorney general staff shall be used in pursuing this litigation.

(4) \$50,000 of the general fund--state appropriation is provided to retain a facilitator to assist the department of natural resources, as trustee, and the state's four-year institutions of higher education, as trust beneficiaries, to develop factual issues relating to habitat conservation plans on public lands.

Sec. 120. 1995 2nd sp.s. c 18 s 125 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FINANCIAL INSTITUTIONS**

Securities Regulation Account

Appropriation \$ 4,515,000

The director of financial institutions is authorized to increase fees charged to credit unions and other persons subject to regulation of the department of financial institutions under chapters 31.12, 31.12A, and 31.13 RCW in order to cover the costs of the operation of the department's division of credit unions and to establish a reasonable reserve for the division. Pursuant to RCW 43.135.055, the director is authorized to increase fees in excess of the fiscal growth factor during the 1995-97 fiscal biennium. The fees shall be set by the director so that the projected revenue to the department's dedicated nonappropriated credit unions examination fund in fiscal year 1997 does not exceed \$1,120,500, plus a one-time special assessment of \$184,000.

Sec. 121. 1995 2nd sp.s. c 18 s 126 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

General Fund--State Appropriation (FY 1996) \$ ((48,627,000))

49,164,000

General Fund--State Appropriation (FY 1997) \$ ((47,328,000))

55,149,000

General Fund--Federal Appropriation \$ ((447,991,000))

149,005,000

General Fund--Private/Local Appropriation \$ ((1,676,000))

4,290,000

Public Safety and Education Account

Appropriation \$ 8,764,000

Waste Reduction, Recycling, and Litter Control

Account Appropriation \$ ((2,006,000))

2,206,000

Washington Marketplace Program Account

Appropriation \$ 150,000

Public Works Assistance Account

Appropriation \$ ((1,068,000))

1,166,000

Building Code Council Account

Appropriation \$ 1,289,000

Administrative Contingency Account

Appropriation \$ 1,776,000

Low-Income Weatherization Assistance Account

Appropriation \$ 923,000

Violence Reduction and Drug Enforcement Account

Appropriation \$ 6,027,000

Manufactured Home Installation Training Account

Appropriation \$ ((150,000))

250,000

Washington Housing Trust Account

Appropriation \$ ((4,686,000))

7,986,000

Public Facility Construction Revolving Account

Appropriation \$ 238,000

Solid Waste Management Account Appropriation \$ 700,000

Vehicle Tire Recycling Account Appropriation \$ 499,000

Growth Management Planning and Environmental

Review Fund Appropriation \$ 3,000,000

TOTAL APPROPRIATION \$ ((276,399,000))

293,582,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,065,000 of the general fund--state appropriation is provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1993-95 biennium.

(2) \$538,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 1724 (growth management).

(3) (~~(In order)~~) \$1,000,000 of the general fund--state appropriation is provided to offset reductions in federal community services block grant funding for community action agencies(~~(s)~~). The department shall set aside (~~(\$4,800,000)~~) \$3,800,000 of federal community development block grant funds for distribution to local governments to allocate to community action agencies state-wide.

(4) \$8,915,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 1996 as follows:

- (a) \$3,603,250 to local units of government to continue multijurisdictional drug task forces;
- (b) \$934,000 to the Washington state patrol for coordination, technical assistance, and investigative and supervisory staff support for multijurisdictional narcotics task forces;
- (c) \$456,000 to the department to continue the state-wide drug prosecution assistance program;
- (d) \$93,000 to the department to continue a substance-abuse treatment in jails program, to test the effect of treatment on future criminal behavior;
- (e) \$744,000 to the department to continue the youth violence prevention and intervention projects;
- (f) \$240,000 to the department for grants to support tribal law enforcement needs;
- (g) \$495,000 is provided to the Washington state patrol for a state-wide integrated narcotics system;
- (h) \$538,000 to the department for grant administration and program evaluation, monitoring, and reporting, pursuant to federal requirements;
- (i) \$51,000 to the Washington state patrol for data collection;
- (j) \$445,750 to the office of financial management for the criminal history records improvement program;
- (k) \$42,000 to the department to support local services to victims of domestic violence;
- (l) \$300,000 to the department of community, trade, and economic development for domestic violence legal advocacy;
- (m) \$300,000 to the department of community, trade, and economic development for grants to provide a defender training program; and
- (n) \$673,000 to the department of corrections for the expansion of correctional industries projects that place inmates in a realistic working and training environment.

(5) \$8,699,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 1997 as follows:

- (a) \$3,600,000 to local units of government to continue multijurisdictional narcotics task forces;
- (b) \$934,000 to the Washington state patrol for coordination, technical assistance, and investigative and supervisory support staff for multijurisdictional narcotics task forces;
- (c) \$500,000 to the department to continue the state-wide drug prosecution assistance program in support of multijurisdictional narcotics task forces;
- (d) \$450,000 to drug courts in eastern and western Washington;
- (e) \$744,000 to the department to continue the youth violence prevention and intervention projects;
- (f) \$93,000 to the department to continue a substance-abuse treatment in jails program to test the effect of treatment on future criminal behavior;
- (g) \$42,000 to the department to provide training to local law enforcement officers, prosecutors, and domestic violence experts on domestic violence laws and procedures;
- (h) \$300,000 to the department to support local services to victims of domestic violence;
- (i) \$240,000 to the department for grants to support tribal law enforcement needs;
- (j) \$300,000 to the department for grants to provide juvenile sentencing alternative training programs to defenders;
- (k) \$560,000 to the department for grant administration, evaluation, monitoring, and reporting on Byrne grant programs, and the governor's council on substance abuse;
- (l) \$435,000 to the office of financial management for the criminal history records improvement program;
- (m) \$51,000 to the Washington state patrol for data collection; and
- (n) \$450,000 to the department of corrections for the expansion of correctional industries projects that place inmates in a realistic working and training environment.

If additional funds become available or if any funds remain unexpended for the drug control and system improvement formula grant program under this subsection, up to \$95,000 additional may be used for the operation of the governor's council on substance abuse, including implementation of the recommendations of the legislative budget committee report on drug and alcohol abuse programs.

(6) \$3,960,000 of the public safety and education account appropriation is provided solely for the office of crime victims' advocacy.

~~((6))~~ (7) \$216,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

~~((7))~~ (8) \$200,000 of the general fund--state appropriation is provided solely as a grant for the community connections program in Walla Walla county.

~~((8))~~ (9) \$30,000 of the Washington housing trust account appropriation is provided solely for the department to conduct an assessment of the per square foot cost associated with constructing or rehabilitating buildings financed by the housing trust fund for low-income housing. The department may contract with specially trained teams to conduct this assessment. The department shall report to the legislature by December 31, 1995. The report shall include:

- (a) The per square foot cost of each type of housing unit financed by the housing trust fund;
- (b) An assessment of the factors that affect the per square foot cost;
- (c) Recommendations for reducing the per square foot cost, if possible;
- (d) Guidelines for housing costs per person assisted; and
- (e) Other relevant information.

~~((9))~~ (10) \$350,000 of the general fund--state appropriation is provided solely for the retired senior volunteer program.

~~((10))~~ (11) \$300,000 of the general fund--state appropriation is provided solely to implement House Bill No. 1687 (court-appointed special advocates). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

~~((11))~~ (12) \$50,000 of the general fund--state appropriation is provided solely for the purpose of a feasibility study of the infrastructure, logistical, and informational needs for the region involving Washington, Oregon, and British Columbia to host the summer Olympic Games in the year 2004 or 2008. The feasibility study shall be conducted using the services of a nonprofit corporation currently pursuing and having shown progress toward this purpose. The amount provided in this subsection may be expended only to the extent that it is matched on a dollar-for-dollar basis by funds for the same purpose from nonstate sources.

~~((12))~~ (13) \$100,000 of the general fund--state appropriation is provided solely as a grant to a nonprofit organization for costs associated with development of the Columbia Breaks Fire Interpretive Center.

(14) \$100,000 of the general fund--state appropriation is provided solely for the Pierce county long-term care ombudsman program.

(15) \$60,000 of the general fund--state appropriation is provided solely for the Pacific Northwest economic region.

(16) \$500,000 of the general fund--state appropriation is provided solely for distribution to the city of Burien for analysis of the proposed Port of Seattle third runway including preparation of a draft environmental impact statement and other technical studies. The

amount provided in this subsection shall not be expended directly or indirectly for litigation, public relations, or any form of consulting services for the purposes of opposing the construction of the proposed third runway.

(17) Not more than \$458,000 of the general fund--state appropriation may be expended for the operation of the Pacific northwest export assistance project. The department will continue to implement a plan for assessing fees for services provided by the project. It is the intent of the legislature that the revenues raised to defray the expenditures of this program will be increased to fifty percent of the expenditures in fiscal year 1996 and seventy-five percent of the expenditures in fiscal year 1997. Beginning in fiscal year 1998, the legislature intends that this program will be fully self-supporting.

(18) \$4,804,000 of the public safety and education account appropriation is provided solely for contracts with qualified legal aid programs for civil indigent legal representation pursuant to RCW 43.08.260. It is the intent of the legislature to ensure that legal aid programs receiving funds appropriated in this act pursuant to RCW 43.08.260 comply with all applicable restrictions on use of these funds. To this end, during the 1995-97 fiscal biennium the department shall monitor compliance with the authorizing legislation, shall oversee the implementation of this subsection, and shall report directly to the appropriations committee of the house of representatives and the ways and means committee of the senate.

(a) It is the intent of the legislature to improve communications between legal aid programs and persons affected by the activities of legal aid programs. There is established for the 1995-97 fiscal biennium a task force on agricultural interests/legal aid relations. The task force shall promote better understanding and cooperation between agricultural interests and legal aid programs and shall provide a forum for discussion of issues of common concern. The task force shall not involve itself in pending litigation.

(i) The task force shall consist of the following sixteen members: Four representatives of agricultural organizations, to be appointed by the legislator members; two individuals who represent the corresponding interests of legal clients, to be appointed by organizations designated by the three legal services programs; two representatives of Evergreen Legal Services, to be appointed by its board of directors; one representative each from Puget Sound Legal Assistance Foundation and Spokane Legal Services Center, each to be appointed by its directors; one member from each of the majority and minority caucuses of the house of representatives, to be appointed by the speaker of the house of representatives; one member from each of the majority and minority caucuses of the senate, to be appointed by the president of the senate; and two members of the supreme court-appointed access to justice board, to be appointed by the board. During fiscal year 1996, the task force shall be chaired by a legislative member, to be selected by the task force members. During fiscal year 1997, the committee shall be chaired by a nonlegislator member, to be selected by the task force members.

(ii) All costs associated with the meetings shall be borne by the individual task force members or by the organizations that the individuals represent. No task force member shall be eligible for reimbursement of expenses under RCW 43.03.050 or 43.03.060. Nothing in this subsection prevents the legal aid programs from using funds appropriated in this act to reimburse their representatives or the individuals representing legal clients.

(iii) The task force will meet at least four times during the first year of the biennium and as frequently as necessary thereafter at mutually agreed upon times and locations. Any member of the task force may place items on meeting agendas. Members present at the first two task force meetings shall agree upon a format for subsequent meetings.

(b) The legislature recognizes that farmworkers have the right to receive basic information and to consult with attorneys at farm labor camps without fear of intimidation or retaliation. It is the intent of the legislature and in the interest of the public to ensure the safety of all persons affected by legal aid programs' farm labor camp outreach activities. Legal aid program employees have the legal right to enter the common areas of a labor camp or to request permission of employees to enter their dwellings. Employees living in grower supplied housing have the right to refuse entry to anyone including attorneys unless they have a warrant. Individual employees living in employer supplied housing do not have the right to force legal aid program employees to leave common areas of housing (outside) as long as one person who resides in the associated dwellings wants that person to be there. Any legal aid program employee wishing to visit employees housed on grower property has the right to enter the driveway commonly used by the housing occupants. This means that if agricultural employees must use a grower's personal driveway to get to their housing, legal aid program employees also may use that driveway to access the housing without a warrant so long as at least some of the housing is occupied. When conducting outreach activities that involve entry onto labor camps, legal aid programs shall establish and abide by policies regarding conduct of outreach activities. The policies shall include a requirement that legal aid program employees identify themselves to persons whom they encounter at farm labor camps. The legal aid programs shall provide copies of their current outreach policies to known agricultural organizations and shall provide copies upon request to any owner of property on which farmworkers are housed. Legal aid program employees involved in outreach activities shall attempt to inform operators of licensed farm labor camps or their agents, and known grower organizations of the approximate time frame for outreach activities and shall cooperate with operators of farm labor camps at which farmworkers are housed in assuring compliance with all pertinent laws and ordinances, including those related to trespass and harassment. Employers who believe that Evergreen Legal Services Outreach Guidelines have been violated shall promptly provide all available information on the alleged violation to the director of Evergreen Legal Services and to the chair of the Task Force on Agricultural Interests/Legal Aid Relations. Evergreen Legal Services will promptly investigate any alleged violations of the outreach guidelines and inform the complaining party of the result. If the resolution of the investigation is not satisfactory to the complainant, the matter shall be placed on the Task Force agenda for discussion at the next scheduled meeting. Employers who believe that Evergreen Legal Services staff members have trespassed should immediately contact local law enforcement authorities.

(c) It is the intent of the legislature to provide the greatest amount of legal services to the largest number of clients by discouraging inefficient use of state funding for indigent legal representation. To this end, it is the intent of the legislature that, prior to the commencement of litigation against any private employer relating to the terms and conditions of employment legal aid programs receiving funds appropriated in this act make good faith written demand for the requested relief, a good faith offer of settlement or an offer to submit to nonbinding arbitration prior to filing a lawsuit, unless the making of the offer is, in the opinion of the director of the legal services program or his/her designee, clearly prejudicial to: (i) The health, safety, or security of the client; or (ii) the timely availability of judicial relief. The director of the legal aid program may designate not more than two persons for purposes of making the determination of prejudice permitted by this section.

(d)(i) The legislature encourages legal aid programs to devote their state and nonstate funding to the basic, daily legal needs of indigent persons. No funds appropriated under this act may be used for legal representation and activities outside the scope of RCW 43.08.260.

(ii) No funds appropriated in this act may be used for lobbying as defined in RCW 43.08.260(3). Legal aid programs receiving funds appropriated in this act shall comply with all restrictions on lobbying contained in Federal Legal Services Corporation Act (P.L. 99-951) and regulations promulgated thereunder.

(e) No funds appropriated in this act may be used by legal aid programs for representation of undocumented aliens.

(f) The legislature recognizes the duty of legal aid programs to preserve inviolate and prevent the disclosure of, in the absence of knowing and voluntary client consent, client information protected by the United States Constitution, the Washington Constitution, the attorney-client privilege, or any applicable attorney rule of professional conduct. However, to the extent permitted by applicable law, legal aid programs receiving funds appropriated in this act shall, upon request, provide information on their activities to the department and to legislators for purposes of monitoring compliance with authorizing legislation and this subsection.

(g) Nothing in this subsection is intended to limit the authority of existing entities, including but not limited to the Washington state bar association, the public disclosure commission, and the Federal Legal Services Corporation, to resolve complaints or disputes within their jurisdiction.

(19) \$839,000 of the general fund--state appropriation is provided solely for energy-related functions transferred by Fourth Substitute House Bill No. 2009 (state energy office). Of this amount:

(a) \$379,000 is provided solely for expenses related to vacation leave buyout and unemployment payments resulting from the closure of the state energy office;

(b) \$44,000 is provided solely for extended insurance benefits for employees separated as a result of Fourth Substitute House Bill No. 2009. An eligible employee may receive a state subsidy of \$150 per month toward his or her insurance benefits purchased under the federal consolidated omnibus budget reconciliation act (COBRA) for a period not to exceed one year from the date of separation;

(c) \$120,000 is provided solely for costs of closing out the financial reporting systems and contract obligations of the state energy office, and to connect the department's wide area network to workstations in the energy office building; and

(d) \$296,000 is provided to match oil surcharge funding for energy policy and planning staff.

(20) \$2,614,000 of the general fund--private/local appropriation is provided solely to operate the energy facility site evaluation council.

(21) \$1,000,000 of the general fund--state appropriation is provided solely to increase state matching funds for the federal headstart program.

(22) \$2,000,000 of the general fund--federal appropriation is provided solely to develop and operate housing for low-income farmworkers. The housing assistance program shall administer the funds in accordance with chapter 43.185 RCW. The department of community, trade, and economic development shall work in cooperation with the department of health, the department of labor and industries, and the department of social and health services to review proposals and make recommendations to the funding approval board that oversees the distribution of housing assistance program funds. An advisory group representing growers, farmworkers, and other interested parties shall be formed to assist the interagency workgroup.

(23) \$1,865,000 of the general fund--state appropriation is provided solely for the delivery of services to victims of sexual assault as provided for by Substitute House Bill No. 2579 (sexual abuse victims). The department shall establish an interagency agreement with the department of social and health services for the transfer of funds made available under the federal victims of crime act for the purposes of implementing Substitute House Bill No. 2579. If the bill is not enacted by June 30, 1996, the requirements of this subsection shall be null and void and the amount provided in this subsection shall lapse.

(24) \$1,000,000 of the general fund--state appropriation is provided solely for the tourism development program.

(25) \$180,000 of the general fund--state appropriation is provided solely for the Asian-Pacific economic conference (APEC) national center in Seattle.

(26) \$3,862,000 of the general fund--state appropriation is provided solely to increase the number of children served through the early childhood education and assistance program. These funds shall be used to serve children that are on waiting lists to enroll in the federal headstart program or the state early childhood education and assistance program.

(27) \$25,000 of the general fund--state appropriation is provided solely for a grant to the city of Burien to study the feasibility of purchasing property within the city for park purposes.

(28) \$100,000 of the general fund--state appropriation is provided solely for Washington state dues for the Pacific Northwest economic region (PNWER) and to support the PNWER CATALIST program.

**NEW SECTION. Sec. 122.** A new section is added to 1995 2nd sp.s. c 18 (uncodified) to read as follows:

\$1,000,000 is appropriated from the public safety and education account to the department of community, trade, and economic development. The amount in this section is provided solely for a contract with a qualified legal aid program for client-requested indigent civil representation pursuant to RCW 43.08.260(1), at existing legal aid program offices. The amount provided in this section shall not be expended until an alternative dispute resolution agreement is signed by Columbia Legal Services, the Washington Growers' League, and the Northwest Justice Project. The amount provided in this section is subject to all the conditions and limitations of section 126(18), chapter 18, Laws of 1995 2nd sp. sess., as amended. A maximum of \$50,000 of the amount provided in this section may be used for the costs of arbitration and mediation under the alternative dispute resolution agreement referenced in this section.

**Sec. 123.** 1995 2nd sp.s. c 18 s 127 (uncodified) is amended to read as follows:

**FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund Appropriation (FY 1996) \$ ((410,000))

422,000

General Fund Appropriation (FY 1997) \$ ((410,000))

561,000

TOTAL APPROPRIATION \$ ((820,000))

983,000

The appropriations in this section are subject to the following conditions and limitations: \$60,000 of the general fund appropriation is provided solely to implement Substitute House Bill No. 2758 (economic climate council). If the bill is not enacted by June 30, 1996, this amount shall lapse.

**Sec. 124.** 1995 2nd sp.s. c 18 s 128 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund--State Appropriation (FY 1996) \$ ((9,482,000))

9,282,000

General Fund--State Appropriation (FY 1997) \$ ((9,438,000))

9,588,000

General Fund--Federal Appropriation \$ 12,432,000

General Fund--Private/Local Appropriation \$ 720,000

Health Services Account Appropriation \$ 330,000

Public Safety and Education Account

Appropriation \$ 200,000

TOTAL APPROPRIATION \$ ((32,302,000))

32,552,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$300,000 of the general fund--state appropriation is provided solely as the state's share of funding for the "Americorps" youth employment program.

(2) By December 20, 1996, the office of financial management shall report to the government operations and fiscal committees of the legislature on the implementation of chapter 40.07 RCW, relating to the management and control of state publications. The report shall include recommendations concerning the use of alternative methods of distribution, including electronic publication, of agency reports and other publications and notices.

(3) \$250,000 of the general fund--state appropriation is provided solely for technical assistance to state agencies in the development of performance measurements pursuant to Engrossed Substitute Senate Bill No. 6680. If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

**Sec. 125.** 1995 2nd sp.s. c 18 s 130 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF PERSONNEL**

General Fund--State Appropriation (FY 1996) \$ 360,000  
 General Fund--State Appropriation (FY 1997) \$ 360,000  
 General Fund--Federal Appropriation \$ 700,000  
 Personnel Data Revolving Account Appropriation \$ 880,000  
 Department of Personnel Service Account  
     Appropriation \$ 15,354,000  
 Higher Education Personnel Services Account  
     Appropriation \$ 1,656,000  
     TOTAL APPROPRIATION \$ 19,310,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall reduce its charge for personnel services to the lowest rate possible.  
 (2) \$32,000 of the department of personnel service fund appropriation is provided solely for the creation, printing, and distribution of the personal benefits statement for state employees.

(3) The general fund--state appropriation, the general fund--federal appropriation, the personnel data revolving account appropriation, and \$300,000 of the department of personnel service account appropriation shall be used solely for the establishment of a state-wide human resource information data system and network within the department of personnel and to improve personnel data integrity. Authority to expend these amounts is conditioned on compliance with section 902 of this act. The personnel data revolving account is hereby created in the state treasury to facilitate the transfer of moneys from dedicated funds and accounts. To allocate the appropriation from the personnel data revolving account among the state's dedicated funds and accounts based on each fund or account's pro rata share of the state salary base, the state treasurer is directed to transfer sufficient money from each fund or account to the personnel data revolving account in accordance with schedules provided by the office of financial management.

(4) The department of personnel shall charge all administrative services costs incurred by the committee for deferred compensation or the department of retirement systems for the deferred compensation program to the deferred compensation administrative account. Department billings to the committee or the department of retirement systems shall be for actual costs only.

(5) The department of personnel service fund appropriation contains sufficient funds to continue the employee exchange program with the Hyogo prefecture in Japan.

(6) \$500,000 of the department of personnel service account appropriation is provided solely for a career transition program to assist state employees who are separated or are at risk of lay-off due to reduction-in-force, including employee retraining and career counseling.

(7) The department of personnel has the authority to charge agencies for expenses resulting from the administration of a benefits contribution plan established by the health care authority. Fundings to cover these expenses shall be realized from agency FICA tax savings associated with the benefits contributions plan.

(8) By December 1, 1996, the department of personnel and the department of social and health services shall jointly report to the legislature on strategies for increasing, within existing funds, supported employment opportunities in state government for persons with developmental and other substantial and chronic disabilities. In developing the report, the departments shall consult with employee representatives, with organizations involved in job training and placement for persons with severe disabilities, and with other state and local governments that have successfully offered supported employment opportunities for their citizens with disabilities.

Sec. 126. 1995 2nd sp.s. c 18 s 134 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund Appropriation (FY 1996) \$ ((495,000))	<u>206,000</u>
General Fund Appropriation (FY 1997) \$ ((495,000))	<u>199,000</u>
TOTAL APPROPRIATION \$ ((390,000))	<u>405,000</u>

Sec. 127. 1995 2nd sp.s. c 18 s 135 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund Appropriation (FY 1996) \$ ((448,000))	<u>151,000</u>
General Fund Appropriation (FY 1997) \$ ((446,000))	<u>150,000</u>
TOTAL APPROPRIATION \$ ((294,000))	<u>301,000</u>

Sec. 128. 1995 2nd sp.s. c 18 s 137 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS**

Department of Retirement Systems Expense Account Appropriation \$ ((30,152,000))	<u>30,866,000</u>
Dependent Care Administrative Account Appropriation \$ 183,000	
TOTAL APPROPRIATION \$ ((30,335,000))	<u>31,049,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$857,000 of the department of retirement systems expense account appropriation is provided solely for information systems projects known by the following names or successor names: Support of member database, support of audit, and audit of member files. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(2) \$779,000 of the department of retirement systems expense account appropriation is provided solely for the in-house design development, and implementation of the information systems project known as the disbursement system. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(3) \$1,900,000 of the department of retirement systems expense account appropriation and the entire dependent care administrative account appropriation are provided solely for the implementation of Substitute House Bill No. 1206 (restructuring retirement systems). If the bill is not enacted by June 30, 1995, the amount provided in this subsection from the department of retirement systems expense account shall lapse, and the entire dependent care administrative account appropriation shall be transferred to the committee for deferred compensation.

(4) \$650,000 of the department of retirement systems expense account appropriation is provided solely to provide information and education for members of teachers' retirement system plan II concerning the decision to transfer to plan III. Before expending any of these moneys, the department shall issue a request for proposals for services to be provided under this subsection. The department shall convene an advisory committee that includes the office of financial management and representatives of teachers. The advisory committee shall review the department's request for proposals, responses to the request, and the education and information materials and programs developed by the firm, business or consultant awarded the contract to provide the services. To ensure the impartiality of the information and education

materials, no firm, business or consultant awarded a contract to provide any information and education materials or services to teachers' retirement system plan II members shall be eligible to provide self-directed investment options pursuant to RCW 41.34.060.

**Sec. 129.** 1995 2nd sp.s. c 18 s 138 (uncodified) is amended to read as follows:

**FOR THE STATE INVESTMENT BOARD**

State Investment Board Expense Account  
Appropriation \$ ((8,068,000))

8,480,000

The appropriation in this section is subject to the following conditions and limitations: The board shall conduct a feasibility study on the upgrade or replacement of the state-wide investment accounting system and report its findings to the fiscal committees of the legislature by January 1, 1996.

**Sec. 130.** 1995 2nd sp.s. c 18 s 139 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF REVENUE**

General Fund Appropriation (FY 1996) \$ 62,528,000  
General Fund Appropriation (FY 1997) \$ ((63,139,000))

63,184,000

Timber Tax Distribution Account

Appropriation \$ 4,585,000

Waste Reduction, Recycling, and Litter Control  
Account Appropriation \$ 95,000

State Toxics Control Account

Appropriation \$ 67,000

Solid Waste Management Account

Appropriation \$ 88,000

Oil Spill Administration Account

Appropriation \$ 14,000

Pollution Liability Insurance Program Trust Account

Appropriation \$ 230,000

TOTAL APPROPRIATION \$ ((130,746,000))

130,791,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,197,000 of the general fund appropriation is provided solely for senior citizen property tax deferral distribution. \$103,000 of this amount is provided solely to reimburse counties for the expansion of the senior citizen property tax deferral program enacted by Substitute House Bill No. 1673.

(2) \$280,000 of the general fund appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) The general fund appropriation contains sufficient funds for the department of revenue to collect use tax on advertising materials printed outside the state and mailed directly to Washington residents at the direction of an in-state business to promote sales of products or services, pursuant to RCW 82.12.010(5).

(4) \$45,000 of the fiscal year 1997 general fund--state appropriation is provided solely to implement House Bill No. 2708 (warehouse tax study). If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

**Sec. 131.** 1995 2nd sp.s. c 18 s 143 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

General Fund--State Appropriation (FY 1996) \$ ((284,000))

1,117,000

General Fund--State Appropriation (FY 1997) \$ ((283,000))

1,950,000

General Fund--Federal Appropriation \$ ((1,304,000))

1,846,000

General Fund--Private/Local Appropriation \$ 388,000

Motor Transport Account Appropriation \$ 10,814,000

Industrial Insurance Premium Refund Account

Appropriation \$ ((140,000))

274,000

Air Pollution Control Account

Appropriation \$ 111,000

Department of General Administration Facilities

and Services Revolving Account

Appropriation \$ ((21,271,000))

21,354,000

Central Stores Revolving Account

Appropriation \$ 3,056,000

Risk Management Account Appropriation \$ 2,033,000

Energy Efficiency Services Account

Appropriation \$ 90,000

TOTAL APPROPRIATION \$ ((39,684,000))

43,033,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,776 of the industrial insurance premium refund account appropriation is provided solely for the Washington school directors association.

(2) The cost of purchasing and material control operations may be recovered by the department through charging agencies utilizing these services. The department must begin directly charging agencies utilizing the services on September 1, 1995. Amounts charged may not exceed the cost of purchasing and contract administration. Funds collected may not be used for purposes other than cost recovery and must be separately accounted for within the central stores revolving fund.

(3) \$542,000 of the general fund--federal appropriation and \$90,000 of the energy efficiency services account appropriation are provided solely for implementation of House Bill No. 2009 (state energy office). If the bill is not enacted by June 30, 1996, the amounts specified in this subsection shall lapse.

(4) \$833,000 of the general fund--state fiscal year 1996 appropriation and \$1,667,000 of the general fund--state fiscal year 1997 appropriation are provided solely for the purchase of foods for distribution to the state's food bank network. The department shall provide an evaluation of the emergency food assistance program to the legislature by February 1, 1997. The evaluation shall identify: (a) The number of

people served by the food distributed to the state's food banks and soup kitchens; (b) ways in which to maximize the amount of food being distributed to low-income individuals in the state through this program; and (c) other methods by which to increase access to nutritionally balanced food by low-income individuals in the state.

(5) \$83,000 of the department of general administration facilities and services revolving account appropriation is provided solely for the staff costs associated with providing garage security.

(6) The director of the department of general administration, in consultation with the office of financial management, shall conduct a study analyzing the benefits of real property leases for state facilities in excess of five years. In conducting the study, the department shall consult with interested constituencies and develop recommendations for: (a) A procedure and criteria for evaluation of the costs and benefits of long-term leases; (b) a process for approval of long-term leases; and (c) statutory modifications to facilitate these changes. The director of the department of general administration shall report the results of the study to the office of financial management and the legislative fiscal committees by June 30, 1996.

**NEW SECTION. Sec. 132.** A new section is added to 1995 2nd sp.s. c 18 (uncodified) to read as follows:  
**FOR THE DEPARTMENT OF INFORMATION SERVICES**

Data Processing Revolving Account	
Appropriation	\$ 12,000,000
K-20 Technology Account Appropriation	\$ 27,000,000
State Building Construction Account	
Appropriation	\$ 15,300,000
TOTAL APPROPRIATION	\$ 54,300,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section shall be expended in accordance with Senate Bill No. 6705 (higher education technology plan).

(2) \$27,000,000 is appropriated from the general fund for deposit in the K-20 technology account for the purposes of this section.

(3) The appropriation from the data processing revolving account appropriation may be expended only after the entire K-20 technology account appropriation has been obligated.

(4) Expenditures of the funds from the state building construction account appropriation may be made only for capital purposes. Acquisitions made from these funds shall meet the criteria of bondability guidelines published by the office of financial management in the capital budget instruction manual.

(5) If Senate Bill No. 6705 is not enacted by June 30, 1996, the appropriations in this section shall lapse.

**Sec. 133.** 1995 2nd sp.s. c 18 s 149 (uncodified) is amended to read as follows:

**FOR THE LIQUOR CONTROL BOARD**

Liquor Revolving Account Appropriation \$ ((113,461,000))

113,604,000

The appropriation in this section is subject to the following conditions and limitations: \$143,000 of the liquor control revolving account appropriation for administrative expenses is provided solely for implementation of House Bill No. 2341 (credit card sales pilot program). If the bill is not enacted by June 30, 1996, this amount shall lapse.

**NEW SECTION. Sec. 134.** A new section is added to 1995 2nd sp.s. c 18 (uncodified) to read as follows:

**FOR THE GAMBLING COMMISSION**

General Fund Appropriation (FY 1997) \$ 1,000,000

The appropriation in this section is subject to the following conditions and limitations: The gambling commission shall conduct a study of how much state revenue is generated where amusement game devices are used in businesses whose primary activity is to provide food for on-premises consumption as proposed in House Bill No. 2917. The commission shall report its findings to the senate committee on labor, commerce, and trade and the house of representatives committee on commerce and labor by January 1, 1997.

**Sec. 135.** 1995 2nd sp.s. c 18 s 152 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

General Fund--State Appropriation (FY 1996) \$ ((7,474,000))

7,594,000

General Fund--State Appropriation (FY 1997) \$ ((7,477,000))

7,597,000

General Fund--Federal Appropriation \$ ((28,293,000))

129,215,000

General Fund--Private/Local Appropriation \$ 237,000

Enhanced 911 Account Appropriation \$ ((18,541,000))

26,781,000

Industrial Insurance Premium Refund Account

Appropriation \$ 34,000

Flood Control Assistance Account Appropriation \$ 23,181,000

TOTAL APPROPRIATION \$ ((62,056,000))

194,639,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$205,238 of the total appropriation is provided solely to pay loan obligations on the energy partnership contract number 90-07-01. This obligation includes unpaid installments from September 1993 through June 1997. This amount may be reduced by any payments made in the 1993-95 Biennium on installments made in the 1993-95 Biennium on installments due between September 1993 and June 1995.

(2) \$70,000 of the general fund--state appropriation is provided solely for the north county emergency medical service.

(3) \$23,181,000 of the flood control assistance account appropriation is provided solely for state and local response and recovery cost associated with federal emergency management agency (FEMA) Disaster Number 1079 (November/December 1995 storms), FEMA Disaster 1100, (February 1996 floods), and for prior biennia disaster recovery costs. Of this amount, \$1,078,000 is for prior disasters, \$3,618,000 is for the November/December 1995 storms, and \$18,485,000 is for the February 1996 floods.

## PART II HUMAN SERVICES

**Sec. 201.** 1995 2nd sp.s. c 18 s 201 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.** (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The appropriations in sections 202 through 211 of chapter 18, Laws of 1995 2nd sp. sess. as amended, shall be expended for the programs and in the amounts listed in those sections. However, after May 1, 1996, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 1996 among programs after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviations.

(4) The department shall use up to \$4,987,000 by which general fund--state expenditures are below allotted levels to replace federal social service block funds during fiscal year 1996.

**Sec. 202.** 1995 2nd sp.s. c 18 s 202 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund--State Appropriation (FY 1996) \$ ((444,801,000))	146,537,000
General Fund--State Appropriation (FY 1997) \$ ((451,569,000))	173,376,000
General Fund--Federal Appropriation \$ ((263,843,000))	272,379,000
General Fund--Private/Local Appropriation \$ 400,000	
Violence Reduction and Drug Enforcement Account	
Appropriation \$ 5,719,000	
TOTAL APPROPRIATION \$ ((566,332,000))	598,411,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,660,000 of the general fund--state appropriation for fiscal year 1996 and \$10,086,000 of the general fund--federal appropriation are provided solely for the modification of the case and management information system (CAMIS). Authority to expend these funds is conditioned on compliance with section 902 of this act.

(2) \$5,524,000 of the general fund--state appropriation is provided solely to implement the division's responsibilities under Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth). Of this amount:

(a) \$150,000 of the general fund--state appropriation is provided in fiscal year 1996 to develop a plan for children at risk. The department shall work with a variety of service providers and community representatives, including the community public health and safety networks, and shall present the plan to the legislature and the governor by December 1, 1995. The plan shall contain a strategy for the development of an intensive treatment system with outcome-based information on the level of services that are achievable under an annual appropriation of \$5,000,000, \$7,000,000, and \$9,000,000; address the issue of chronic runaways; and determine caseload impacts.

(b) \$219,000 of the general fund--state appropriation is provided in fiscal year 1996 and \$4,678,000 of the general fund--state appropriation is provided in fiscal year 1997 for crisis residential center training and administrative duties and secure crisis residential center contracts.

(c) \$266,000 of the general fund--state appropriation is provided for the multidisciplinary teams and \$211,000 of the general fund--state appropriation is provided in fiscal year 1997 for family reconciliation services.

(d) The state may enter into agreements with the counties to provide residential and treatment services to runaway youth at a rate of reimbursement to be negotiated by the state and county.

(3) \$1,997,000 of the violence reduction and drug enforcement account appropriation and \$8,421,000 of the general fund--federal appropriation are provided solely for the operation of the family policy council, the community public health and safety networks, and delivery of services authorized under the federal family preservation and support act. Of these amounts:

(a) \$1,060,000 of the violence reduction and drug enforcement account appropriation is provided solely for distribution to the community public health and safety networks for planning in fiscal year 1996.

(b) \$937,000 of the violence reduction and drug enforcement account appropriation is provided for staff in the children and family services division of the department of social and health services to support family policy council activities. The family policy council is directed to provide training, design, technical assistance, consultation, and direct service dollars to the networks. Of this amount, \$300,000 is provided for the evaluation activities outlined in RCW 70.190.050, to be conducted exclusively by the Washington state institute for public policy. To the extent that private funds can be raised for the evaluation activities, the state funding may be retained by the department to support the family policy council activities.

(c) \$8,421,000 of the general fund--federal appropriation is provided solely for the delivery of services authorized by the federal family preservation and support act.

(4) \$2,575,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5885 (family preservation services). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse. Of this amount:

(a) \$75,000 is provided in fiscal year 1996 to develop an implementation and evaluation plan for providing intensive family preservation services and family preservation services. The department shall present the plan to the legislature and the governor no later than December 1, 1995. The plan shall contain outcome based information on the level of services that are achievable under an annual appropriation of \$3,000,000, \$5,000,000, and \$7,000,000; and

(b) \$2,500,000 is provided in fiscal year 1997 for additional family preservation services based upon the report.

(5) \$4,646,000 of the general fund--state is provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(6) \$2,672,000 of the general fund--state is provided solely to increase payment rates to contracted social services child care providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(7) \$854,000 of the violence reduction and drug enforcement account appropriation and \$300,000 of the general fund--state appropriation are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to twelve children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility also shall provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(8) \$700,000 of the general fund--state appropriation and \$262,000 of the violence reduction and drug enforcement ((and education)) account appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or have successfully performed under the existing pediatric interim care program.

(9) \$5,613,000 of the general fund--state appropriation is provided solely for implementation of chapter 312, Laws of 1995 and Second Substitute House Bill No. 2217 (at-risk youth). If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse. Of this amount:

(a) \$1,000,000 of the general fund--state appropriation is provided solely for court-ordered secure treatment of at-risk youth as provided for in section 3 of Second Substitute House Bill No. 2217 (at-risk youth);

(b) \$573,000 of the general fund--state appropriation is provided solely for increased family reconciliation services;

(c) \$500,000 of the general fund--state appropriation is provided solely for therapeutic child care;

(d) \$2,300,000 of the general fund--state appropriation is provided solely for the juvenile court administrators to process petitions for truancy, children in need of services, and at-risk youth;

(e) \$240,000 of the general fund--state appropriation is provided solely for crisis residential center assessments of at-risk youth; and

(f) \$1,000,000 of the general fund--state appropriation shall be allocated to the superintendent of public instruction for competitive grants to assist the operation of community truancy boards established by school districts pursuant to RCW 28A.225.025.

(10) \$2,000,000 of the general fund--state appropriation is provided solely for implementation of chapter 311, Laws of 1995 (Engrossed Substitute Senate Bill No. 5885, services to families). Of this amount, \$1,000,000 is provided solely to expand the category of services titled "intensive family preservation services," and \$1,000,000 is provided solely to create a new category of services titled "family preservation services."

(11) \$327,000 of the general fund--state appropriation is provided solely for transfer to the public health and safety networks. Each public health and safety network may receive up to \$2,600 general fund--state and up to \$2,500 general fund--federal per month for the purposes of infrastructure funding, including planning, network meeting support, fiscal agent payments, and liability insurance. Funding may be provided only after the network's plan is submitted to the family policy council and only after the plan is approved.

(12) \$4,941,000 of the general fund--state appropriation and \$4,941,000 of the general fund--federal appropriation are provided solely to increase the availability of employment child care to low-income families.

Sec. 203. 1995 2nd sp.s. c 18 s 203 (unmodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM**

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 1996) \$ ((24,944,000))	<u>25,622,000</u>
General Fund--State Appropriation (FY 1997) \$ ((25,771,000))	<u>29,828,000</u>
General Fund--Federal Appropriation \$ ((20,167,000))	<u>20,191,000</u>
General Fund--Private/Local Appropriation \$ 286,000	
Violence Reduction and Drug Enforcement Account	
Appropriation \$ 5,695,000	
TOTAL APPROPRIATION \$ ((76,863,000))	<u>81,622,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$650,000 of the general fund--state appropriation for fiscal year 1996 and \$650,000 of the general fund--state appropriation for fiscal year 1997 are provided solely for operation of learning and life skills centers established pursuant to chapter 152, Laws of 1994.

(b) \$1,379,000 of the general fund--state appropriation and \$134,000 of the violence reduction and drug enforcement account appropriation are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(c) \$2,350,000 of the general fund--state appropriation is provided solely for an early intervention program to be administered at the county level. Funds shall be awarded on a competitive basis to counties which have submitted a plan for implementation of an early intervention program consistent with proven methodologies currently in place in the state. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996) \$ ((25,701,000))	<u>28,727,000</u>
General Fund--State Appropriation (FY 1997) \$ ((29,120,000))	<u>32,511,000</u>
General Fund--Federal Appropriation \$ ((23,011,000))	<u>24,915,000</u>
General Fund--Private/Local Appropriation \$ 830,000	
Violence Reduction and Drug Enforcement Account	
Appropriation \$ ((10,634,000))	<u>10,894,000</u>
TOTAL APPROPRIATION \$ ((89,296,000))	<u>97,877,000</u>

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996) \$ ((1,021,000))	<u>1,231,000</u>
General Fund--State Appropriation (FY 1997) \$ ((1,024,000))	<u>1,236,000</u>
General Fund--Federal Appropriation \$ 881,000	
Violence Reduction and Drug Enforcement Account	
Appropriation \$ 421,000	
TOTAL APPROPRIATION \$ ((3,347,000))	<u>3,769,000</u>

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$ 107,000	
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Violence Reduction and Drug Enforcement Account  
 Appropriation \$ 1,177,000  
 TOTAL APPROPRIATION \$ 1,284,000

Sec. 204. 1995 2nd sp.s. c 18 s 204 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM**

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 1996) \$ ((162,878,000))	<u>160,689,000</u>
General Fund--State Appropriation (FY 1997) \$ ((169,206,000))	<u>165,967,000</u>
General Fund--Federal Appropriation \$ ((241,564,000))	<u>232,449,000</u>
General Fund--Private/Local Appropriation \$ ((9,000,000))	<u>4,000,000</u>
Health Services Account Appropriation \$ ((19,647,000))	<u>19,517,000</u>
TOTAL APPROPRIATION \$ ((602,295,000))	<u>582,622,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$8,160,000 of the general fund--state appropriation and \$279,000 of the health services account appropriation are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(b) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(c) From the general fund--state appropriation in this section, the secretary of social and health services shall assure that regional support networks reimburse the aging and adult services program for the general fund--state cost of medicaid personal care services that are used by enrolled regional support network consumers by reason of their psychiatric disability. The secretary of social and health services shall convene representatives from the aging and adult services program, the mental health division, and the regional support networks to establish an equitable and efficient mechanism for accomplishing this reimbursement.

(d) ~~(The appropriations in this section assume that expenditures for voluntary psychiatric hospitalization total \$23,600,000 from the general fund--state appropriation and \$4,300,000 from the health services account appropriation in fiscal year 1996, and \$26,200,000 from the general fund--state appropriation and \$4,600,000 from the health services account appropriation in fiscal year 1997. To the extent that regional support networks succeed in reducing hospitalization costs below these levels, one-half of the funds saved shall be provided as bonus payments to regional support networks for delivery of additional community mental health services, and one-half shall revert to the state treasury. Actual expenditures and bonus payments shall be calculated at the end of each biennial quarter, except for the final quarter, when expenditures and bonuses shall be projected based on actual experience through the end of April 1997.~~

(e)) \$1,000,000 of the general fund--state appropriation is provided solely to implement the division's responsibilities under Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth).

(e) At least 30 days prior to entering contracts that would capitate payments for voluntary psychiatric hospitalizations, the mental health division shall report the proposed capitation rates, and the assumptions and calculations by which they were established, to the budget and forecasting divisions of the office of financial management, the appropriations committee of the house of representatives, and the ways and means committee of the senate.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996) \$ ((56,033,000))	<u>52,673,000</u>
General Fund--State Appropriation (FY 1997) \$ ((56,579,000))	<u>56,293,000</u>
General Fund--Federal Appropriation \$ ((112,097,000))	<u>119,325,000</u>
General Fund--Private/Local Appropriation \$ ((42,512,000))	<u>39,130,000</u>
Industrial Insurance Premium Refund Account Appropriation \$ 747,000 TOTAL APPROPRIATION \$ ((267,968,000))	<u>268,168,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The mental health program at Western state hospital shall continue to utilize labor provided by the Tacoma prerelease program of the department of corrections.

(b) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations, when it is cost-effective to do so.

(3) CIVIL COMMITMENT

General Fund Appropriation (FY 1996) \$ ((3,378,000))	<u>3,470,000</u>
General Fund Appropriation (FY 1997) \$ ((3,378,000))	<u>3,533,000</u>
TOTAL APPROPRIATION \$ ((6,756,000))	<u>7,003,000</u>

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$ 6,341,000
General Fund--State Appropriation (FY 1997) \$ 950,000
TOTAL APPROPRIATION \$ 7,291,000

The appropriations in this subsection are subject to the following conditions and limitations: The general fund--state appropriation in this section is provided solely for continued operation of the primary intervention program, in the school districts in which those projects previously operated, to the extent they continue to meet contract terms and performance standards.

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996) \$ 2,549,000
General Fund--State Appropriation (FY 1997) \$ 2,544,000
General Fund--Federal Appropriation \$ 1,511,000
TOTAL APPROPRIATION \$ 6,604,000

**Sec. 205.** 1995 2nd sp.s. c 18 s 205 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM**  
 (1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 1996) \$ ((117,802,000))	<u>121,641,000</u>
General Fund--State Appropriation (FY 1997) \$ ((121,580,000))	<u>126,500,000</u>
General Fund--Federal Appropriation \$ ((165,632,000))	<u>170,481,000</u>
Health Services Account Appropriation \$ ((4,699,000))	<u>4,679,000</u>
TOTAL APPROPRIATION \$ ((409,713,000))	<u>423,301,000</u>

<b>(2) INSTITUTIONAL SERVICES</b>	
General Fund--State Appropriation (FY 1996) \$ ((62,357,000))	<u>62,152,000</u>
General Fund--State Appropriation (FY 1997) \$ ((62,953,000))	<u>62,291,000</u>
General Fund--Federal Appropriation \$ ((139,600,000))	<u>140,652,000</u>
General Fund--Private/Local Appropriation \$ 9,100,000	
TOTAL APPROPRIATION \$ ((274,010,000))	<u>274,195,000</u>

<b>(3) PROGRAM SUPPORT</b>	
General Fund--State Appropriation (FY 1996) \$ ((2,837,000))	<u>2,964,000</u>
General Fund--State Appropriation (FY 1997) \$ ((2,848,000))	<u>3,000,000</u>
General Fund--Federal Appropriation \$ ((777,000))	<u>940,000</u>
TOTAL APPROPRIATION \$ ((6,462,000))	<u>6,904,000</u>

<b>(4) SPECIAL PROJECTS</b>	
General Fund--Federal Appropriation \$ 7,878,000	

(5) The appropriations in this section are subject to the following conditions and limitations:  
 (a) \$6,569,000 of the general fund--state appropriation and \$19,000 of the health services account appropriation and \$4,298,000 of the general fund--federal appropriation are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(b) \$1,447,000 of the general fund--state appropriation is provided solely for employment or other day programs for eligible persons who complete a high school curriculum during the 1995-97 biennium.

(c) \$500,000 of the health services account appropriation is provided solely for fiscal year 1997 for family support services for families who need but are currently unable to receive such services because of funding limitations. The fiscal year 1996 amount shall be prioritized for unserved families who have the most critical need for assistance. The fiscal year 1997 amount shall be distributed among unserved families according to priorities developed in consultation with organizations representing families of people with developmental disabilities.

((f)) (d) The secretary of social and health services shall investigate and by November 15, 1995, report to the appropriations committee of the house of representatives and the ways and means committee of the senate on the feasibility of obtaining a federal managed-care waiver under which growth which would otherwise occur in state and federal spending for the medicaid personal care and targeted case management programs is instead capitated and used to provide a flexible array of employment, day program, and in-home supports.

((g)) (e) \$1,015,000 of the program support general fund--state appropriation is provided solely for distribution among the five regional deaf centers for services for the deaf and hard of hearing.

(f) \$25,000 of the program support general fund--state appropriation is provided solely for a vendor rate increase in fiscal year 1997 for an organization specializing in the provision of case management and support services to persons with both deafness and blindness.

**Sec. 206.** 1995 2nd sp.s. c 18 s 206 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM**

General Fund--State Appropriation (FY 1996) \$ ((378,972,000))	<u>369,055,000</u>
General Fund--State Appropriation (FY 1997) \$ ((393,491,000))	<u>385,377,000</u>
General Fund--Federal Appropriation \$ ((793,250,000))	<u>773,530,000</u>
Health Services Account--State Appropriation \$ ((9,885,000))	<u>6,858,000</u>
TOTAL APPROPRIATION \$ 1,575,598,000)	<u>1,534,820,000</u>

The appropriations in this section are subject to the following conditions and limitations:  
 (1) \$6,492,000 of the general fund--state appropriation is provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

((4)) (2) The department shall seek a federal plan amendment to increase the home maintenance needs allowance for unmarried COPES recipients only to 100 percent of the federal poverty level. No changes shall be implemented in COPES home maintenance needs allowances until the amendment has been approved.

((5)) (3) The secretary of social and health services shall transfer funds appropriated under section 207(2) of this act to this section for the purpose of integrating and streamlining programmatic and financial eligibility determination for long-term care services.

((6)) (4) A maximum of \$2,603,000 of the general fund--state appropriation and \$2,670,000 of the general fund--federal appropriation for fiscal year 1996 and \$5,339,000 of the general fund--state appropriation and \$5,380,000 of the general fund--federal appropriation for fiscal year 1997 are provided to fund the medicaid share of any prospective payment rate adjustments as may be necessary in accordance with RCW 74.46.460.

~~((7))~~ (5) The entire health services account appropriation and the associated general fund--federal match is ~~((to be used))~~ provided solely for the enrollment in the basic health plan of home care workers below 200 percent of the federal poverty level who are employed through state contracts ~~((in the basic health plan))~~. Enrollment for workers with family incomes at or above 200 percent of poverty shall be covered with general fund--state and matching general fund--federal revenues that have previously been appropriated for health benefits coverage, to the extent that these funds have not been contractually obligated prior to March 1, 1996, for worker wage increases.

(6) By November 1, 1996, the department of social and health services and the health care authority shall report to the appropriate committees of the legislature on (a) the extent, if any, to which previously appropriated general fund--state and matching general fund--federal funds are insufficient to provide basic health plan enrollment coverage for homecare workers above 200 percent of the federal poverty level; and (b) recommended procedural and, if necessary, statutory changes needed to minimize the administrative costs and complexity of basic health plan enrollment by employer groups.

(7) \$126,000 of the general fund--state appropriation for fiscal year 1997 is provided solely for adult day health services for persons with AIDS. These services shall be provided through a state-only program by a single agency specializing in long-term care for persons with AIDS.

(8) \$403,000 of the general fund--state appropriation for fiscal year 1996 and \$698,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to reimburse the medical assistance administration for medicaid services used by persons not previously eligible for medical assistance services who become so as a result of transferring from the chore services to the COPES program.

Sec. 207. 1995 2nd sp.s. c 18 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM**

(1) GRANTS AND SERVICES TO CLIENTS

General Fund--State Appropriation (FY 1996) \$ <del>((403,859,000))</del>	379,619,000
General Fund--State Appropriation (FY 1997) \$ <del>((405,332,000))</del>	389,585,000
General Fund--Federal Appropriation \$ <del>((677,127,000))</del>	636,859,000
TOTAL APPROPRIATION \$ <del>((1,486,318,000))</del>	1,406,063,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$300,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size: 1 2 3 4 5 6 7 8 or more  
Exemption: \$55 71 86 102 117 133 154 170

(b) \$18,000 of the general fund--state appropriation for fiscal year 1996 and \$37,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(c) During the 1995-97 fiscal biennium, the department of social and health services shall provide assistance under the general assistance for children program to needy families with legal immigrants permanently residing in the United States under color of law who are not eligible under federal law for aid to families with dependent children benefits solely due to their immigration status. Assistance to needy families shall be in the same amount as benefits under the aid to families with dependent children program. The families must be otherwise eligible for aid to families with dependent children including consideration of the current alien sponsor deeming rules. The department is authorized to use state general funds appropriated in this section to provide such benefits.

(2) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996) \$ <del>((113,329,000))</del>	112,427,000
General Fund--State Appropriation (FY 1997) \$ <del>((110,137,000))</del>	109,168,000
General Fund--Federal Appropriation \$ <del>((202,152,000))</del>	200,555,000
Health Services Account Appropriation \$ 750,000	
TOTAL APPROPRIATION \$ <del>((426,368,000))</del>	422,900,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$16,000 of the general fund--state appropriation for fiscal year 1996 and \$34,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social service providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(b) The department shall report to the fiscal committees of the legislature no later than December 20, 1995, concerning the number and dollar value of contracts for services provided as part of the job opportunities and basic skills program. This report shall indicate the criteria used in the choice of state agencies or private entities for a particular contract, the total value of contracts with state agencies, and the total value of contracts with private entities. The report shall also indicate what, if any, performance criteria are included in job opportunities and basic skills program contracts.

(c) The department shall:

- ~~((i))~~ (i) Coordinate with other state agencies, including but not limited to the employment security department, to ensure that persons receiving federal or state funds are eligible in terms of citizenship and residency status; ~~((and))~~ and
- ~~((iv))~~ (ii) Systematically use all processes available to verify eligibility in terms of the citizenship and residency status of applicants and recipients for public assistance.

Sec. 208. 1995 2nd sp.s. c 18 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 8,199,000	
General Fund--State Appropriation (FY 1997) \$ <del>((8,736,000))</del>	11,990,000
General Fund--Federal Appropriation \$ <del>((76,400,000))</del>	77,594,000
Violence Reduction and Drug Enforcement Account	

Appropriation \$ 71,900,000  
 Health Services Account Appropriation \$ 969,000  
 TOTAL APPROPRIATION \$ ((166,204,000))

170,652,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,544,000 of the total appropriation is provided solely for the grant programs for school districts and educational service districts set forth in RCW 28A.170.080 through 28A.170.100, including state support activities, as administered through the office of the superintendent of public instruction.

(2) \$400,000 of the health services account appropriation is provided solely to implement Second Substitute Senate bill No. 5688 (fetal alcohol syndrome). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$502,000 of the general fund--state appropriation and \$435,000 of the violence reduction and drug enforcement account appropriation for fiscal year 1996 and \$1,015,000 of the general fund--state appropriation and \$1,023,000 of the violence reduction and drug enforcement account appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted and subcontract social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(4) \$552,000 of the general fund--state appropriation is provided solely to implement the division's responsibilities under Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth).

(5) \$1,387,000 of the general fund--state appropriation and \$363,000 of the general fund--federal appropriation are provided solely for detoxification and stabilization services, inpatient treatment, and recovery house treatment for at-risk youth. If Second Substitute House Bill No. 2217 (at-risk youth) is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

(6) \$1,902,000 of the general fund--state appropriation and \$796,000 of the general fund--federal appropriation are provided solely for alcohol and substance abuse assessment, treatment, and child care services for clients of the division of children and family services. Assessment shall be provided by approved chemical dependency treatment programs as requested by child protective services personnel in the division of children and family services. Treatment shall be outpatient treatment for parents of children who are under investigation by the division of children and family services. Child care shall be provided as deemed necessary by the division of children and family services while parents requiring alcohol and substance abuse treatment are attending treatment programs.

Sec. 209. 1995 2nd sp.s. c 18 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 1996) \$ ((670,792,000))	669,448,000
General Fund--State Appropriation (FY 1997) \$ ((692,045,000))	658,055,000
General Fund--Federal Appropriation \$ ((1,761,005,000))	1,774,688,000
General Fund--Private/Local Appropriation \$ ((242,525,000))	199,160,000
Health Services Account Appropriation \$ ((199,571,000))	207,272,000
TOTAL APPROPRIATION \$ 3,565,908,000))	3,508,623,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall continue to make use of the special eligibility category created for children through age 18 and in households with incomes below 200 percent of the federal poverty level made eligible for medicaid as of July 1, 1994. The department shall also continue to provide consistent reporting on other medicaid children served through the basic health plan.

(2) The department shall contract for the services of private debt collection agencies to maximize financial recoveries from third parties where it is not cost-effective for the state to seek the recovery directly.

(3) It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized.

(4) \$3,682,000 of the general fund--state appropriation for fiscal year 1996 and \$7,844,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted medical services providers.

(5)(a) Pursuant to RCW 74.09.700, the medically needy program shall be limited to include only the following groups: Those persons who, except for income and resources, would be eligible for the medicaid categorically needy aged, blind, or disabled programs and medically needy persons under age 21 or over age 65 in institutions for mental diseases or in intermediate care facilities for the mentally retarded. Existing departmental rules concerning income, resources, and other aspects of eligibility for the medically needy program shall continue to apply to these groups. The medically needy program will not provide coverage for caretaker relatives of medicaid-eligible children or for adults in families with dependent children who, except for income and resources, would be eligible for the medicaid categorically needy aid to families with dependent children program.

(b) Notwithstanding (a) of this subsection, the medically needy program shall provide coverage until December 31, 1995, to those persons who, except for income and resources, would be eligible for the medicaid aid to families with dependent children program. ((Not more than \$2,020,000 of the general fund--state appropriation may be expended for this purpose.))

(6) These appropriations may not be used for any purpose related to a supplemental discount drug program or agreement created under WAC 388-91-007 and 388-91-010.

(7) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons and to provide foot care services by podiatric physicians and surgeons.

(8) \$160,000 of the general fund--state appropriation and \$160,000 of the general fund--federal appropriation are provided solely for the prenatal triage clearinghouse to provide access and outreach to reduce infant mortality.

(9) \$3,128,000 of the general fund--state appropriation is provided solely for treatment of low-income kidney dialysis patients.

(10) Funding is provided in this section to fund payment of insurance premiums for persons with human immunodeficiency virus who are not eligible for medicaid.

(11) Not more than \$11,410,000 of the general fund--state appropriation during fiscal year 1996 and \$11,410,000 of the health services account appropriation during fiscal year 1997 may be expended for the purposes of operating the medically indigent program ((during fiscal year 1996)). Funding is provided solely for emergency transportation and acute emergency hospital services, including emergency room physician services and related inpatient hospital physician services. In any twelve-month period, funding for such services is to be provided to an eligible individual for a maximum of three months following a hospital admission and only after \$2,000 of emergency medical expenses have been incurred ((in any twelve-month period)).

(12) ((Not more than \$10,000,000 of the health services account appropriation and \$5,674,000 of the general fund--federal appropriation may be expended for the purposes of providing reimbursement during fiscal year 1997 to those hospitals and physicians most adversely affected by the provision of uncompensated emergency room and uncompensated inpatient hospital care. The department shall develop rules stating the conditions for and rates of compensation.))

(13)) \$21,525,000 of the health services account appropriation and \$21,031,000 of the general fund--federal appropriation are provided solely to increase access to dental services and to increase the use of preventative dental services for title XIX categorically eligible children.

((14)) (13) After considering administrative and cost factors, the department shall adopt measures to realize savings in the purchase of prescription drugs, hearing aids, home health services, wheelchairs and other durable medical equipment, and disposable supplies. Such measures may include, but not be limited to, point-of-sale pharmacy adjudication systems, modification of reimbursement methodologies or payment schedules, selective contracting, and inclusion of such services in managed care rates.

((15)) (14) As part of the long-term care reforms contained in Engrossed Second Substitute House Bill No. 1908, after receiving acute inpatient hospital care, eligible clients shall be transferred from the high cost institutional setting to the least restrictive, least costly, and most appropriate facility as soon as medically reasonable. Physical medicine and rehabilitation services (acute rehabilitation) shall take place in the least restrictive environment, at the least cost and in the most appropriate facility as determined by the department in coordination with appropriate health care professionals and facilities. Facilities providing physical medicine and rehabilitation services must meet the quality care certification standards required of acute rehabilitation hospitals and rehabilitation units of hospitals.

((16)) (15) The department is authorized to provide no more than five chiropractic service visits per person per year for those eligible recipients with acute conditions.

(16) The department shall achieve an actual reduction in the per capita rates paid to managed care plans in calendar year 1997 by taking actions including but not limited to the following: (a) Selectively contracting with only those managed care plans in a given geographic area that offer the lowest price, while meeting specified standards of service quality and network adequacy; (b) revising program procedures, through a federal waiver if necessary, so that recipients are required to enroll in only one managed care plan during a contract period, except for documented good cause; and (c) disproportionately assigning recipients who do not designate a plan preference to plans offering more competitive rates.

(17) By July 1, 1996, the department shall report to the committees on health care and appropriations of the house of representatives, and to the committees on health and long-term care and ways and means of the senate, on the projected costs and benefits of (a) alternative point-of-service copay requirements for recipients with incomes at various percentages of the federal poverty level; and (b) alternative premium-sharing requirements for recipients with incomes at or above 100 percent of the federal poverty level.

(18) \$4,600,000 of the general fund--state appropriation is provided solely to compensate designated trauma centers for trauma services provided to medically indigent and general assistance clients who have an index of severity score of 16 or higher. Such compensation is to be provided (a) through reimbursement at the medicaid rate; or (b) through a direct payment to governmental hospitals. To be eligible for this higher compensation, the trauma center must (i) be designated a Level I through V trauma center by the department of health; (ii) provide complete trauma care data to the trauma care registry in accordance with WAC 246-976-430; (iii) establish an internal quality assurance trauma program that complies with WAC 246-976-880; and (iv) encourage and assist medically indigent and charity care patients to enroll in the basic health plan.

Sec. 210. 1995 2nd sp.s. c 18 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 25,933,000  
General Fund--State Appropriation (FY 1997) \$ 25,934,000  
General Fund--Federal Appropriation \$ 41,503,000  
General Fund--Private/Local Appropriation \$ 270,000  
TOTAL APPROPRIATION \$ 93,640,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The secretary of social and health services and the director of labor and industries shall report to the appropriate fiscal and policy committees of the legislature by July 1, 1995, and every six months thereafter, on the measurable changes in employee injury and time-loss rates that have occurred in the state developmental disabilities, juvenile rehabilitation, and mental health institutions as a result of the upfront loss-control discount agreement between the agencies.

(2) \$500,000 of the general fund--state appropriation and \$300,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). The department may transfer all or a portion of these amounts to the appropriate divisions of the department for this purpose. If Engrossed Substitute House Bill No. 1010 (regulatory reform) is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(3) By December 1, 1996, the department of personnel and the department of social and health services shall jointly report to the legislature on strategies for increasing, within existing funds, supported employment opportunities in state government for persons with developmental and other substantial and chronic disabilities. In developing the report, the departments shall consult with employee representatives, organizations involved in job training and placement for persons with severe disabilities, and other state and local governments that have successfully offered supported employment opportunities for their citizens with disabilities.

Sec. 211. 1995 2nd sp.s. c 18 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILD SUPPORT PROGRAM**

General Fund--State Appropriation (FY 1996) \$ ((18,058,000)) 19,019,000  
General Fund--State Appropriation (FY 1997) \$ ((18,169,000)) 18,820,000  
General Fund--Federal Appropriation \$ ((135,488,000)) 139,220,000  
General Fund--Local Appropriation \$ ((33,232,000)) 32,289,000  
TOTAL APPROPRIATION \$ ((204,947,000)) 209,348,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall contract with private collection agencies to pursue collection of AFDC child support arrearages in cases that might otherwise consume a disproportionate share of the department's collection efforts. The department's child support collection staff shall determine which cases are appropriate for referral to private collection agencies. In determining appropriate contract provisions, the department shall consult with other states that have successfully contracted with private collection agencies to the extent allowed by federal support enforcement regulations.

(2) The department shall request a waiver from federal support enforcement regulations to replace the current program audit criteria, which is process-based, with performance measures based on program outcomes.

(3) The amounts appropriated in this section for child support legal services shall only be expended by means of contracts with local prosecutor's offices.

Sec. 212. 1995 2nd sp.s. c 18 s 215 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY**

General Fund--State Appropriation (FY 1996) \$ ((3,403,000))

General Fund--State Appropriation (FY 1997) \$ 3,403,000	3,403,000
State Health Care Authority Administrative Account Appropriation \$ 15,744,000	
Health Services Account Appropriation \$ ((249,642,000))	247,010,000
<b>TOTAL APPROPRIATION \$ ((272,192,000))</b>	<b>269,560,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$6,806,000 of the general fund appropriation and \$5,590,000 of the health services account appropriation are provided solely for health care services provided through local community clinics.
- (2) ~~\$(1,268,000))~~ 1,189,000 of the health care authority administrative fund appropriation is provided to accommodate additional enrollment from school districts that voluntarily choose to purchase employee benefits through public employee benefits board programs. The office of financial management is directed to monitor K-12 enrollment in PEBB plans and to reduce allotments proportionally if the number of K-12 active employees enrolled after January 1995 is less than 11,837.
- (3) By November 1, 1996, the health care authority shall report to the health care and fiscal committees of the legislature on potential program adjustments to the basic health plan to achieve reductions in anticipated health services account expenditures. Options addressed in the report shall include, but not be limited to: (a) Reductions in the maximum income eligibility level; (b) changes in the premium subsidy schedule; (c) increasing required copayments; and (d) reducing the number of contracting health plans. For each option, the report shall describe anticipated 1997-99 savings from the proposed change, and the potential impact on health insurance access and health status.
- (4) The state health care authority administrative account appropriation includes sufficient funds to study options for expanding state and school district retiree access to health benefits purchased through the health care authority and the fiscal impacts of each option. The health care authority shall conduct this study in conjunction with the state actuary, the office of financial management, and the fiscal committees of the legislature.
- (5) \$79,000 of the state health care authority administrative account appropriation is provided to implement Substitute House Bill No. 2186 (public employees long-term care).
- (6) By November 1, 1996, the department of social and health services and the health care authority shall report to the appropriate committees of the legislature on (a) the extent, if any, to which previously appropriated general fund--state and matching general fund--federal funds are insufficient to provide basic health plan enrollment coverage for homecare workers at or above 200 percent of the federal poverty level; and (b) recommended procedural and, if necessary, statutory changes needed to minimize the administrative costs and complexity of basic health plan enrollment by employer groups.
- (7) \$919,000 of the health services account appropriation is provided for enhanced basic health plan subsidies for foster parents licensed under chapter 74.15 RCW. Under this enhanced subsidy option, foster parents with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at a cost of \$10 per month per parent. The health care authority shall endeavor to provide this enhanced subsidy to a monthly average of 1,000 foster parents during state fiscal year 1997, and no more than 2,000 shall be enrolled by the end of the 1995-97 biennium.

**Sec. 213.** 1995 2nd sp.s. c 18 s 216 (uncodified) is amended to read as follows:

**FOR THE HUMAN RIGHTS COMMISSION**

General Fund--State Appropriation (FY 1996) \$ 1,905,000	
General Fund--State Appropriation (FY 1997) \$ ((4,912,000))	2,012,000
General Fund--Federal Appropriation \$ 1,344,000	
General Fund--Private/Local Appropriation \$ 402,000	
<b>TOTAL APPROPRIATION \$ ((5,563,000))</b>	<b>5,663,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the general fund--state appropriation is provided solely to implement House Bill No. 2932 (discrimination dispute resolution). If the bill is not enacted by June 30, 1996, this amount shall lapse.

**Sec. 214.** 1995 2nd sp.s. c 18 s 218 (uncodified) is amended to read as follows:

**FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Death Investigations Account Appropriation \$ 38,000	
Public Safety and Education Account Appropriation \$ ((10,654,000))	11,036,000
Violence Reduction and Drug Enforcement Account Appropriation \$ 344,000	
<b>TOTAL APPROPRIATION \$ ((11,036,000))</b>	<b>11,418,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$28,000 of the public safety and education account is provided solely to implement Engrossed Second Substitute Senate Bill No. 5219 (domestic violence). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.
- (2) \$45,000 of the public safety and education account appropriation is provided solely for the implementation of Second Substitute House Bill No. 2323 (law enforcement training). If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.
- (3) \$27,000 of the public safety and education account appropriation is provided solely for the implementation of the reporting requirements contained in section 6 of House Bill No. 2472. If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

**Sec. 215.** 1995 2nd sp.s. c 18 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund Appropriation (FY 1996) \$ 5,270,000	
General Fund Appropriation (FY 1997) \$ ((5,311,000))	5,711,000
Public Safety and Education Account--State Appropriation \$ ((19,547,000))	
	19,990,000
Public Safety and Education Account--Federal Appropriation \$ 6,002,000	
Public Safety and Education Account--Private/Local	

Appropriation	\$ 972,000	
Electrical License Account Appropriation	\$ ((19,321,000))	
		<u>20,125,000</u>
Farm Labor Revolving Account--Private/Local		
Appropriation	\$ 28,000	
Worker and Community Right-to-Know Account		
Appropriation	\$ 2,138,000	
Public Works Administration Account		
Appropriation	\$ 1,928,000	
Accident Account--State Appropriation	\$ ((137,909,000))	
		<u>139,991,000</u>
Accident Account--Federal Appropriation	\$ 9,112,000	
Medical Aid Account--State Appropriation	\$ ((148,204,000))	
		<u>150,284,000</u>
Medical Aid Account--Federal Appropriation	\$ 1,592,000	
Plumbing Certificate Account Appropriation	\$ 682,000	
Pressure Systems Safety Account Appropriation	\$ 2,053,000	
TOTAL APPROPRIATION	\$ ((360,069,000))	<u>365,878,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of funds appropriated in this section for the information systems projects identified in agency budget requests as "crime victims--prime migration" and "document imaging--field offices" are conditioned upon compliance with section 902 of this act. In addition, funds for the "document imaging--field offices" project shall not be released until the required components of a feasibility study are completed and approved by the department of information services.

(2) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) Institute copayments for services; (b) develop preferred provider and managed care contracts; and (c) coordinate with the department of social and health services to use public safety and education account funds as matching funds for federal Title XIX reimbursement, to the extent this maximizes total funds available for services to crime victims.

(3) \$108,000 of the general fund appropriation is provided solely for an interagency agreement to reimburse the board of industrial insurance appeals for crime victims appeals.

(4) The secretary of social and health services and the director of labor and industries shall report to the appropriate fiscal and policy committees of the legislature by July 1, 1995, and every six months thereafter, on the measurable changes in employee injury and time-loss rates that have occurred in the state developmental disabilities, juvenile rehabilitation, and mental health institutions as a result of the upfront loss-control discount agreement between the agencies.

((b)) (5) The appropriations in this section may not be used to implement or enforce rules that the joint administrative rules review committee finds are not within the intent of the legislature as expressed by the statute that the rule implements.

((7)) (6) \$450,000 of the accident account--state appropriation and \$450,000 of the medical aid account--state appropriation are provided solely to implement an on-line claims data access system that will include all employers in the retrospective rating plan program.

((8)) (7) Within the appropriations provided in this section, the department shall implement an integrated state-wide on-line verification system for pharmacy providers. The system shall be implemented by means of contracts that are competitively bid. Until this system is implemented, no department rules may take effect that reduce the dispensing fee for industrial insurance pharmacy services in effect on January 1, 1995.

(8) \$4,000 of the accident account--state appropriation and \$4,000 of the medical aid--state appropriation is provided solely for the implementation of Senate Bill No. 6223 or House Bill No. 2498 (construction trade procedures). If neither bill is enacted by June 30, 1996, these amounts shall lapse.

(9) \$38,000 of the accident account--state appropriation and \$37,000 of the medical aid--state appropriation is provided solely for the implementation of Senate Bill No. 6225 or House Bill No. 2499 (employer assessments). If neither bill is enacted by June 30, 1996, these amounts shall lapse.

(10) \$7,000 of the accident account--state appropriation and \$6,000 of the medical aid--state appropriation is provided solely for the implementation of Senate Bill No. 6224 or House Bill No. 2496 (disability pilot project). If neither bill is enacted by June 30, 1996, these amounts shall lapse.

(11) \$443,000 of the public safety and education account appropriation is provided solely for the implementation of Substitute House Bill No. 2358 (crime victim and witness programs). If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

(12) \$121,000 of the accident account--state appropriation and \$121,000 of the medical aid account--state appropriation are provided solely for the implementation of House Bill No. 2322 (family farm exemptions). If the bill is not enacted by June 30, 1996, the amounts provided in this subsection shall lapse.

(13) \$271,000 of the accident account--state appropriation and \$271,000 of the medical aid account--state appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5516 (drug free workplaces). If the bill is not enacted by June 30, 1996, the amounts provided in this subsection shall lapse.

Sec. 216. 1995 2nd sp.s. c 18 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

(1) HEADQUARTERS

General Fund Appropriation (FY 1996)	\$ 1,227,000	
General Fund Appropriation (FY 1997)	\$ 1,226,000	
Industrial Insurance Refund Account		
Appropriation	\$ 25,000	
Charitable, Educational, Penal, and Reformatory		
Institutions Account Appropriation	\$ 4,000	
TOTAL APPROPRIATION	\$ 2,482,000	

(2) FIELD SERVICES

General Fund--State Appropriation (FY 1996)	\$ 1,853,000	
General Fund--State Appropriation (FY 1997)	\$ ((1,852,000))	
		<u>2,257,000</u>
General Fund--Federal Appropriation	\$ ((736,000))	
		<u>381,000</u>
General Fund--Private/Local Appropriation	\$ 85,000	
TOTAL APPROPRIATION	\$ ((4,526,000))	

(3) VETERANS HOME	4,576,000
General Fund--State Appropriation (FY 1996) \$ ((4,127,000))	
General Fund--State Appropriation (FY 1997) \$ ((3,984,000))	3,893,000
General Fund--Federal Appropriation \$ ((10,703,000))	3,788,000
General Fund--Private/Local Appropriation \$ ((7,527,000))	11,470,000
	7,392,000
TOTAL APPROPRIATION \$ ((26,341,000))	26,543,000

(4) SOLDIERS HOME	
General Fund--State Appropriation (FY 1996) \$ ((3,135,000))	2,927,000
General Fund--State Appropriation (FY 1997) \$ ((3,049,000))	2,825,000
General Fund--Federal Appropriation \$ ((6,158,000))	5,975,000
General Fund--Private/Local Appropriation \$ ((4,667,000))	5,312,000
TOTAL APPROPRIATION \$ ((17,009,000))	17,039,000

**Sec. 217.** 1995 2nd sp.s. c 18 s 222 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF HEALTH**

General Fund--State Appropriation (FY 1996) \$ ((44,314,000))	44,328,000
General Fund--State Appropriation (FY 1997) \$ ((44,313,000))	44,639,000
General Fund--Federal Appropriation \$ ((233,122,000))	234,275,000
General Fund--Private/Local Appropriation \$ ((25,476,000))	25,476,000
Hospital Commission Account Appropriation \$ 3,019,000	
Medical Disciplinary Account Appropriation \$ 1,798,000	
Health Professions Account Appropriation \$ ((32,592,000))	32,964,000
Industrial Insurance Account Appropriation \$ 62,000	
Safe Drinking Water Account Appropriation \$ 2,751,000	
Public Health Services Account Appropriation \$ 23,753,000	
Waterworks Operator Certification Appropriation \$ 605,000	
Water Quality Account Appropriation \$ 3,079,000	
State Toxics Control Account Appropriation \$ 2,824,000	
Violence Reduction and Drug Enforcement Account Appropriation \$ 469,000	
Medical Test Site Licensure Account Appropriation \$ 1,822,000	
Youth Tobacco Prevention Account Appropriation \$ 1,412,000	
Health Services Account Appropriation \$ ((16,516,000))	19,081,000
State and Local Improvements Revolving Account--Water Supply Facilities Appropriation \$ 40,000	
TOTAL APPROPRIATION \$ ((437,905,000))	442,397,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$2,466,000 of the general fund--state appropriation is provided for the implementation of the Puget Sound water quality management plan.
- (2) \$10,000,000 of the public health services account appropriation is provided solely for distribution to local health departments for distribution on a per capita basis. Prior to distributing these funds, the department shall adopt rules and procedures to ensure that these funds are not used to replace current local support for public health programs.
- (3) \$4,750,000 of the public health account appropriation is provided solely for distribution to local health departments for capacity building and community assessment and mobilization.
- (4) \$2,000,000 of the health services account appropriation is provided solely for public health information systems development. Authority to expend this amount is conditioned on compliance with section 902 of this act.
- (5) \$1,000,000 of the health services account appropriation is provided solely for state level capacity building.
- (6) \$1,000,000 of the health services account appropriation is provided solely for training of public health professionals.
- (7) \$200,000 of the health services account appropriation is provided solely for the American Indian health plan.
- (8) \$1,640,000 of the health services account appropriation is provided solely for health care quality assurance and health care data standards activities as required by Engrossed Substitute House Bill No. 1589 (health care quality assurance).
- (9) \$1,000,000 of the health services account appropriation is provided solely for development of a youth suicide prevention program at the state level, including a state-wide public educational campaign to increase knowledge of suicide risk and ability to respond and provision of twenty-four hour crisis hotlines, staffed to provide suicidal youth and caregivers a source of instant help.
- (10) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state

moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(11) \$981,000 of the general fund--state appropriation and ~~\$(3,873,000))~~ 469,000 of the general fund--private/local appropriation are provided solely for implementing Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(12) The department is authorized to raise existing fees for nursing assistants and hypnotherapists in excess of the fiscal growth factor established by Initiative 601, if necessary, in order to meet the actual costs of investigative and legal services due to disciplinary activities.

(13) \$750,000 of the general fund--federal appropriation is provided solely for one-time costs for a health clinic for immigrants to be managed by a local public health entity.

(14) \$70,000 of the general fund--state appropriation is provided solely for implementing Engrossed Substitute House Bill No. 1908 (chapter 18, Laws of 1995 1st sp. sess., long-term care reform).

(15) \$210,000 of the general fund--state appropriation is provided solely for stabilizing the four existing child profile counties. The department is directed to develop a plan analyzing the progress of existing child profile immunization tracking systems in the state. The department shall make recommendations for expanding child profile systems to other areas of the state. The plan for expansion must take into account the current immunization rate for children between the ages of birth and two years, goals set by the local health departments in conjunction with their own public health improvement plan work plans, and estimated population growth. The secretary shall submit recommendations to the appropriate standing committees of the senate and the house of representatives on the proposed timeline for expansion of child profile systems, with a goal of state-wide coverage by July 1, 1997.

(16) \$195,000 of the general fund appropriation is provided solely for the cost of laboratory testing of shellfish for domoic acid.

(17)(a) Within available resources, the department of health may use any of the following strategies for raising public awareness on the causes and nature of osteoporosis, personal risk factors, value of prevention and early detection, and options for diagnosing and treating the disease:

(i) An outreach campaign utilizing print, radio, and television public service announcements, advertisements, posters, and other materials;

(ii) Community forums;

(iii) Health information and risk factor assessment at public events;

(iv) Targeting at-risk populations;

(v) Providing reliable information to policy makers;

(vi) Distributing information through county health departments, schools, area agencies on aging, employer wellness programs, physicians, hospitals and health maintenance organizations, women's groups, nonprofit organizations, community-based organizations, and departmental regional offices.

(b) The secretary of health may accept grants, services, and property from the federal government, foundations, organizations, medical schools, and other entities as may be available for the purposes of fulfilling the obligations of this program.

(18) \$8,000 of the general fund--state appropriation is provided for a study to be completed by the board of health on the current and potential use of telemedicine in the state, including recommended changes in rules and statutes. The study shall be completed by November 1, 1997, and a report submitted to the appropriate committees of the legislature.

Sec. 218. 1995 2nd sp.s. c 18 s 223 (uncodified) is amended to read as follows:

#### FOR THE DEPARTMENT OF CORRECTIONS

The appropriations in this section shall be expended for the programs and in the amounts listed. However, after May 1, 1996, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 1996 among programs after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviations.

##### (1) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation (FY 1996) \$ ((12,269,000))	12,255,000
General Fund Appropriation (FY 1997) \$ ((12,047,000))	12,171,000
Industrial Insurance Premium Refund Account Appropriation \$ 631,000	
TOTAL APPROPRIATION \$ ((24,316,000))	25,057,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) ~~(\$211,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 5088 (sexually violent predators). If the bill is not enacted by June 30, 1995, the amount provided in this subsection (a) shall lapse.~~

(b)) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. If any funds are generated in excess of actual costs, they shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

((e)) (b) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

((d)) (c) Appropriations in this section provide sufficient funds to implement the provisions of Second Engrossed Second Substitute House Bill 2010 (corrections cost-efficiency and inmate responsibility omnibus act).

((e)) (d) In treating sex offenders at the Twin Rivers corrections center, the department of corrections shall prioritize treatment services to reduce recidivism and shall develop and implement an evaluation tool that: (i) States the purpose of the treatment; (ii) measures the amount of treatment provided; (iii) identifies the measure of success; and (iv) determines the level of successful and unsuccessful outcomes. The department shall report to the legislature by December 1, 1995, on how treatment services were prioritized among categories of offenses and provide a description of the evaluation tool and its incorporation into the treatment program.

(e) \$121,000 of the general fund--state fiscal year 1997 appropriation is provided solely for the department to develop and implement a centralized educational data base (education automation project), pursuant to chapter 19, Laws of 1995 1st sp. sess.

(f) \$78,000 of the general fund--state fiscal year 1997 appropriation is provided solely for the implementation of Substitute Senate Bill No. 6274 (supervision of sex offenders). If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

##### (2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996) \$ ((265,008,000))	262,352,000
General Fund--State Appropriation (FY 1997) \$ ((270,221,000))	270,160,000
General Fund--Federal Appropriation \$ ((2,000,000))	

2,153,000

Violence Reduction and Drug Enforcement Account  
 Appropriation \$ 1,214,000  
 TOTAL APPROPRIATION \$ ((538,443,000))

535,879,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$196,000 of the general fund--state fiscal year 1997 appropriation is provided solely for costs associated with data entry activities related to the department's efforts at managing health care costs, pursuant to chapter 19, Laws of 1995 1st sp. sess. and chapter 6, Laws of 1994 sp. sess.

(b) \$17,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 2711 (illegal alien offender camps). If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

(c) Within the amounts appropriated in this subsection, the department shall fund the "Life Skills" program at the Washington correctional center for women in fiscal year 1997 at a level equal to or greater than that funded in fiscal year 1995.

(3) COMMUNITY CORRECTIONS

General Fund Appropriation (FY 1996) \$ ((80,068,000)) 78,843,000

General Fund Appropriation (FY 1997) \$ ((81,226,000)) 80,290,000

Violence Reduction and Drug Enforcement Account  
 Appropriation \$ 400,000  
 TOTAL APPROPRIATION \$ ((461,694,000)) 159,533,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$72,000 of the general fund--state fiscal year 1997 appropriation is provided solely for the implementation of Substitute House Bill No. 2533 (supervision of misdemeanants). If the bill is not enacted by June 30, 1996, the amount shall lapse.

(b) \$38,000 of the general fund--state fiscal year 1997 appropriation is provided solely for the implementation of Substitute Senate Bill No. 6274 (supervision of sex offenders). If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

(4) CORRECTIONAL INDUSTRIES

General Fund Appropriation (FY 1996) \$ 3,330,000  
 General Fund Appropriation (FY 1997) \$ ((3,503,000)) 3,603,000

TOTAL APPROPRIATION \$ ((6,833,000)) 6,933,000

The appropriations in this subsection are subject to the following conditions and limitations: \$100,000 of the general fund fiscal year 1997 appropriation is provided solely for transfer to the jail industries board. The board shall use the amount specified in this subsection only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund Appropriation (FY 1996) \$ 6,223,000  
 General Fund Appropriation (FY 1997) \$ 6,223,000  
 TOTAL APPROPRIATION \$ 12,446,000

Sec. 219. 1995 2nd sp.s. c 18 s 225 (uncodified) is amended to read as follows:

**FOR THE SENTENCING GUIDELINES COMMISSION**

General Fund Appropriation (FY 1996) \$ 517,000  
 General Fund Appropriation (FY 1997) \$ ((469,000)) 745,000

TOTAL APPROPRIATION \$ ((986,000)) 1,262,000

The appropriations in this section are subject to the following conditions and limitations: \$276,000 of the total general fund appropriation is provided solely for the implementation of Senate Bill No. 6253 (revising duties of sentencing guidelines commission). If this bill is not enacted by June 30, 1996, this amount shall lapse.

Sec. 220. 1995 2nd sp.s. c 18 s 226 (uncodified) is amended to read as follows:

**FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund--State Appropriation (FY 1996) \$ ((334,000)) 834,000  
 General Fund--State Appropriation (FY 1997) \$ ((334,000)) 5,279,000

General Fund--Federal Appropriation \$ 190,936,000  
 General Fund--Private/Local Appropriation \$ 21,965,000  
 Unemployment Compensation Administration  
 Account--Federal Appropriation \$ ((477,891,000)) 177,891,000

Administrative Contingency Account--((Federal))  
 State Appropriation \$ ((8,146,000)) 8,735,000

Employment Services Administrative Account--  
 ((Federal)) State Appropriation \$ 12,294,000  
 Employment and Training Trust Account  
 Appropriation \$ 9,294,000  
 TOTAL APPROPRIATION \$ ((421,194,000)) 427,228,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The employment security department shall spend no more than \$25,049,511 of the unemployment compensation administration account--federal appropriation for the general unemployment insurance development effort (GUIDE) project. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(2) The employment and training trust account appropriation shall not be expended until a plan for such expenditure is reviewed and approved by the workforce training and education coordinating board for consistency with chapter 226, Laws of 1993 (employment and training for unemployed workers), and the comprehensive plan for workforce training provided in RCW 28C.18.060(4).

(3) \$95,000 of the employment services administrative account--federal appropriation is provided solely for a study of the financing provisions of the state's unemployment insurance law pursuant to Engrossed Senate Bill No. 5925.

(4) \$500,000 of the general fund--state fiscal year 1996 appropriation and \$4,945,000 of the general fund--state fiscal year 1997 appropriation are provided solely for the department to administer a comprehensive set of summer employment and training programs to disadvantaged youth. In administering this program, the department shall adhere to the following guidelines: (a) Coordinate with the work force training and education board and the service delivery areas in program development and implementation; (b) maximize employment and training opportunities for youth, while at the same time minimize state fiscal resources required; (c) adhere to the state's comprehensive plan for work force training; (d) support the state's one-stop approach to service delivery; (e) maintain low administrative overhead; (f) support the school-to-work transition system; and (g) submit an evaluation of the program by February 1, 1997. The evaluation shall identify: (i) The number of participants in the program by service delivery area; (ii) demographic information on the participants; (iii) the benefits to clients participating in employment and training programs; and (iv) recommendations on the merits of continuing the program.

**PART III  
NATURAL RESOURCES**

**Sec. 301.** 1995 2nd sp.s. c 18 s 303 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF ECOLOGY**

General Fund--State Appropriation (FY 1996) \$ ((22,125,000))	<u>22,289,000</u>
General Fund--State Appropriation (FY 1997) \$ ((20,639,000))	<u>21,409,000</u>
General Fund--Federal Appropriation \$ ((42,131,000))	<u>41,534,000</u>
General Fund--Private/Local Appropriation \$ 1,385,000	
Special Grass Seed Burning Research Account Appropriation \$ 42,000	
Reclamation Revolving Account Appropriation \$ 2,664,000	
Flood Control Assistance Account Appropriation \$ ((4,000,000))	
	<u>10,031,000</u>
State Emergency Water Projects Revolving Account Appropriation \$ 312,000	
Industrial Insurance Premium Refund Account Appropriation \$ 189,000	
Waste Reduction, Recycling, and Litter Control Account Appropriation \$ ((5,461,000))	
	<u>5,561,000</u>
State and Local Improvements Revolving Account-- Waste Disposal Appropriation \$ 1,000,000	
State and Local Improvements Revolving Account-- Water Supply Facilities Appropriation \$ 1,344,000	
Basic Data Account Appropriation \$ 182,000	
Vehicle Tire Recycling Account Appropriation \$ ((3,283,000))	
	<u>5,759,000</u>
Water Quality Account Appropriation \$ ((3,420,000))	
	<u>3,583,000</u>
Worker and Community Right to Know Account Appropriation \$ 408,000	
State Toxics Control Account Appropriation \$ ((49,924,000))	
	<u>50,024,000</u>
Local Toxics Control Account Appropriation \$ ((3,342,000))	
	<u>3,842,000</u>
Water Quality Permit Account Appropriation \$ 19,600,000	
Underground Storage Tank Account Appropriation \$ 2,336,000	
Solid Waste Management Account Appropriation \$ 3,631,000	
Hazardous Waste Assistance Account Appropriation \$ 3,476,000	
Air Pollution Control Account Appropriation \$ ((13,458,000))	
	<u>16,221,000</u>
Oil Spill Administration Account Appropriation \$ 2,939,000	
Water Right Permit Processing Account Appropriation \$ ((500,000))	
	<u>750,000</u>
Wood Stove Education Account Appropriation \$ 1,251,000	
Air Operating Permit Account Appropriation \$ 4,548,000	
Freshwater Aquatic Weeds Account Appropriation \$ ((1,187,000))	
	<u>2,047,000</u>
Oil Spill Response Account Appropriation \$ 7,060,000	
Metals Mining Account Appropriation \$ 300,000	
Water Pollution Control Revolving Account--State Appropriation \$ 165,000	
Water Pollution Control Revolving Account--Federal Appropriation \$ ((1,019,000))	
	<u>1,419,000</u>
TOTAL APPROPRIATION \$ ((223,132,000))	
	<u>237,301,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$(6,324,000)~~ 5,933,000 of the general fund--state appropriation is provided solely for the implementation of the Puget Sound water quality management plan. In addition, \$394,000 of the general fund--federal appropriation, \$819,000 of the state toxics control account appropriation, \$3,591,000 of the water quality permit fee account appropriation, ~~((883,000 of the water quality account appropriation,))~~ and \$2,715,000 of the oil spill administration account appropriation may be used for the implementation of the Puget Sound water quality management plan.

~~((3))~~ (2) \$150,000 of the state toxics control account appropriation and \$150,000 of the local toxics control account appropriation are provided solely for implementing Engrossed Substitute House Bill No. 1810 (hazardous substance cleanup). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

~~((4))~~ (3) \$581,000 of the general fund--state appropriation, \$170,000 of the air operating permit account appropriation, \$80,000 of the water quality permit account appropriation, and \$63,000 of the state toxics control account appropriation are provided solely for implementing Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

~~((5))~~ (4) \$2,000,000 of the state toxics control account appropriation is provided solely for the following purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the cost of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with the orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

~~((6))~~ (5) \$250,000 of the flood control assistance account is provided solely for a grant or contract to the lead local entity for technical analysis and coordination with the Army Corps of Engineers and local agencies to address the breach in the south jetty at the entrance of Grays Harbor.

~~((7))~~ (6) \$70,000 of the general fund--state appropriation, \$90,000 of the state toxics control account appropriation, and \$55,000 of the air pollution control account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1724 (growth management). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

~~((8))~~ (7) If Engrossed Substitute House Bill No. 1125 (dam safety inspections), or substantially similar legislation, is not enacted by June 30, 1995, then the department shall not expend any funds appropriated in this section for any regulatory activity authorized under RCW 90.03.350 with respect to hydroelectric facilities which require a license under the federal power act, 16 ASCUS Sec. 791a et seq. If Engrossed Substitute House Bill No. 1125, or substantially similar legislation, is enacted by June 30, 1995, then the department may apply all available funds appropriated under this section for regulatory activity authorized under RCW 90.03.350 for the purposes of inspecting and regulating the safety of dams under the exclusive jurisdiction of the state.

~~((9))~~ (8) \$425,000 of the general fund--state appropriation and \$525,000 of the general fund--federal appropriation are provided solely for the Padilla Bay national estuarine research reserve and interpretive center.

~~((14))~~ (9) The water right permit processing account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used solely for water right permit processing ~~(, regional water planning, and implementation of regional water plans))~~ and expenses associated with the Yakima adjudication.

~~((12))~~ (10) \$1,298,000 of the general fund--state appropriation, \$188,000 of the general fund--federal appropriation, and \$883,000 of the water quality account appropriation are provided solely to coordinate and implement the activities required by the Puget Sound water quality management plan and to perform the powers and duties under chapter 90.70 RCW.

(11) \$110,000 of the water quality permit account appropriation is provided solely for the department and the wastewater discharge permit program partnership advisory group to hire a consultant. In conjunction with the department and the advisory group, the consultant shall develop a fee schedule for the 1997-99 biennium, based on a work load model. Further, as a part of developing the fee schedule, the consultant shall use a zero based budget approach to make recommendations regarding the size of the program, what activities are fee eligible, the rate of fee increases imposed on small businesses and small municipalities, and the ramifications on existing statutory rate limits. The consultant's recommendations shall be provided to the appropriate committees of the legislature by September 1, 1996.

(12) \$331,000 of the flood control assistance account appropriation is provided solely for the implementation of flood reduction plans. Of this amount, \$250,000 is to implement the Mason county flood reduction plan and \$81,000 is to implement the Chelan/Douglas county flood reduction plan.

(13) Within the air pollution control account appropriation, the department shall continue monitoring air quality in the Northport area.

(14) \$60,000 of the freshwater aquatic weeds account appropriation is provided solely for a grant to the department of fish and wildlife to control and eradicate purple loosestrife using the most cost-effective methods available, including chemical control where appropriate.

(15) Within the funds appropriated in this section, the department shall prepare a report regarding the feasibility of pollution reduction target measures for point source facilities that are based on actual facility outputs rather than technologies used within a facility. In preparing the report the department shall create and seek recommendations from an advisory committee consisting of business, local government, and environmental representatives. The department shall submit the report to the appropriate committees of the legislature by November 30, 1996.

(16) \$700,000 of the flood control assistance account appropriation is provided solely for the study and abatement of coastal erosion in the region of Willapa bay, Grays Harbor, and the lower Columbia river.

(17) \$5,000,000 of the flood control assistance account appropriation is provided solely for grants to assist local governments in repairing or replacing dikes and levees damaged in the November 1995 and February 1996 flood events.

(18) \$500,000 of the local toxics control account appropriation is provided solely to satisfy nonfederal cost-sharing requirements for the Puget Sound confined disposal site feasibility study to be conducted jointly with the United States army corps of engineers. The study will address site design, construction standards, operational requirements, and funding necessary to establish a disposal site for contaminated aquatic sediments.

(19) \$1,100,000 of the air pollution control account appropriation is provided solely for grants to local air pollution control authorities to expedite the redesignation of nonattainment areas. These funds shall not be used to supplant existing local funding sources for air pollution control authority programs. Of the amount allocated to the southwest Washington air pollution control authority, \$25,000 is provided solely for the University of Washington to review a study by the southwest air pollution control authority on sources contributing to atmospheric ozone.

(20) \$250,000 of the water right permit processing account appropriation is provided solely for additional staff and associated costs to support the Yakima county superior court in adjudicating water rights in the Yakima river basin.

(21) \$590,000 of the general fund--state appropriation, \$65,000 of the waste reduction, recycling, and litter control account appropriation, \$65,000 of the state toxics control account appropriation, \$250,000 of the air pollution control account appropriation, and \$130,000 of the water pollution control revolving account--federal appropriation are provided solely for implementation of the department's information integration project.

(22) \$300,000 of the general fund--state appropriation is provided solely for payment of attorneys' fees pursuant to *Retkowski v. Washington*, (cause no. 62718-5).

Sec. 302. 1995 2nd sp.s. c 18 s 304 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund--State Appropriation (FY 1996) \$ ~~((18,020,000))~~

18,145,000

General Fund--State Appropriation (FY 1997) \$ ~~((17,877,000))~~

18,202,000

General Fund--Federal Appropriation \$ 1,930,000

General Fund--Private/Local Appropriation \$ ~~((1,463,000))~~

31,000

Winter Recreation Program Account

Appropriation \$ 725,000

Off Road Vehicle Account Appropriation \$ 241,000

Snowmobile Account Appropriation \$ 2,174,000

Aquatic Lands Enhancement Account

Appropriation \$ 313,000

Public Safety and Education Account

Appropriation \$ 48,000

Industrial Insurance Premium Refund Account

Appropriation \$ 10,000

Waste Reduction, Recycling, and Litter Control

Account Appropriation \$ 34,000

Water Trail Program Account Appropriation \$ 26,000

Parks Renewal and Stewardship Account

Appropriation \$ ~~((22,461,000))~~

23,893,000

TOTAL APPROPRIATION \$ ~~((65,322,000))~~

65,772,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$189,000 of the aquatic lands enhancement account appropriation is provided solely to implement the Puget Sound water quality plan.

(2) The general fund--state appropriation and the parks renewal and stewardship account appropriation are provided to maintain full funding and continued operation of all state parks and state parks facilities.

(3) \$1,800,000 of the general fund--state appropriation is provided solely for the Washington conservation corps program established under chapter 43.220 RCW.

(4) \$3,591,000 of the parks renewal and stewardship account appropriation is provided for the operation of a centralized reservation system, to expand marketing, to enhance concession review, and for other revenue generating activities.

(5) \$100,000 of the general fund--state appropriation is provided solely for a state match to local funds to prepare a master plan for Mt. Spokane state park.

Sec. 303. 1995 2nd sp.s. c 18 s 307 (uncodified) is amended to read as follows:

**FOR THE CONSERVATION COMMISSION**

General Fund Appropriation (FY 1996) \$ ~~((852,000))~~

867,000

General Fund Appropriation (FY 1997) \$ ~~((810,000))~~

825,000

Water Quality Account Appropriation \$ ~~((202,000))~~

321,000

TOTAL APPROPRIATION \$ ~~((1,864,000))~~

2,013,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Not more than eight percent of the water quality account moneys administered by the commission may be used by the commission for administration and program activities related to the grant and loan program.

(2) \$362,000 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan. ~~((In addition, \$130,000 of the water quality account appropriation is provided for the implementation of the Puget Sound water quality management plan.))~~

(3) \$42,000 of the general fund appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5616 (watershed restoration projects). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(4) \$750,000 of the general fund appropriation is provided solely for grants to local conservation districts.

Sec. 304. 1995 2nd sp.s. c 18 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund--State Appropriation (FY 1996) \$ ~~((32,380,000))~~

33,187,000

General Fund--State Appropriation (FY 1997) \$ ~~((32,339,000))~~

33,701,000

General Fund--Federal Appropriation \$ 54,098,000

General Fund--Private/Local Appropriation \$ 15,986,000

Off Road Vehicle Account Appropriation \$ 476,000

Aquatic Lands Enhancement Account

Appropriation \$ 5,412,000

Public Safety and Education Account

Appropriation \$ 590,000

Industrial Insurance Premium Refund Account

Appropriation \$ 156,000

Recreational Fisheries Enhancement Account

Appropriation \$ ~~((2,200,000))~~

2,217,000

Wildlife Account Appropriation \$ ~~((49,741,000))~~

50,003,000

Special Wildlife Account Appropriation \$ 1,884,000

Oil Spill Administration Account

Appropriation \$ 831,000  
 Warm Water Game Fish Account Appropriation \$ 980,000  
 TOTAL APPROPRIATION \$ ((496,093,000))

199,521,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,532,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(2) \$250,000 of the general fund--state appropriation is provided solely for attorney general costs on behalf of the department of fisheries, department of natural resources, department of health, and the state parks and recreation commission in defending the state and public interests in tribal shellfish litigation (*United States v. Washington*, subproceeding 89-3). The attorney general costs shall be paid as an interagency reimbursement.

~~((4))~~ (3) \$350,000 of the wildlife account appropriation ~~((is))~~ and \$145,000 of the general fund--state appropriation are provided solely for control and eradication of class B designate weeds on department owned and managed lands. The general fund--state appropriation is provided solely for control of spartina. The department shall use the most cost-effective methods available, including chemical control where appropriate, and report to the appropriate committees of the legislature by January 1, 1997, on control methods, costs, and acres treated during the previous year.

~~((5))~~ (4) \$250,000 of the general fund--state appropriation is provided solely for costs associated with warm water fish production. Expenditure of this amount shall be consistent with the goals established under RCW 77.12.710 for development of a warm water fish program. No portion of this amount may be expended for any type of feasibility study.

~~((6))~~ (5) \$634,000 of the general fund--state appropriation and \$50,000 of the wildlife account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

~~((7))~~ (6) \$2,000,000 of the general fund--state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5157 (mass marking), chapter 372, Laws of 1995, under the following conditions:

(a) If, by October 1, 1995, the state reaches agreement with Canada on a marking and detection program, implementation will begin with the 1994 Puget Sound brood cohort.

(b) If, by October 1, 1995, the state does not reach agreement with Canada on a marking and detection program, a pilot project shall be conducted with 1994 Puget Sound brood cohort.

(c) Full implementation will begin with the 1995 brood cohort.

(d) \$700,000 of the department's equipment funding and \$300,000 of the department's administration funding will be redirected toward implementation of Second Substitute Senate Bill No. 5157 during the 1995-97 biennium.

~~((8))~~ (7) The department shall request a reclassification study be conducted by the personnel resources board for hatchery staff. Any implementation of the study, if approved by the board, shall be pursuant to section 911 of this act.

~~((9))~~ (8) Within the appropriations in this section, the department shall maintain the Issaquah hatchery at the current 1993-95 operational level.

~~((10))~~ (9) \$140,000 of the wildlife account appropriation is provided solely for a cooperative effort with the department of agriculture for research and eradication of purple loosestrife on state lands. The department shall use the most cost-effective methods available, including chemical control where appropriate, and report to the appropriate committees of the legislature by January 1, 1997, on control methods, costs, and acres treated during the previous year.

~~((11))~~ (10) \$110,000 of the aquatic lands enhancement account appropriation may be used for publishing a brochure concerning hydraulic permit application requirements for the control of spartina and purple loosestrife.

(11) \$530,000 of the general fund--state appropriation is provided solely for providing technical assistance to landowners and for reviewing plans submitted to the state pursuant to the forest practices board's proposed rules for the northern spotted owl. If the rules are not adopted by September 1, 1996, the amount provided in this subsection shall lapse.

(12) \$145,000 of the general fund--state appropriation is provided solely for the fish and wildlife commission to support additional commission meetings, briefings, and other activities necessary to ensure effective implementation of Referendum No. 45 during the 1995-97 biennium.

(13) \$980,000 of the warm water game fish account appropriation is provided solely for implementation of the warm water game fish enhancement program pursuant to Fourth Substitute Senate Bill No. 5159. If the bill or substantially similar legislation is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

(14) \$15,000 of the fiscal year 1997 general fund--state appropriation and \$85,000 of the wildlife account appropriation are provided solely for the payment of claims during fiscal year 1997 arising from damages to crops by wildlife, pursuant to Second Substitute Senate Bill No. 6146 (wildlife claims). If the bill is not enacted by June 30, 1996, the amounts provided in this subsection shall lapse.

(15) \$813,000 of the general fund--state appropriation is provided solely to operate Columbia river fish hatcheries for which federal funding has been reduced.

Sec. 305. 1995 2nd sp.s. c 18 s 310 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund--State Appropriation (FY 1996) \$ ((20,300,000))

20,325,000

General Fund--State Appropriation (FY 1997) \$ ((20,299,000))

20,424,000

General Fund--Federal Appropriation \$ 3,024,000

General Fund--Private/Local Appropriation \$ 414,000

Forest Development Account Appropriation \$ ((37,946,000))

41,608,000

Off Road Vehicle Account Appropriation \$ 3,074,000

Surveys and Maps Account Appropriation \$ 1,788,000

Aquatic Lands Enhancement Account Appropriation \$ 2,512,000

Resource Management Cost Account Appropriation \$ 11,624,000

Waste Reduction, Recycling, and Litter Control

Account Appropriation \$ 440,000

Surface Mining Reclamation Account

Appropriation \$ 1,273,000

Wildlife Account Appropriation \$ 1,300,000

Water Quality Account Appropriation \$ ((2,000,000))

6,000,000

Aquatic Land Dredged Material Disposal Site

Account Appropriation \$ 734,000

Natural Resources Conservation Areas Stewardship

Account Appropriation	\$ 1,003,000	
Air Pollution Control Account Appropriation	\$ 921,000	
Watershed Restoration Account Appropriation	<del>\$(5,000,000)</del>	1,600,000
Metals Mining Account Appropriation	\$ 41,000	
<u>Industrial Insurance Premium Refund Account</u>		
Appropriation	\$ 62,000	
TOTAL APPROPRIATION	<del>\$(413,693,000)</del>	118,167,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$7,998,000 of the general fund--state appropriation is provided solely for the emergency fire suppression subprogram.
- (2) \$36,000 of the general fund--state appropriations is provided solely for the implementation of the Puget Sound water quality management plan. In addition, \$957,000 of the aquatics lands enhancement account is provided for the implementation of the Puget Sound water quality management plan.
- (3) \$450,000 of the resource management cost account appropriation is provided solely for the control and eradication of class B designate weeds on state lands. The department shall use the most cost-effective methods available, including chemical control where appropriate, and report to the appropriate committees of the legislature by January 1, 1997, on control methods, costs, and acres treated during the previous year.
- (4) \$22,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 1437 (amateur radio repeater sites). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.
- (5) \$49,000 of the air pollution control account appropriation is provided solely to implement Substitute House Bill No. 1287 (silvicultural burning). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.
- (6) \$290,000 of the general fund--state appropriation, \$10,000 of the surface mining reclamation account appropriation, and \$29,000 of the air pollution control account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). If this bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.
- (7) By September 30, 1995, the agency shall report to the appropriate fiscal committees of the legislature on fire suppression costs incurred during the 1993-95 biennium. The report shall provide the following information: (a) An object breakdown of costs for the 1993-95 fire suppression subprogram; (b) the amount of reimbursement provided for personnel, services, and equipment outside the agency; (c) FTE levels and salary amounts by fund of positions backfilled as a result of the fires; (d) overtime costs paid to agency personnel; (e) equipment replacement costs, and (f) final allocation of costs for the Hatchery and Tyee fires between the United States forest service, local governments, and the state.
- (8) By December 1, 1995, the department shall report to the house committee on natural resources and the senate committee on natural resources on measures taken to improve the health of the Loomis state forest.
- (9) \$13,000 of the general fund--state appropriation is provided solely to pay a portion of the rent charged to nonprofit television reception improvement districts pursuant to chapter 294, Laws of 1994.
- (10) \$1,200,000 of the general fund--state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.
- (11) Up to \$572,000 of the general fund--state appropriation may be expended for the natural heritage program.
- (12) ~~\$(43,000,000,))~~ 13,600,000 of which ~~\$(5,000,000))~~ 1,600,000 is from the watershed restoration account appropriation, \$1,300,000 is from the wildlife account appropriation, \$2,500,000 is from the resource management cost account appropriation, \$500,000 is from the forest development account appropriation, ~~\$(2,000,000))~~ 6,000,000 is from the water quality account appropriation, and \$1,700,000 is from the general fund--federal appropriation, is provided solely for the jobs in the environment program and/or the watershed restoration partnership program.
  - (a) These funds shall be used to:
    - (i) Restore and protect watersheds in accordance with priorities established to benefit fish stocks in critical or depressed condition as determined by the watershed coordinating council;
    - (ii) Conduct watershed restoration and protection projects primarily on state lands in coordination with federal, local, tribal, and private sector efforts; and
    - (iii) Create market wage jobs in environmental restoration for displaced natural resource impact area workers, as defined under Second Substitute Senate Bill No. 5342 (rural natural resource impact areas).
  - (b) Except as provided in subsection (c) of this section, these amounts are solely for projects jointly selected by the department of natural resources and the department of fish and wildlife. Funds may be expended for planning, design, and engineering for projects that restore and protect priority watersheds identified by the watershed coordinating council and conform to priorities for fish stock recovery developed through watershed analysis conducted by the department of natural resources and the department of fish and wildlife. Funds expended shall be used for specific projects and not for on-going operational costs. Eligible projects include, but are not limited to, closure or improvement of forest roads, repair of culverts, clean-up of stream beds, removal of fish barriers, installation of fish screens, fencing of streams, and construction and planting of fish cover.
  - (c) The department of natural resources and the department of fish and wildlife, in consultation with the watershed coordinating council, the office of financial management, and other appropriate agencies, shall report to the appropriate committees of the legislature on January 1, 1996, and annually thereafter, on any expenditures made from these amounts and a plan for future use of the moneys provided in this subsection. The plan shall include a prioritized list of watersheds and future watershed projects. The plan shall also consider future funding needs, the availability of federal funding, and the integration and coordination of existing watershed and protection programs.
  - (d) All projects shall be consistent with any development regulations or comprehensive plans adopted under the growth management act for the project areas. No funds shall be expended to acquire land through condemnation.
  - (e) Funds from the wildlife account appropriation shall be available only to the extent that the department of fish and wildlife sells surplus property.
  - (f) Funds from the resource management cost account appropriation shall only be used for projects on trust lands. Funds from the forest development account shall only be used for projects on county forest board lands.
  - (g) Projects under contract as of June 1, 1995 will be given first priority.
- (13) \$3,662,000 of the forest development account appropriation is provided solely to prepare forest board lands for harvest. To the extent possible, the department shall use funds provided in this subsection to hire unemployed timber workers to perform silviculture activities, address forest health concerns, and repair damages on these lands.
- (14) \$375,000 of the water quality account appropriation is provided solely for a grant to the department of ecology for continuing the Washington conservation corps program in fiscal year 1997.
- (15) \$1,306,000 of the resource management cost account appropriation is provided solely for forest-health related management activities at the Loomis state forest.
- (16) \$363,000 of the natural resources conservation areas stewardship account appropriation is provided solely for site-based management of state-owned natural area preserves and natural resource conservation areas.

**Sec. 306.** 1995 2nd sp. s. c 18 s 312 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

General Fund--State Appropriation (FY 1996) \$ ((6,770,000))	7,100,000
General Fund--State Appropriation (FY 1997) \$ ((6,572,000))	7,157,000
General Fund--Federal Appropriation \$ ((4,278,000))	5,168,000
General Fund--Private/Local Appropriation \$ 406,000	
Aquatic Lands Enhancement Account	
Appropriation \$ 800,000	
Industrial Insurance Premium Refund Account	
Appropriation \$ 178,000	
State Toxics Control Account Appropriation \$ 1,088,000	
TOTAL APPROPRIATION \$ ((20,992,000))	21,897,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the general fund--state appropriation is provided solely for consumer protection activities of the department's weights and measures program. Moneys provided in this subsection may not be used for device inspection of the weights and measures program.

(2) \$142,000 of the general fund--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$100,000 of the general fund--state appropriation is provided solely for grasshopper and mormon cricket control.

(4) \$200,000 of the general fund--state appropriation is provided solely for the agricultural showcase.

(5) \$724,000 of the general fund--state appropriation and \$891,000 of the general fund--federal appropriation are provided solely to monitor and eradicate the Asian gypsy moth.

(6) \$71,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

NEW SECTION. Sec. 307. A new section is added 1995 2nd sp.s. c 18 (uncodified) to read as follows:

**FOR THE OFFICE OF MARINE SAFETY**

Oil Spill Administration Account Appropriation \$ 250,000

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the oil spill administration account appropriation is provided solely for the defense of the Intertanko litigation, *Intertanko v. Washington* (cause no. 951096c).

**PART IV  
TRANSPORTATION**

Sec. 401. 1995 2nd sp.s. c 18 s 401 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING**

General Fund Appropriation (FY 1996) \$ ((4,229,000))	4,336,000
General Fund Appropriation (FY 1997) \$ ((4,257,000))	4,399,000
Architects' License Account Appropriation \$ ((872,000))	899,000
Cemetery Account Appropriation \$ ((167,000))	177,000
Professional Engineers' Account	
Appropriation \$ ((2,235,000))	2,404,000
Real Estate Commission Account	
Appropriation \$ ((6,172,000))	6,247,000
Industrial Insurance Account Appropriation \$ 24,000	
Master License Account Appropriation \$ ((5,800,000))	6,131,000
Uniform Commercial Code Account	
Appropriation \$ ((4,929,000))	4,830,000
Real Estate Education Account	
Appropriation \$ 606,000	
Funeral Directors and Embalmers Account	
Appropriation \$ ((400,000))	369,000
TOTAL APPROPRIATION \$ ((29,667,000))	30,422,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$637,000 of the general fund appropriation is provided solely to implement sections 1001 through 1007 of Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(2) \$122,000 of the master license account appropriation is provided solely for the implementation of House Bill No. 2551 (limousine regulation). If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

Sec. 402. 1995 2nd sp.s. c 18 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE PATROL**

General Fund--State Appropriation (FY 1996) \$ ((7,198,000))	8,011,000
General Fund--State Appropriation (FY 1997) \$ ((7,883,000))	11,232,000
General Fund--Federal Appropriation \$ 1,035,000	

General Fund--Private/Local Appropriation	\$ 254,000	
Public Safety and Education Account		
Appropriation	\$ 4,492,000	
County Criminal Justice Assistance		
Appropriation	\$ 3,572,000	
Municipal Criminal Justice Assistance Account		
Appropriation	\$ 1,430,000	
Fire Services Trust Account Appropriation	\$ 90,000	
Fire Services Training Account Appropriation	\$ 1,740,000	
State Toxics Control Account Appropriation	\$ 425,000	
Violence Reduction and Drug Enforcement		
Account Appropriation	\$ 2,133,000	
	TOTAL APPROPRIATION	\$ ((30,252,000))
		<u>34,414,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Expenditures from the nonappropriated fingerprint identification account for the automation of pre-employment background checks for public and private employers and background checks for firearms dealers and firearm purchasers are subject to office of financial management approval of a completed feasibility study.
- (2) Expenditures from the county criminal justice assistance account appropriation and municipal criminal justice assistance account appropriation in this section shall be expended solely for enhancements to crime lab services.
- (3) The Washington state patrol shall report to the department of information services and office of financial management by October 30, 1995, on the implementation and financing plan for the state-wide integrated narcotics system.
- (4) \$300,000 of the violence reduction and drug enforcement account appropriation is provided solely for enhancements to the organized crime intelligence unit.
- (5) \$813,000 of the general fund--state fiscal year 1996 appropriation and \$3,247,000 of the general fund--state fiscal year 1997 appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 6272 (background checks for school employees). If the bill is not enacted by June 30, 1996, the amounts provided in this subsection shall lapse. Expenditures of the amounts specified in this subsection shall be expended at the following rate: As the state patrol initiates the fingerprint process on a school employee, sixty-six dollars shall be transferred from the amounts specified in this subsection into the fingerprint identification account. Upon completion of the background check, seven dollars of this amount shall be transferred by the state patrol to the superintendent of public instruction for final disposition of the records check.

#### PART V EDUCATION

**Sec. 501.** 1995 2nd sp.s. c 18 s 501 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION**

General Fund--State Appropriation (FY 1996)	\$ ((18,341,000))	<u>18,421,000</u>
General Fund--State Appropriation (FY 1997)	\$ ((17,819,000))	<u>37,689,000</u>
General Fund--Federal Appropriation	\$ 39,791,000	
Health Services Account Appropriation	\$ ((400,000))	<u>850,000</u>
Public Safety and Education Account		
Appropriation	\$ ((338,000))	<u>3,138,000</u>
Violence Reduction and Drug Enforcement Account		
Appropriation	\$ 3,122,000	
	TOTAL APPROPRIATION	\$ ((79,811,000))
		<u>103,011,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) AGENCY OPERATIONS
  - (a) \$770,000 of the general fund--state appropriation is provided solely for the operation and expenses of the state board of education, including basic education assistance activities.
  - (b) \$659,000 of the general fund--state appropriation is provided solely for investigation activities of the office of professional practices.
  - (c) \$1,700,000 of the general fund--state appropriation is provided solely to reprogram computer applications for collecting and processing school fiscal, personnel, and student data and for calculating apportionment payments and to upgrade agency computer hardware. A maximum of \$600,000 of this amount shall be used for computer hardware.
 

By December 15, 1995, and before implementation of a new state-wide data system, the superintendent shall present a plan to the house of representatives and senate education and fiscal committees which identifies state data base uses that could involve potentially sensitive data on students and parents. The plan shall detail methods that the superintendent shall employ internally and recommend to school organizations to insure integrity and proper use of data in any student data base, with particular attention to eliminating unnecessary and intrusive data about nonschool related information.
  - (d) ~~((The entire))~~ \$338,000 of the public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.
  - (e) The superintendent of public instruction shall develop standards and rules for disposal of surplus technology equipment accounting for proper depreciation and maximum benefit to the district from the disposal.
- (2) STATE-WIDE PROGRAMS
  - (a) \$2,174,000 of the general fund--state appropriation is provided for in-service training and educational programs conducted by the Pacific Science Center.
  - (b) \$63,000 of the general fund--state appropriation is provided for operation of the Cispus environmental learning center.
  - (c) \$2,654,000 of the general fund--state appropriation is provided for educational centers, including state support activities.
  - (d) \$3,093,000 of the general fund--state appropriation is provided for grants for magnet schools to be distributed as recommended by the superintendent of public instruction pursuant to chapter 232, section 516(13), Laws of 1992.

(e) \$4,370,000 of the general fund--state appropriation is provided for complex need grants. Grants shall be provided according to funding ratios established in LEAP Document 30C as developed on May 21, 1995, at 23:46 hours.

(f) \$3,050,000 of the drug enforcement and education account appropriation ~~((is))~~ and \$2,800,000 of the public safety and education account appropriation are provided solely for matching grants to enhance security in ~~((secondary))~~ schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in ~~((secondary))~~ schools during school hours and school events. Of the amount provided in this subsection, at least \$2,850,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(g) Districts receiving allocations from subsections (2) (d) and (e) of this section shall submit an annual report to the superintendent of public instruction on the use of all district resources to address the educational needs of at-risk students in each school building. The superintendent of public instruction shall make copies of the reports available to the office of financial management and the legislature.

(h) \$500,000 of the general fund--federal appropriation is provided for plan development and coordination as required by the federal goals 2000: Educate America Act. The superintendent shall collaborate with the commission on student learning for the plan development and coordination and submit quarterly reports on the plan development to the education committees of the legislature.

(i) ~~\$(400,000))~~ 850,000 of the health services account appropriation is provided solely for media productions by students ~~((at up to 40 sites))~~ to focus on issues and consequences of teenage pregnancy and child rearing. The projects shall be consistent with the provisions of Engrossed Second Substitute House Bill No. 2798 as passed by the 1994 legislature, including a local/private or public sector match equal to fifty percent of the state grant; and shall be awarded to schools or consortia not granted funds in 1993-94. \$450,000 of this amount is for costs of new projects not funded in the 1995-96 school year.

(j) \$7,000 of the general fund--state appropriation is provided to the state board of education to establish teacher competencies in the instruction of braille to legally blind and visually impaired students.

(k) \$50,000 of the general fund--state appropriation is provided solely for matching grants to school districts for analysis of budgets for classroom-related activities as specified in chapter 230, Laws of 1995.

(l) \$3,050,000 of the general fund--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth). Of that amount, \$50,000 is provided for a contract in fiscal year 1996 to the Washington state institute for public policy to conduct an evaluation and review as outlined in section 81 of Engrossed Second Substitute Senate Bill No. 5439. Allocation of the remaining amount shall be based on the number of petitions filed in each district.

(m) \$300,000 of the general fund--state appropriation is provided for alcohol and drug prevention programs pursuant to RCW 66.08.180.

(n) \$1,500,000 of the general fund--state appropriation is provided for implementation of Engrossed Second Substitute House Bill No. 2909 (reading literacy). Of this amount: (i) \$100,000 is for the center for the improvement of student learning's activities related to identifying effective reading programs, providing information on effective reading programs, and developing training programs for educators on effective reading instruction and assessment; (ii) \$500,000 is for grants as specified in section 2 of the bill to provide incentives for the use of the effective reading programs; and (iii) \$900,000 is for reading instruction and reading assessment training programs for educators as specified in section 3 of the bill.

(o) \$5,000,000 of the general fund--state appropriation is provided to update high-technology vocational education equipment in the 1996-97 school year. Of this amount, \$303,000 shall be allocated to skill centers. The superintendent shall allocate the remaining funds at a maximum rate of \$91.46 per full-time equivalent vocational education student excluding skill center students. The funds shall be allocated prior to June 30, 1997.

(p) \$10,000,000 of the general fund--state appropriation is provided solely for technology grants to school districts and for per diem and travel costs of the technology education committee for school years 1995-96 and 1996-97. A district is eligible for a grant if it either has ongoing programs emphasizing specific approaches to learning assisted by technology or it is identified by the center for the improvement of student learning based on best practices; and

(i) The district is part of a consortium, of at least two school districts, formed to pool resources to maximize technology related acquisitions, to start up new programs or new staff development, and to share advantages of the consortium with other districts;

(ii) The district will match state funds, on an equal value basis, with a combination of:

(A) Contributions through partnerships with technology companies, educational service districts, institutions of higher education, community and technical colleges, or any other organization with expertise in applications of technology to learning which are willing to assist school districts in applying technology to the learning process through in-kind assistance; and

(B) School district funds; and

(iii) The district has plans and means for evaluating the improvement in student learning resulting from the technology-based strategies of the district.

To the extent that funds are available, school districts that meet the criteria of this subsection shall be provided grants under this subsection in the order they are prioritized by the technology education committee and for no more than \$600 per student in the proposed program.

The superintendent of public instruction shall appoint a technology education committee to develop an application and review process for awarding the technology grants established in this subsection. The committee shall be appointed by the superintendent and shall consist of five representatives from technology companies, five technology coordinators representing educational service districts, and five school district representatives. Committee members shall serve without additional compensation but shall be eligible for per diem and mileage allowances pursuant to RCW 43.03.050 and 43.03.060. The superintendent shall award the first round of technology grants based on the recommendation of the technology education committee by July 1, 1996. No more than fifty percent of funds provided in this appropriation shall be allocated in the first round of awards.

(q) \$2,000,000 of the general fund--state appropriation is provided for start-up grants to establish alternative programs for students who have been truant, suspended, or expelled or are subject to other disciplinary actions in accordance with section 10 of Substitute House Bill No. 2640 (changing truancy provisions).

(r) \$50,000 of the general fund--state appropriation is provided solely for allocation to the primary coordinators of the state geographic alliance for the purpose of improving the teaching of geography in the common school system.

(s) \$100,000 of the general fund--state appropriation is provided solely for a contract for a feasibility analysis and implementation plan to provide the resources of a skill center for students in the area served by the north central educational service district.

(t) \$1,000,000 of the general fund--state appropriation is provided for conflict resolution and anger management training.

Sec. 502. 1995 2nd sp. s. c 18 s 502 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT (BASIC EDUCATION)**

General Fund Appropriation (FY 1996) \$ ~~3,174,826,000~~)

3,166,013,000

General Fund Appropriation (FY 1997) \$ ~~3,284,918,000~~)

3,261,992,000

TOTAL APPROPRIATION \$ ~~6,459,744,000~~)

6,428,005,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) Allocations for certificated staff salaries for the 1995-96 and 1996-97 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3; and

(iii) An additional 5.3 certificated instructional staff units for grades K-3. Any funds allocated for these additional certificated units shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iii) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio equal to or greater than 54.3 certificated instructional staff per thousand full-time equivalent students in grades K-3. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-3 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-3 may dedicate up to 1.3 of the 54.3 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-3. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio equal to or greater than 54.3 certificated instructional staff per thousand full-time equivalent students in grades K-3 may use allocations generated under this subsection (2)(a)(iii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 4-6. Funds allocated under this subsection (2)(a)(iii) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants; and

(iv) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c) On the basis of full-time equivalent enrollment in:

(i) Vocational education programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 18.3 full-time equivalent vocational students;

(ii) Skills center programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students; and

(iii) Indirect cost charges to vocational-secondary programs shall not exceed 10 percent;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1995-96 and 1996-97 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 20.71 percent in the 1995-96 school year and 20.71 percent in the 1996-97 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 18.77 percent in the 1995-96 school year and 18.77 percent in the 1996-97 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent;

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$7,656 per certificated staff unit in the 1995-96 school year and a maximum of ~~\$(7,893)~~ 7,786 per certificated staff unit in the 1996-97 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$14,587 per certificated staff unit in the 1995-96 school year and a maximum of ~~\$(15,039)~~ 14,835 per certificated staff unit in the 1996-97 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$341 for the 1995-96 school year and \$341 per year for the 1996-97 school year (~~per~~ per allocated classroom teacher~~(s)~~ excluding salary adjustments made in section 504 of this act). Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1994-95 school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of ~~\$(3,422,000)~~ 5,820,000 outside the basic education formula during fiscal years 1996 and 1997 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$431,000 may be expended in fiscal year 1996 and a maximum of \$444,000 may be expended in fiscal year 1997;

(b) For summer vocational programs at skills centers, a maximum of \$1,938,000 may be expended in ~~(the 1995-96 school year)~~ fiscal year 1996 and a maximum of \$1,948,000 may be expended in fiscal year 1997; ~~(and)~~

(c) A maximum of \$309,000 may be expended for school district emergencies; and

(d) A maximum of \$250,000 may be expended for fiscal year 1996 and a maximum of \$500,000 may be expended for fiscal year 1997 for programs providing skills training for secondary students who are at risk of academic failure or who have dropped out of school and are enrolled in the extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(10) For the purposes of RCW 84.52.0531, the increase per full-time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 2.2 percent from the 1994-95 school year to the 1995-96 school year, and ~~((1-5))~~ 1.3 percent from the 1995-96 school year to the 1996-97 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2) (b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2) (a) through (h) of this section shall be reduced in increments of twenty percent per year.

**Sec. 503.** 1995 2nd sp. s. c 18 s 503 (uncodified) is amended to read as follows:

#### **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION**

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) For the 1995-96 school year, salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12C, by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1A; ((and))

(b) For the 1996-97 school year, salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12C, by the district's average staff mix factor for basic education certificated instructional staff and special education certificated instructional staff for that year, computed using LEAP Document 1A; and

(c) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12C.

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100;

(b) "LEAP Document 1A" means the computerized tabulation establishing staff mix factors for ~~((basic education))~~ certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:35 hours; and

(c) "LEAP Document 12C" means the computerized tabulation of 1995-96 and 1996-97 school year salary allocations for basic education certificated administrative staff and basic education classified staff and derived base salaries for basic education certificated instructional staff as developed by the legislative evaluation and accountability program committee on May 21, 1995, at 23:35 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 20.07 percent for certificated staff and 15.27 percent for classified staff for both years of the biennium.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

#### STATE-WIDE SALARY ALLOCATION SCHEDULE FOR SCHOOL YEARS 1995-96 AND 1996-97

Years of  
Service BA BA+ 15 BA+ 30 BA+ 45 BA+ 90

0	22,282	22,884	23,508	24,131	26,137
1	23,012	23,633	24,277	24,942	27,007
2	23,757	24,398	25,060	25,790	27,889
3	24,539	25,200	25,881	26,651	28,787
4	25,336	26,037	26,738	27,549	29,740
5	26,169	26,889	27,609	28,482	30,709
6	27,037	27,754	28,515	29,450	31,710
7	27,919	28,654	29,434	30,429	32,745
8	28,814	29,590	30,388	31,465	33,813
9	30,559	31,396	32,512	34,915	
10	32,417	33,613	36,048		
11		34,746	37,235		
12		35,843	38,452		
13			39,700		
14			40,955		
15 or more			42,020		

Years of MA+ 90  
Service BA+ 135 MA MA+ 45 or PHD

0	27,429	26,715	28,720	30,012
1	28,316	27,526	29,590	30,899
2	29,238	28,374	30,472	31,820
3	30,195	29,235	31,370	32,779
4	31,188	30,133	32,324	33,771
5	32,214	31,065	33,292	34,797
6	33,253	32,033	34,294	35,837
7	34,347	33,013	35,329	36,931
8	35,473	34,048	36,397	38,057
9	36,632	35,095	37,499	39,215
10	37,822	36,196	38,632	40,405
11	39,044	37,329	39,818	41,627
12	40,316	38,508	41,036	42,900
13	41,620	39,726	42,284	44,203
14	42,972	40,981	43,619	45,556
15 or more	44,089	42,046	44,753	46,740

(b) As used in this subsection, the column headings "BA+ (N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+ (N)" refer to the total of:

- (i) Credits earned since receiving the masters degree; and
- (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

- (a) "BA" means a baccalaureate degree.
- (b) "MA" means a masters degree.
- (c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1994-95 school year.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 or as hereafter amended.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

- (a) The employee has a masters degree; or
- (b) The credits were used in generating state salary allocations before January 1, 1992.

(7)(a) Credits earned by certificated instructional staff after September 1, 1995, shall be counted only if the content of the course: (i) Is consistent with the school district's strategic plan for improving student learning; (ii) is consistent with a school-based plan for improving student learning developed under section 520(2) of this act for the school in which the individual is assigned; (iii) pertains to the individual's current assignment or expected assignment for the following school year; (iv) is necessary for obtaining an endorsement as prescribed by the state board of education; (v) is specifically required for obtaining advanced levels of certification; or (vi) is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certificated instructional staff.

(b) Once credits earned by certificated instructional staff have been determined to meet one or more of the criteria in (a) of this subsection, the credits shall be counted even if the individual transfers to other school districts.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

Sec. 504. 1995 2nd sp.s. c 18 s 504 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund Appropriation (FY 1996) \$ ~~((96,500,000))~~

96,201,000

General Fund Appropriation (FY 1997) \$ ~~((123,377,000))~~

122,763,000

TOTAL APPROPRIATION \$ ~~((219,877,000))~~

218,964,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$(218,748,000)~~ 217,835,000 is provided for cost of living adjustments of 4.0 percent effective September 1, 1995, for state-formula staff units. The appropriation includes associated incremental fringe benefit allocations for both years at rates 20.07 percent for certificated staff and 15.27 percent for classified staff.

(a) The appropriation in this section includes the increased portion of salaries and incremental fringe benefits for all relevant state funded school programs in PART V of this act. Salary adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in the Special Appropriations sections of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 503 of this act.

(b) The appropriation in this section provides salary increase and incremental fringe benefit allocations for the following programs based on formula adjustments as follows:

(i) For pupil transportation, an increase of \$0.77 per weighted pupil-mile for the 1995-96 school year and maintained for the 1996-97 school year;

(ii) For learning assistance, an increase of \$11.24 per eligible student for the 1995-96 school year and maintained for the 1996-97 school year;

(iii) For education of highly capable students, an increase of \$8.76 per formula student for the 1995-96 school year and maintained for the 1996-97 school year; and

(iv) For transitional bilingual education, an increase of \$22.77 per eligible bilingual student for the 1995-96 school year and maintained for the 1996-97 school year.

(2) The maintenance rate for insurance benefits shall be \$313.95 for the 1995-96 school year and \$314.51 for the 1996-97 school year. Funding for insurance benefits is included within appropriations made in other sections of Part V of this act.

(3) Effective September 1, 1995, a maximum of \$1,129,000 is provided for a 4 percent increase in the state allocation for substitute teachers in the general apportionment programs.

(4) The rates specified in this section are subject to revision each year by the legislature.

Sec. 505. 1995 2nd sp. s. c 18 s 506 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION**  
General Fund Appropriation (FY 1996) \$ ~~((155,970,000))~~

154,391,000

General Fund Appropriation (FY 1997) \$ ~~((164,511,000))~~

174,362,000

TOTAL APPROPRIATION \$ ~~((320,481,000))~~

328,753,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) A maximum of \$1,347,000 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district. The 1994 travel time to contiguous school district study shall be continued and a report submitted to the fiscal committees of the legislature by December 1, 1995.

(3) A maximum of \$40,000 is provided to complete the computerized state map project containing school bus routing information. This information and available data on school buildings shall be consolidated. Data formats shall be compatible with the geographic information system (GIS) and included insofar as possible in the GIS system.

(4) \$180,000 is provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(5) Beginning with the 1995-96 school year, the superintendent of public instruction shall implement a state bid process for the purchase of school buses pursuant to Engrossed Substitute Senate Bill No. 5408.

(6) Of this appropriation, a maximum of ~~\$(8,807,000)~~ 8,963,000 may be allocated in the 1995-96 school year ~~((and a maximum of \$8,894,000 may be allocated in the 1996-97 school year))~~ for hazardous walking conditions. The superintendent shall ensure that the conditions specified in RCW 28A.160.160(4) for state funding of hazardous walking conditions for any district are fully and strictly adhered to, and that no funds are allocated in any instance in which a district is not actively and to the greatest extent possible engaged in efforts to mitigate hazardous walking conditions.

(7) For the 1996-97 school year, a maximum of \$13,546,000 may be allocated for transportation services in accordance with Senate Bill No. 6684 (student safety to and from school). A district's allocation shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile from their assigned school multiplied by 1.29. "Enrolled students in grades kindergarten through five" for purposes of this section means the number of kindergarten through five students, living within one radius mile, who are enrolled during the week that each district's bus ridership count is taken.

(8) The minimum load factor in the operations formula shall be calculated based on all students transported to and from school.

(9) For the 1996-97 school year, the superintendent of public instruction shall revise the expected bus lifetimes used for determining bus reimbursement payments in the following manner:

(a) The twenty-year bus category shall be reduced to eighteen years; and

(b) The fifteen-year bus category shall be reduced to thirteen years.

Sec. 506. 1995 2nd sp. s. c 18 s 508 (uncodified) is amended to read as follows:

**SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS**  
General Fund--State Appropriation (FY 1996) \$ ~~((380,179,000))~~

379,771,000

General Fund--State Appropriation (FY 1997) \$ ~~((373,289,000))~~

368,149,000

General Fund--Federal Appropriation \$ 98,684,000

TOTAL APPROPRIATION \$ ~~((852,152,000))~~

846,604,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) In recognition of the need for increased flexibility at the local district level to facilitate the provision of appropriate education to children ~~((with disabilities))~~ in need of special education, and the need for substantive educational reform for a significant portion of the school population, the funding formula for special education is modified. These changes result from a 1994 study and recommendations by the institute for public policy and the legislative budget committee, aided by the office of the superintendent of public instruction and the statewide task force for the development of special education funding alternatives. The new formula is for allocation purposes only and is not

intended to prescribe or imply any particular pattern of special education service delivery other than that contained in a properly formulated, locally determined, individualized education program.

(3) The superintendent of public instruction shall distribute state funds to school districts based on two categories, the mandatory special education program for special education students ages three to twenty-one and the optional birth through age two program for developmentally delayed infants and toddlers. The superintendent shall review current state eligibility criteria for the fourteen special education categories and consider changes which would reduce assessment time and administrative costs associated with the special education program.

(4) For the 1995-96 and 1996-97 school years, the superintendent shall distribute state funds to each district based on the sum of:  
(a) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, times the district's average basic education allocation per full-time equivalent student, times 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment times the enrollment percent, times the district's average basic education allocation per full-time equivalent student times 0.9309.

(5) The definitions in this subsection apply throughout this section.

(a) "Average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 (i.e., 49/1000 certificated instructional staff in grades K-3, and 46/1000 in grades 4-12), and shall not include enhancements for K-3, secondary vocational education, or small schools.

(b) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(c) "Enrollment percent" shall mean the district's resident special education annual average enrollment including those students counted under the special education demonstration projects, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment. For the 1995-96 and the 1996-97 school years, each district's enrollment percent shall be:

(i) For districts whose enrollment percent for 1994-95 was at or below 12.7 percent, the lesser of the district's actual enrollment percent for the school year for which the allocation is being determined or 12.7 percent.

(ii) For districts whose enrollment percent for 1994-95 was above 12.7 percent, the lesser of:

(A) The district's actual enrollment percent for the school year for which the special education allocation is being determined; or

(B) The district's actual enrollment percent for the school year immediately prior to the school year for which the special education allocation is being determined if not less than 12.7 percent; or

(C) For 1995-96, the 1994-95 enrollment percent reduced by 25 percent of the difference between the district's 1994-95 enrollment percent and 12.7. For 1996-97, the 1994-95 enrollment percent reduced by 50 percent of the difference between the district's 1994-95 enrollment percent and 12.7.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be 12.7, and shall be calculated in the aggregate rather than individual district units. For purposes of subsection (5) of this section, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) A minimum of \$4.5 million of the general fund--federal appropriation shall be expended for safety net funding to meet the extraordinary needs of individual special education students.

~~((7))~~ (8) From the general fund--state appropriation, \$14,600,000 is provided for the 1995-96 school year, and ~~\$(19,575,000))~~ 15,850,000 for the 1996-97 school year, for safety net purposes for districts with demonstrable funding needs for special education beyond the combined amounts provided in subsection (4) of this section. The superintendent of public instruction shall, by rule, establish procedures and standards for allocation of safety net funds. In the 1995-96 school year, school districts shall submit their requests for safety net funds to the appropriate regional committee established by the superintendent of public instruction. Regional committees shall make recommendations to the state oversight committee for approval. For the 1996-97 school year, requests for safety net funds under this subsection shall be submitted to the state oversight committee. The following conditions and limitations shall be applicable to school districts requesting safety net funds:

(a) For a school district requesting state safety net funds due to special characteristics of the district and costs of providing services which differ significantly from the assumptions contained in the funding formula, the procedures and standards shall permit relief only if a district can demonstrate at a minimum that:

(i) Individualized education plans are appropriate and are properly and efficiently prepared and formulated;

(ii) The district is making a reasonable effort to provide appropriate program services for special education students utilizing state funds generated by the apportionment and special education funding formulas;

(iii) The district's programs are operated in a reasonably efficient manner and that the district has adopted a plan of action to contain or eliminate any unnecessary, duplicative, or inefficient practices;

(iv) Indirect costs charged to this program do not exceed the allowable percent for the federal special education program;

(v) Any available federal funds are insufficient to address the additional needs; and

(vi) The costs of any supplemental contracts are not charged to this program for purposes of making these determinations.

(b) For districts requesting safety net funds due to federal maintenance of effort requirements, as a result of changes in the state special education formula, the procedures and standards shall permit relief only if a district can demonstrate at a minimum that:

(i) Individualized education plans are appropriate and are properly and efficiently prepared and formulated; and

(ii) The district is making a reasonable effort to provide appropriate program services for special education students utilizing state funds generated by the apportionment and special education funding formulas(~~and~~

~~(iii) Calculations made in accordance with subsection (8) of this section with respect to state fund allocations justify a need for additional funds for compliance with federal maintenance of effort requirements)).~~

(c) For districts requesting safety net funds due to federal maintenance of effort requirements as a result in changes in the state special education formula, amounts provided for this purpose shall be calculated by the superintendent of public instruction and adjusted periodically based on the most current information available to the superintendent. The amount provided shall not exceed the lesser of:

(i) The district's 1994-95 state excess cost allocation for resident special education students minus the relevant school year's state special education formula allocation;

(ii) The district's 1994-95 state excess cost allocation per resident special education student times the number of formula funded special education students for the relevant school year minus the relevant school year's special education formula allocation;

(iii) The amount requested by the district; or

(iv) The amount awarded by the state oversight committee.

~~((8))~~ (9)(a) For purposes of making safety net determinations pursuant to subsection ~~((7))~~ (8) of this section, the superintendent shall make available to each school district, from available data, prior to June 1st of each year:

(i) The district's 1994-95 enrollment percent;

(ii) For districts with a 1994-95 enrollment percent over 12.7 percent, the maximum 1995-96 enrollment percent, and prior to 1996-97 the maximum 1996-97 enrollment percent;

(iii) The estimate to be used for purposes of subsection ~~((7))~~ (8) of this section of each district's 1994-95 special education allocation showing the excess cost and the basic education portions; and

(iv) If necessary, a process for each district to estimate the 1995-96 school year excess cost allocation for special education and the portion of the basic education allocation formerly included in the special education allocation. This process may utilize the allocations generated pursuant to subsection (4) of this section, each district's 1994-95 estimated basic education backout percent for the 1994-95 school year, and state compensation increases for 1995-96.

(b) The superintendent, in consultation with the state auditor, shall take all necessary steps to successfully transition to the new formula and minimize paperwork at the district level associated with federal maintenance of effort calculations. The superintendent shall develop such rules and procedures as are necessary to implement this process for the 1995-96 school year, and may use the same process ~~((for the 1996-97 school year if found necessary for federal maintenance of effort calculations)).~~

~~((9))~~ (10) Prior to adopting any standards, procedures, or processes required to implement this section, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

~~((40))~~ (11) Membership of the regional committees, in the 1995-96 school year, may include, but not be limited to:

(a) A representative of the superintendent of public instruction;

(b) One or more representatives from school districts including board members, superintendents, special education directors, and business managers; and

(c) One or more staff from an educational service district.

~~((44))~~ (12) The state oversight committee appointed by the superintendent of public instruction shall consist of:

(a) Staff of the office of superintendent of public instruction;

(b) Staff of the office of the state auditor;

(c) Staff from the office of the financial management; and

(d) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

~~((42))~~ (13) The institute for public policy, in cooperation with the superintendent of public instruction, the office of financial management, and the fiscal committees of the legislature, shall evaluate the operation of the safety nets under subsections ~~((6))~~ (7) and ~~((7))~~ (8) of this section and shall prepare an interim report by December 15, 1995, and a final report on the first school year of operation by October 15, 1996.

~~((43))~~ (14) A maximum of \$678,000 may be expended from the general fund--state appropriation to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

~~((44))~~ (15) \$1,000,000 of the general fund--federal appropriation is provided solely for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

~~((45))~~ (16) Not more than \$80,000 of the general fund--federal appropriation shall be expended for development of an inservice training program to identify students with dyslexia who may be in need of special education.

(17) A maximum of \$933,600 of the general fund--state appropriation in fiscal year 1996 and a maximum of \$933,600 of the general fund--state appropriation for fiscal year 1997 may be expended for state special education coordinators housed at each of the educational service districts. Employment and functions of the special education coordinators shall be determined in consultation with the superintendent of public instruction.

Sec. 507. 1995 2nd sp.s. c 18 s 509 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS**

Public Safety and Education Account

Appropriation \$ ((17,488,000))

16,928,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) A maximum of \$507,000 shall be expended for regional traffic safety education coordinators.

(3) The maximum basic state allocation per student completing the program shall be \$137.16 in the 1995-96 and 1996-97 school years.

(4) Additional allocations to provide tuition assistance for students from low-income families who complete the program shall be a maximum of \$66.81 per eligible student in the 1995-96 and 1996-97 school years.

Sec. 508. 1995 2nd sp.s. c 18 s 510 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund Appropriation (FY 1996) \$ ((4,411,000))

4,491,000

General Fund Appropriation (FY 1997) \$ 4,410,000

TOTAL APPROPRIATION \$ ((8,821,000))

8,901,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$225,000 of the general fund appropriation is provided solely for student teaching centers as provided in RCW 28A.415.100.

(3) \$360,000 of the general fund appropriation is provided solely to continue implementation of chapter 109, Laws of 1993 (collaborative development school projects).

(4) A maximum of \$350,000 may be expended for centers for improvement of teaching pursuant to RCW 28A.415.010.

(5) \$80,000 is provided solely for allocation to educational service district no. 121 for dyslexia training services provided to teachers in the Tacoma school districts by a nonprofit organization with expertise in this field.

Sec. 509. 1995 2nd sp.s. c 18 s 511 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE**

General Fund Appropriation (FY 1996) \$ ((75,408,000))

76,871,000

General Fund Appropriation (FY 1997) \$ ((79,592,000))

82,806,000

TOTAL APPROPRIATION \$ ((155,000,000))

159,677,000

Sec. 510. 1995 2nd sp.s. c 18 s 513 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATION OF INDIAN CHILDREN**

General Fund--Federal Appropriation \$ ((370,000))

55,000

Sec. 511. 1995 2nd sp.s. c 18 s 514 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 1996) \$ ((15,417,000))	<u>15,798,000</u>
General Fund--State Appropriation (FY 1997) \$ ((15,795,000))	<u>17,928,000</u>
General Fund--Federal Appropriation \$ 8,548,000	
TOTAL APPROPRIATION \$ ((39,760,000))	<u>42,274,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution and other state funding assumptions shall be those specified in the legislative budget notes.

**Sec. 512.** 1995 2nd sp.s. c 18 s 515 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund Appropriation (FY 1996) \$ ((4,254,000))	<u>4,200,000</u>
General Fund Appropriation (FY 1997) \$ ((4,277,000))	<u>4,254,000</u>
TOTAL APPROPRIATION \$ ((8,531,000))	<u>8,454,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) Allocations for school district programs for highly capable students shall be distributed for up to one and one-half percent of each district's full-time equivalent basic education act enrollment.

(3) \$436,000 of the appropriation is for the Centrum program at Fort Worden state park.

**Sec. 513.** 1995 2nd sp.s. c 18 s 516 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS**

General Fund--State Appropriation (FY 1996) \$ ((17,904,000))	<u>16,715,000</u>
General Fund--State Appropriation (FY 1997) \$ ((18,062,000))	<u>19,251,000</u>
General Fund--Federal Appropriation \$ 12,500,000	
TOTAL APPROPRIATION \$ 48,466,000	

The appropriation in this section is subject to the following conditions and limitations:

~~(1) ((3,819,000 of the general fund--state appropriation is provided solely for the operation of the commission on student learning under RCW 28A.630.883 through 28A.630.953. The commission on student learning shall report on a regular basis regarding proposed activities and expenditures of the commission.~~

~~(2) \$4,890,000 of the general fund--state appropriation and \$800,000 of the general fund--federal appropriation are provided solely for development of assessments as required in RCW 28A.630.885 as amended by House Bill No. 1249.~~

~~((3)) \$8,709,000 of the general fund--state appropriation and \$800,000 of the general fund--federal appropriation are provided for the operation of the commission on student learning and development of assessments. The commission shall report on a regular basis regarding proposed activities and expenditures to the education and fiscal committees of the legislature. The fiscal year splits assumed in calculating the appropriation in this subsection reflect the timelines of Substitute House Bill No. 2695.~~

~~(2) \$2,190,000 of the general fund--state appropriation is provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.~~

~~((4)) (3) \$2,970,000 of the general fund--state appropriation is provided for school-to-work transition projects in the common schools, including state support activities, under RCW 28A.630.861 through 28A.630.880.~~

~~((5)) (4) \$2,970,000 of the general fund--state appropriation is provided for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260. Funds for the teacher assistance program shall be allocated to school districts based on the number of beginning teachers.~~

~~((6)) (5) \$1,620,000 of the general fund--state appropriation is provided for superintendent and principal internships, including state support activities, under RCW 28A.415.270 through 28A.415.300.~~

~~((7)) (6) \$4,050,000 of the general fund--state appropriation is provided for improvement of technology infrastructure, the creation of a student database, and educational technology support centers, including state support activities, under chapter 28A.650 RCW.~~

~~((8)) (7) \$7,200,000 of the general fund--state appropriation is provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.~~

~~((9)) (8) \$5,000,000 of the general fund--state appropriation is provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155 and shall be distributed as follows:~~

~~(a) \$442,000 is provided solely for start-up grants for schools not eligible for federal start-up grants and for summer food service programs; and~~

~~(b) \$4,558,000 of the general fund--state appropriation is provided solely to increase the state subsidy for free and reduced-price breakfasts.~~

~~((10)) (9) \$1,260,000 of the general fund--state appropriation is provided for technical assistance related to education reform through the office of the superintendent of public instruction, in consultation with the commission on student learning, as specified in RCW 28A.300.130 (center for the improvement of student learning).~~

~~((11)) (10) \$1,700,000 of the general fund--federal appropriation is provided for professional development grants.~~

~~((12)) (11) \$10,000,000 of the general fund--federal appropriation is provided solely for competitive grants to school districts for implementation of education reform. To the extent that additional federal goals 2000 funds become available, the superintendent shall also allocate such additional funds for the same purpose.~~

**Sec. 514.** 1995 2nd sp.s. c 18 s 518 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund Appropriation (FY 1996) \$ ((27,286,000))

General Fund Appropriation (FY 1997) \$ ((29,566,000))	<u>26,378,000</u>
	<u>28,432,000</u>
TOTAL APPROPRIATION \$ ((56,852,000))	<u>54,810,000</u>

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.
- (2) The superintendent shall distribute a maximum of \$623.21 per eligible bilingual student in the 1995-96 school year and \$623.31 in the 1996-97 school year.

Sec. 515. 1995 2nd sp. s. c 18 s 519 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund Appropriation (FY 1996) \$ ((56,293,000))	<u>56,417,000</u>
General Fund Appropriation (FY 1997) \$ ((57,807,000))	<u>58,210,000</u>
TOTAL APPROPRIATION \$ ((114,100,000))	<u>114,627,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.
- (2) For making the calculation of the percentage of students scoring in the lowest quartile as compared with national norms, beginning with the 1991-92 school year, the superintendent shall multiply each school district's 4th and 8th grade test results by 0.86.
- (3) Funding for school district learning assistance programs shall be allocated at a maximum rate of \$366.74 per unit for the 1995-96 school year and a maximum of \$366.81 per unit in the 1996-97 school year. School districts may carryover up to 10 percent of funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.
  - (a) A school district's units for the 1995-96 school year shall be the sum of the following:
    - (i) The 1995-96 full-time equivalent enrollment in kindergarten through 6th grade, times the 5-year average 4th grade test result as adjusted pursuant to subsection (2) of this section, times 0.96; and
    - (ii) The 1995-96 full-time equivalent enrollment in grades 7 through 9, times the 5-year average 8th grade test result as adjusted pursuant to subsection (2) of this section, times 0.96; and
    - (iii) If the district's percentage of October 1994 headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeds the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's 1995-96 K-12 annual average full-time equivalent enrollment times 11.68 percent.
  - (b) A school district's units for the 1996-97 school year shall be the sum of the following:
    - (i) The 1996-97 full-time equivalent enrollment in kindergarten through 6th grade, times the 5-year average 4th grade test result as adjusted pursuant to subsection (2) of this section, times 0.92; and
    - (ii) The 1996-97 full-time equivalent enrollment in grades 7 through 9, times the 5-year average 8th grade test result as adjusted pursuant to subsection (2) of this section, times 0.92; and
    - (iii) If the district's percentage of October 1995 headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeds the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's 1996-97 K-12 annual average full-time equivalent enrollment times 22.30 percent.

Sec. 516. 1995 2nd sp. s. c 18 s 520 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL ENHANCEMENT FUNDS**

General Fund Appropriation (FY 1996) \$ ((57,126,000))	<u>56,846,000</u>
General Fund Appropriation (FY 1997) \$ ((58,429,000))	<u>58,123,000</u>
TOTAL APPROPRIATION \$ ((115,555,000))	<u>114,969,000</u>

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.
- (2) School districts receiving moneys pursuant to this section shall expend at least fifty-eight percent of such moneys in school buildings for building based planning, staff development, and other activities to improve student learning, consistent with the student learning goals in RCW 28A.150.210 and RCW 28A.630.885. Districts receiving the moneys shall have a policy regarding the involvement of school staff, parents, and community members in instructional decisions. Each school using the moneys shall, by the end of the 1995-96 school year, develop and keep on file a building plan to attain the student learning goals and essential academic learning requirements and to implement the assessment system as it is developed. The remaining forty-two percent of such moneys may be used to meet other educational needs as identified by the school district. Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder, nor shall such funding constitute levy reduction funds for purposes of RCW 84.52.0531.
  - (3) Forty-two percent of the allocations to school districts shall be calculated on the basis of full-time enrollment at an annual rate per student of up to \$26.30 for the 1995-96 and 1996-97 school years. For school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:
    - (a) Enrollment of not more than 60 average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;
    - (b) Enrollment of not more than 20 average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and
    - (c) Enrollment of not more than 60 average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.
  - (4) Fifty-eight percent of the allocations to school districts shall be calculated on the basis of full-time enrollment at an annual rate per student of up to \$36.69 for the 1995-96 and 1996-97 fiscal years. The state schools for the deaf and the blind may qualify for allocations of funds under this subsection. For school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:
    - (a) Enrollment of not more than 60 average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;
    - (b) Enrollment of not more than 20 average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and
    - (c) Enrollment of not more than 60 average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.

(5) Beginning with the 1995-96 school year, to provide parents, the local community, and the legislature with information on the student learning improvement block grants, schools receiving funds for such purpose shall include, in the annual performance report required in RCW 28A.320.205, information on how the student learning improvement block grant moneys were spent and what results were achieved. Each school district shall submit the reports to the superintendent of public instruction and the superintendent shall provide the legislature with an annual report.

(6) Receipt by a school district of one-fourth of the district's allocation of funds under this section, shall be conditioned on a finding by the superintendent that the district is enrolled as a medicaid service provider and is actively pursuing federal matching funds for medical services provided through special education programs, pursuant to RCW 74.09.5241 through 74.09.5256 (Title XIX funding).

**PART VI  
HIGHER EDUCATION**

**Sec. 601.** 1995 2nd sp. s. c 18 s 601 (uncodified) is amended to read as follows:

The appropriations in sections 603 through 609 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 603 through 609 of this act.

(2) Operating resources that are not used to meet authorized salary increases and other mandated expenses shall be invested in measures that (a) reduce the time-to-degree, (b) provide additional access to postsecondary education, (c) improve the quality of undergraduate education, (d) provide improved access to courses and programs that meet core program requirements and are consistent with needs of the state labor market, (e) provide up-to-date equipment and facilities for training in current technologies, (f) expand the integration between the K-12 and postsecondary systems and among the higher education institutions, (g) provide additional access to postsecondary education for place-bound and remote students, and (h) improve teaching and research capability through the funding of distinguished professors. ~~(The institutions shall establish, in consultation with the board, measurable goals for increasing the average scheduled course contact hours by type of faculty, and shall report to the appropriate policy and fiscal committees of the legislature each December 1st as to performance on such goals.)~~ The public baccalaureate institutions shall report each academic year to the higher education coordinating board, in a format agreed to by the board, average scheduled course contact hours by type of faculty. The faculties and administrations at the public higher education institutions of the state must take action and share with the legislature the responsibility in meeting the increased demands on higher education. The legislature finds that a focus on educational outcomes provides the most effective means of addressing those demands. Therefore, the institutions shall use a portion of the funds provided in sections 603 through 609 of this act for learning productivity improvements to implement the institutional recommendations to shorten the time-to-degree and improve graduation rates as submitted to the higher education coordinating board in accordance with RCW 28B.10.692. By February 28, 1997, the institutions shall provide the legislature with two-year goals for improvements in graduation rates and the time-to-degree or time-to-certification.

To reduce the time it takes students to graduate, the institutions shall establish policies and reallocate resources as necessary to increase the number of undergraduate degrees granted per full-time equivalent instructional faculty.

(3) The salary increases provided or referenced in this subsection shall be the maximum allowable salary increases provided at institutions of higher education, excluding increases associated with normally occurring promotions and increases related to faculty and professional staff retention, and excluding increases associated with employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015.

(a) No more than \$300,000 of the appropriations provided in sections 602 through 608 of this act may be expended for purposes designated in section 911 of this act.

(b) Each institution of higher education shall provide to each classified staff employee as defined by the office of financial management a salary increase of 4.0 percent on July 1, 1995. Each institution of higher education shall provide to instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants as classified by the office of financial management and all other nonclassified staff, including those employees under RCW 28B.16.015, an average salary increase of 4.0 percent on July 1, 1995. For employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015, distribution of the salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(c) Funds under section 717 of this act are in addition to any increases provided in (a) and (b) of this subsection. Specific salary increases authorized in sections 603 and 604 of this act are in addition to any salary increase provided in this subsection.

(4) The additional amounts for enrollment increases for the baccalaureate institutions in fiscal year 1997 are intended to fund students in addition to those already actually enrolled or planned for enrollment in that year, and the amounts are not intended to fund students otherwise actually enrolled over the budgeted levels as displayed in chapter 18, Laws of 1995 2nd sp. sess.

(5) The public institutions of higher education shall provide, in a format approved by the higher education coordinating board, data necessary to satisfy the information required by Senate Concurrent Resolution No. 8428 and any other data requirements outlined in this amended act.

**Sec. 602.** 1995 2nd sp. s. c 18 s 602 (uncodified) is amended to read as follows:

The appropriations in sections 603 through 609 of this act provide state general fund support or employment and training trust account support for student full-time equivalent enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institution assumed in this act.

	FTE	FTE	1995-96 Annual Average	1996-97 Annual Average
University of Washington				
Main campus	29,857	<del>(29,888)</del>		30,455
Evening Degree Program	571	617		
Tacoma branch	588	<del>(687)</del>		747
Bothell branch	533	<del>(617)</del>		685
Washington State University				
Main campus	16,205	<del>(16,419)</del>		17,403

Spokane branch	283 ((308))	352
Tri-Cities branch	624 ((707))	724
Vancouver branch	723 851	
Central Washington University	6,903 ((6,997))	7,256
Eastern Washington University	7,656 ((7,739))	7,825
The Evergreen State College	3,278 ((3,298))	3,406
Western Washington University	9,483 ((9,606))	10,038
State Board for Community and Technical Colleges	111,986 ((113,586))	114,326
Higher Education Coordinating Board	50 50	

Sec. 603. 1995 2nd sp.s. c 18 s 603 (uncodified) is amended to read as follows:

**FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund--State Appropriation (FY 1996) \$ 345,763,000  
 General Fund--State Appropriation (FY 1997) \$ ((348,728,000))

358,240,000

General Fund--Federal Appropriation \$ 11,404,000  
 Employment and Training Trust Account  
 Appropriation \$ 58,575,000  
 TOTAL APPROPRIATION \$ ((764,470,000))

773,982,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,883,000 of the general fund appropriation is provided solely for 500 supplemental FTE enrollment slots to implement RCW 28B.50.259 (timber-dependent communities).

(2) \$58,575,000 of the employment and training trust account appropriation is provided solely for training and related support services specified in chapter 226, Laws of 1993 (employment and training for unemployed workers). Of this amount:

(a) \$41,090,000 is to provide enrollment opportunity for 6,100 full-time equivalent students in fiscal year 1996 and 7,200 full-time equivalent students in fiscal year 1997. The state board for community and technical colleges shall submit to the workforce training and education coordinating board for review and approval a plan for the allocation of the full-time equivalents provided in this subsection.

(b) \$8,403,000 is to provide child care assistance, transportation, and financial aid for the student enrollments funded in (a) of this subsection.

(c) \$7,632,000 is to provide financial assistance for student enrollments funded in (a) of this subsection in order to enhance program completion for those enrolled students whose unemployment benefit eligibility will be exhausted or reduced before their training program is completed. The state board for community and technical colleges shall submit to the workforce training and education coordinating board for review and approval a plan for eligibility and disbursement criteria to be used in determining the award of moneys provided in this subsection.

(d) \$750,000 is provided solely for an interagency agreement with the workforce training and education coordinating board for an independently contracted net-impact study to determine the overall effectiveness and outcomes of retraining and other services provided under chapter 226, Laws of 1993, (employment and training for unemployed workers). The net-impact study shall be completed and delivered to the legislature no later than December 31, 1996.

(e) \$700,000 is to provide the operating resources for seven employment security department job service centers located on community and technical college campuses.

(3) \$3,725,000 of the general fund appropriation is provided solely for assessment of student outcomes at community and technical colleges.

(4) \$1,412,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(5) \$3,296,720 of the general fund appropriation is provided solely for instructional equipment.

(6) \$688,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(7) Up to \$4,200,000 of the appropriations in this section may be used in combination with salary and benefit savings from faculty turnover to provide faculty salary increments.

(8) The technical colleges may increase tuition and fees to conform with the percentage increase in community college operating fees authorized in Substitute Senate Bill No. 5325.

(9) ~~(Up to \$6,000,000 of general operating funds may be used to address accreditation issues at the technical colleges)~~ \$4,200,000 of the general fund--state appropriation is provided solely for transitional costs and accreditation requirements associated with the transfer of the technical colleges to the community college system. Colleges shall apply funding for distance learning and technology resources to address accreditation requirements in a cost-effective manner. Colleges are encouraged to negotiate with accreditation agencies for the acceptance of new educational technologies to meet accreditation standards.

(10) Up to \$50,000, if matched by an equal amount from private sources, may be used to initiate an international trade education consortium, composed of selected community colleges, to fund and promote international trade education and training services in a variety of locations throughout the state, which services shall include specific business skills needed to develop and sustain international business opportunities that are oriented toward vocational, applied skills. The board shall report to appropriate legislative committees on these efforts at each regular session of the legislature.

(11) \$2,000,000 of the general fund--state appropriation is provided solely for productivity enhancements in student services and instruction that facilitate student progress, and innovation proposals that provide greater student access and learning opportunities. The state board for community and technical colleges shall report to the governor and legislature by October 1, 1997, on implementation of productivity and innovation programs supported by these funds.

(12) \$1,500,000 of the general fund--state appropriation is provided solely for competitive grants to community and technical colleges to assist the colleges in serving disabled students. The state board for community and technical colleges shall award grants to colleges based on severity of need.

(13) \$2,700,000 of the general fund--state appropriation is provided solely for the costs associated with standardizing part-time health benefits per Substitute Senate Bill No. 6583.

(14) By November 15, 1996, the board, in consultation with full- and part-time faculty groups, shall develop a plan and submit recommendations to the legislature to address compensation and staffing issues concerning inter- and intra-institutional salary disparities for full and part-time faculty. The board shall develop and submit to the governor and the legislature a ten-year implementation plan that: (a) Reflects the shared responsibility of the institutions and the legislature to address these issues; (b) reviews recent trends in the use of part-time faculty and makes recommendations to the legislature for appropriate ratios of part-time to full-time faculty staff; and (c) considers educational quality, long-range cost considerations, flexibility in program delivery, employee working conditions, and differing circumstances pertaining to local situations.

**Sec. 604.** 1995 2nd sp.s. c 18 s 604 (unmodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

General Fund Appropriation (FY 1996) \$ ((263,981,000))	<u>259,062,000</u>
General Fund Appropriation (FY 1997) \$ ((258,321,000))	<u>267,933,000</u>
Death Investigations Account Appropriation \$ 1,685,000	
Accident Account Appropriation \$ ((4,335,000))	4,348,000
Medical Aid Account Appropriation \$ ((4,330,000))	<u>4,343,000</u>
Health Services Account Appropriation \$ ((6,244,000))	<u>6,247,000</u>
<b>TOTAL APPROPRIATION \$ ((538,896,000))</b>	<b><u>543,678,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$((9,516,000)) 10,501,000 of the general fund--state appropriation is provided solely to operate upper-division and graduate level courses offered at the Tacoma branch campus. Of this amount((:)): (a) \$237,000 is provided solely for continuation of the two-plus-two program operated jointly with the Olympic Community College; and (b) \$700,000 is provided solely for building maintenance, equipment purchase, and moving costs and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(2) \$((9,438,000)) 9,665,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Bothell branch campus.

(3) \$2,300,000 of the health services account appropriation is provided solely for the implementation of chapter 492, Laws of 1993 (health care reform) to increase the supply of primary health care providers.

(4) \$300,000 of the health services account appropriation is provided solely to expand community-based training for physician assistants.

(5) \$300,000 of the health services account appropriation is provided solely for the advanced registered nurse program.

(6) \$2,909,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

(7) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(8) \$648,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(9) \$1,471,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(10) \$500,000 of the general fund appropriation is provided solely for enhancements to the mathematics, engineering and science achievement (MESA) program.

(11) \$227,000 of the general fund appropriation is provided solely for implementation of the Puget Sound water quality management plan.

(12) The university shall begin implementation of the professional staff and librarian market gap remedy plan II, which was submitted to the legislature in response to section 603(3), chapter 24, Laws of 1993 sp. sess. and section 603(3), chapter 6, Laws of 1994 sp. sess. As part of the implementation of the plan, an average salary increase of 5.0 percent may be provided to librarians and professional staff on July 1, 1995, to meet salary gaps as described in the plan.

(13) \$184,000 of the health services account appropriation is provided solely for participation of the University of Washington dental school in migrant/community health centers in the Yakima valley.

(14) At least \$50,000 of the general fund appropriation shall be used for research at the Olympic natural resources center.

(15) \$1,718,000 of the general fund appropriation is provided solely for technological improvements to develop an integrated state-wide library system, of which \$409,000 is for system-wide network costs.

**Sec. 605.** 1995 2nd sp.s. c 18 s 605 (unmodified) is amended to read as follows:

**FOR WASHINGTON STATE UNIVERSITY**

General Fund Appropriation (FY 1996) \$ ((150,520,000))	<u>150,272,000</u>
General Fund Appropriation (FY 1997) \$ ((153,906,000))	<u>159,410,000</u>
Industrial Insurance Premium Refund Account Appropriation \$ 33,000	
Air Pollution Control Account Appropriation \$ 105,000	
Health Services Account Appropriation \$ 1,400,000	
<b>TOTAL APPROPRIATION \$ ((305,859,000))</b>	<b><u>311,220,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$12,008,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Vancouver branch campus. \$1,198,000 of this amount is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(2) \$((7,534,000)) 7,646,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Tri-Cities branch campus. \$53,000 of this amount is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(3) \$((7,691,000)) 8,042,000 of the general fund appropriation is provided solely to operate graduate and professional level courses and other educational services offered at the Spokane branch campus.

(4) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(5) \$280,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(6) \$1,400,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

(7) \$2,167,000 of the general fund appropriation is provided for new building operations and maintenance on the main campus and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(8) \$525,000 of the general fund appropriation is provided solely to implement House Bill No. 1741 (wine and wine grape research). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(9) \$1,000,000 of the general fund appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1009 (pesticide research). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(10) \$314,000 of the general fund appropriation is provided solely for implementation of the Puget Sound water quality management plan.

(11) \$25,000 of the general fund--state appropriation is provided solely for operation of the energy efficiency programs transferred to Washington State University by House Bill No. 2009. If House Bill No. 2009 is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

(12) \$450,000 of the general fund--state appropriation is provided solely for equipment, software, and related expenditures to support a state-wide library network.

**Sec. 606.** 1995 2nd sp.s. c 18 s 606 (uncodified) is amended to read as follows:

**FOR EASTERN WASHINGTON UNIVERSITY**

General Fund Appropriation (FY 1996) \$ ((36,741,000))	37,350,000
General Fund Appropriation (FY 1997) \$ ((37,084,000))	38,394,000
Health Services Account Appropriation \$ 200,000	
TOTAL APPROPRIATION \$ ((74,025,000))	75,944,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$186,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

(4) \$166,000 of the general fund--state appropriation is provided solely for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(5) \$454,000 of the general fund--state appropriation is provided solely for equipment, software, and related expenditures to support a state-wide library network.

**Sec. 607.** 1995 2nd sp.s. c 18 s 607 (uncodified) is amended to read as follows:

**FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund Appropriation (FY 1996) \$ ((33,683,000))	33,636,000
General Fund Appropriation (FY 1997) \$ ((34,055,000))	36,250,000
Industrial Insurance Premium Refund Account Appropriation \$ 10,000	
Health Services Account Appropriation \$ 140,000	
TOTAL APPROPRIATION \$ ((67,888,000))	70,036,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$140,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(3) \$140,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

(4) \$1,293,000 of the general fund appropriation is provided solely for equipment, software, and related expenditures to support a state-wide library network.

**Sec. 608.** 1995 2nd sp.s. c 18 s 608 (uncodified) is amended to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

General Fund Appropriation (FY 1996) \$ 18,436,000	
General Fund Appropriation (FY 1997) \$ ((18,504,000))	19,325,000
TOTAL APPROPRIATION \$ ((36,940,000))	37,761,000

The appropriations in this section ((is)) are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$94,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(3) \$58,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(4) \$417,000 of the general fund appropriation is provided solely for equipment, software, and related expenditures to support a state-wide library network.

**Sec. 609.** 1995 2nd sp.s. c 18 s 609 (uncodified) is amended to read as follows:

**FOR WESTERN WASHINGTON UNIVERSITY**

General Fund Appropriation (FY 1996) \$ 42,533,000	
General Fund Appropriation (FY 1997) \$ ((43,173,000))	45,709,000
Health Services Account Appropriation \$ 200,000	
TOTAL APPROPRIATION \$ ((85,906,000))	88,442,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$186,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

(4) \$275,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(5) ~~\$873,000 of the general fund appropriation is provided solely for equipment, software, and related expenditures to support a state-wide library network.~~

**Sec. 610.** 1995 2nd sp.s. c 18 s 610 (uncodified) is amended to read as follows:

**FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION**

General Fund--State Appropriation (FY 1996) \$ ~~((1,933,000))~~

1,984,000

General Fund--State Appropriation (FY 1997) \$ ~~((1,811,000))~~

2,365,000

General Fund--Federal Appropriation \$ 1,073,000

TOTAL APPROPRIATION \$ ~~((4,817,000))~~

5,422,000

(1) The appropriations in this section are provided to carry out the policy coordination, planning, studies, and administrative functions of the board and are subject to the following conditions and limitations: \$560,000 of the general fund--state appropriation is provided solely for enrollment to implement RCW 28B.80.570 through 28B.80.580 (timber dependent communities). The number of students served shall be 50 full-time equivalent students per fiscal year. The higher education coordinating board (HECB) in cooperation with the state board for community and technical college education (SBCTC) shall review the outcomes of the timber program and report to the governor and legislature by November 1, 1995. The review should include programs administered by the HECB and SBCTC. The review should address student satisfaction, academic success, and employment success resulting from expenditure of these funds. The boards should consider a broad range of recommendations, from strengthening the program with existing resources to terminating the program.

(2) ~~\$150,000 of the general fund--state appropriation is provided solely for a study of higher education needs in North Snohomish/Island/Skagit counties.~~ The board is directed to explore and recommend innovative approaches to providing educational programs. The board shall consider the use of technology and distance education as a means of meeting the higher education needs of the area. The study shall be completed and provided to the appropriate committees of the legislature by November 30, 1996.

(3) The higher education coordinating board, in conjunction with the office of financial management and public institutions of higher education, shall study institutional student enrollment capacity at each four-year university or college. The higher education coordinating board shall report to the governor and the appropriate committees of the legislature the maximum student enrollment that could be accommodated with existing facilities and those under design or construction as of the 1995-97 biennium. The report shall use national standards as a basis for making comparisons, and the report shall include recommendations for increasing student access by maximizing the efficient use of facilities. The report shall also consider ways the state can encourage potential four-year college students to enroll in schools having excess capacity.

(4) ~~\$70,000 of the general fund--state appropriation is provided solely to develop a competency-based admissions system for higher education institutions.~~

(5) ~~\$50,000 of the general fund--state appropriation is provided solely for attorneys' fees and related expenses needed to defend the equal opportunity grant program.~~

(6) ~~\$140,000 of the general fund--state appropriation is provided solely for the design and development of recommendations for the creation of a college tuition prepayment program.~~ A recommended program design and draft legislation shall be submitted to the office of financial management by September 30, 1996, for consideration in the 1997 legislative session. The development of the program shall be conducted in consultation with the state investment board, the state treasurer, the state actuary, the office of financial management, private financial institutions, and other qualified parties with experience in the areas of accounting, actuary, risk management, or investment management.

(7) ~~\$100,000 of the general fund--state appropriation is provided solely for the implementation of the assessment of prior learning experience program.~~

**Sec. 611.** 1995 2nd sp.s. c 18 s 611 (uncodified) is amended to read as follows:

**FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS**

General Fund--State Appropriation (FY 1996) \$ ~~((71,412,000))~~

71,272,000

General Fund--State Appropriation (FY 1997) \$ ~~((71,613,000))~~

76,286,000

General Fund--Federal Appropriation \$ 3,579,000

State Educational Grant Account Appropriation \$ 40,000

Health Services Account Appropriation \$ 2,230,000

TOTAL APPROPRIATION \$ ~~((148,874,000))~~

153,407,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$1,044,000 of the general fund--state appropriation is provided solely for the displaced homemakers program.~~

(2) ~~\$431,000 of the general fund--state appropriation is provided solely for the western interstate commission for higher education.~~

(3) ~~\$230,000 of the health services account appropriation is provided solely for the health personnel resources plan.~~

(4) ~~\$2,000,000 of the health services account appropriation is provided solely for scholarships and loans under chapter 28B.115 RCW, the health professional conditional scholarship program.~~ This amount shall be deposited to the health professional loan repayment and scholarship trust fund to carry out the purposes of the program.

(5) ~~\$((140,543,000)) 145,076,000~~ of the general fund--state appropriation is provided solely for student financial aid, including all administrative costs. Of this amount:

(a) ~~\$((110,504,000)) 112,487,000~~ is provided solely for the state need grant program. The board shall, to the best of its ability, rank and serve students eligible for the state need grant in order from the lowest family income to the highest family income;

(b) ~~\$((24,200,000)) 26,200,000~~ is provided solely for the state work study program;

(c) ~~\$((1,000,000)) 1,500,000~~ is provided solely for educational opportunity grants;

(d) A maximum of \$2,650,000 may be expended for financial aid administration, excluding the four percent state work study program administrative allowance provision;

(e) ~~\$633,000 is provided solely for the educator's excellence awards.~~ Any educator's excellence moneys not awarded by April 1st of each year may be transferred by the board to either the Washington scholars program or, in consultation with the workforce training and education coordinating board, to the Washington award for vocational excellence;

(f) ~~\$876,000 is provided solely to implement the Washington scholars program pursuant to Second Substitute House Bill No. 1318 or substantially similar legislation (Washington scholars program).~~ Any Washington scholars program moneys not awarded by April 1st of each year may be transferred by the board to either the educator's excellence awards or, in consultation with the workforce training and education coordinating board, to the Washington award for vocational excellence; ((and))

(g) ~~\$680,000 is provided solely to implement Substitute House Bill No. 1814 (Washington award for vocational excellence).~~ If the bill is not enacted by June 30, 1995, the amount provided in this subsection (g) shall lapse. Any Washington award for vocational excellence

moneys not awarded by April 1st of each year may be transferred by the board, with the consent of the workforce training and education coordinating board, to either the educator's excellence awards or the Washington scholars program; and

(h) \$50,000 is provided solely for community scholarship matching grants of \$2,000 each. To be eligible for the matching grant, a nonprofit community organization, organized under section 501(c)(3) of the internal revenue code, must demonstrate that it has raised \$2,000 in new moneys for college scholarships after the effective date of this act. No organization may receive more than one \$2,000 matching grant.

(6) For the purposes of establishing eligibility for the equal opportunity grant program for placebound students under RCW 28B.101.020, Thurston county lies within the branch campus service area of the Tacoma branch campus of the University of Washington.

**Sec. 612.** 1995 2nd sp.s. c 18 s 614 (uncodified) is amended to read as follows:

**FOR WASHINGTON STATE LIBRARY**

General Fund--State Appropriation (FY 1996) \$ 7,069,000  
General Fund--State Appropriation (FY 1997) \$ ((7,071,000))

7,282,000

General Fund--Federal Appropriation \$ 4,799,000  
General Fund--Private/Local Appropriation \$ 46,000  
Industrial Insurance Premium Refund Account  
Appropriation \$ 7,000  
TOTAL APPROPRIATION \$ ((18,992,000))

19,203,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,439,516 of the general fund--state appropriation and federal funds are provided for a contract with the Seattle public library for library services for the Washington book and braille library.

(2) \$211,000 of the general fund--state appropriation is provided solely for the state library, with the assistance of the department of information services and the state archives, to establish a pilot government information locator service in accordance with Substitute Senate Bill No. 6556. If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

**Sec. 613.** 1995 2nd sp.s. c 18 s 615 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund--State Appropriation (FY 1996) \$ 2,236,000  
General Fund--State Appropriation (FY 1997) \$ ((1,929,000))

1,997,000

General Fund--Federal Appropriation \$ 934,000  
Industrial Insurance Premium Refund Account  
Appropriation \$ 1,000  
TOTAL APPROPRIATION \$ ((5,100,000))

5,168,000

**Sec. 614.** 1995 2nd sp.s. c 18 s 616 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation (FY 1996) \$ 1,965,000  
General Fund Appropriation (FY 1997) \$ ((2,186,000))

2,222,000

TOTAL APPROPRIATION \$ ((4,151,000))

4,187,000

The appropriation in this section is subject to the following conditions and limitations: \$1,731,000 is provided solely for the new Washington state historical society operations and maintenance located in Tacoma.

**Sec. 615.** 1995 2nd sp.s. c 18 s 617 (uncodified) is amended to read as follows:

**FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation (FY 1996) \$ 473,000  
General Fund Appropriation (FY 1997) \$ ((473,000))

718,000

TOTAL APPROPRIATION \$ ((946,000))

1,191,000

**Sec. 616.** 1995 2nd sp.s. c 18 s 618 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE BLIND**

General Fund--State Appropriation (FY 1996) \$ ((3,421,000))

3,451,000

General Fund--State Appropriation (FY 1997) \$ ((3,440,000))

3,559,000

Industrial Insurance Premium Refund Account

Appropriation \$ 7,000

TOTAL APPROPRIATION \$ ((6,868,000))

7,017,000

**Sec. 617.** 1995 2nd sp.s. c 18 s 619 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE DEAF**

General Fund--State Appropriation (FY 1996) \$ 6,182,000  
General Fund--State Appropriation (FY 1997) \$ ((6,215,000))

6,365,000

Industrial Insurance Premium Refund Account

Appropriation \$ 15,000

TOTAL APPROPRIATION \$ ((12,412,000))

12,562,000

**PART VII  
SPECIAL APPROPRIATIONS**

**Sec. 701.** 1995 2nd sp.s. c 18 s 701 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL FUND BOND DEBT**

General Fund Appropriation \$ ((852,281,000))

823,106,003

State Building and Construction Account

Appropriation	\$ 21,500,000	
Fisheries Bond Retirement Account 1977		
Appropriation	\$ 291,215	
Community College Capital Improvement Bond Redemption Fund		
1972 Appropriation	\$ 851,225	
Waste Disposal Facility Bond Redemption Fund		
Appropriation	\$ 19,592,375	
Water Supply Facility Bond Redemption Fund		
Appropriation	\$ 1,413,613	
Indian Cultural Center Bond Redemption Fund		
Appropriation	\$ 126,682	
Social and Health Service Bond Redemption Fund		
1976 Appropriation	\$ 2,019,427	
Higher Education Bond Retirement Fund 1977		
Appropriation	\$ 8,272,858	
Salmon Enhancement Construction Bond Retirement		
Fund Appropriation	\$ 1,071,805	
Fire Service Training Center Bond Retirement Fund		
Appropriation	\$ 754,844	
Higher Education Bond Retirement Account 1988		
Appropriation	\$ 4,000,000	
State General Obligation Bond Retirement Fund	\$ 788,886,959	
TOTAL APPROPRIATION	\$ ((873,781,000))	1,671,887,006

The general fund appropriation is for deposit into the account listed in section 801 of this act.

<b>Sec. 702.</b> 1995 2nd sp.s. c 18 s 702 (uncodified) is amended to read as follows: <b>FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES</b>		
State Convention and Trade Center Account		
Appropriation	\$ ((24,179,000))	
		<u>24,179,295</u>

Higher Education Reimbursement Enterprise Account		
Appropriation	\$ 633,913	
Accident Account Appropriation	\$ 5,548,000	
Medical Account Appropriation	\$ 5,548,000	
State General Obligation Bond Retirement Fund	\$ 43,940,553	
TOTAL APPROPRIATION	\$ ((35,275,000))	<u>79,849,761</u>

<b>Sec. 703.</b> 1995 2nd sp.s. c 18 s 703 (uncodified) is amended to read as follows: <b>FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE</b>		
General Fund Appropriation	\$ ((37,031,000))	
		<u>\$ 37,031,429</u>

Higher Education Reimbursable Construction Account		
Appropriation	\$ 197,000	
Community College Capital Construction Bond		
Retirement Fund 1975 Appropriation	\$ 450,000	
Higher Education Bond Retirement Fund 1979		
Appropriation	\$ 2,887,000	
State General Obligation Retirement Fund	\$ 97,323,580	
TOTAL APPROPRIATION	\$ ((40,565,000))	<u>\$ 137,889,007</u>

<b>Sec. 704.</b> 1995 2nd sp.s. c 18 s 704 (uncodified) is amended to read as follows: <b>FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE</b>		
Common School Building Bond Redemption Fund 1967		
Appropriation	\$ 6,923,000	
State Building and Parking Bond Redemption		
Fund 1969 Appropriation	\$ ((2,453,000))	
		<u>2,453,400</u>
TOTAL APPROPRIATION	\$ ((9,376,000))	<u>9,376,400</u>

<b>Sec. 705.</b> 1995 2nd sp.s. c 18 s 705 (uncodified) is amended to read as follows: <b>FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES</b>		
General Fund Appropriation	\$ 1,535,000	
State Convention and Trade Center Account		
Appropriation	\$ 15,000	
State Building Construction Account		
Appropriation	\$ ((364,000))	
		<u>1,050,000</u>
Higher Education Reimbursable Construction		
Account Appropriation	\$ 3,000	
TOTAL APPROPRIATION	\$ ((1,917,000))	<u>2,603,000</u>

Total Bond Retirement and Interest Appropriations

contained in sections 701 through 705 of this  
act \$ ((960,914,000))

1,901,605,174

Sec. 706. 1995 2nd sp.s. c 18 s 711 (uncodified) is amended to read as follows:

**FOR THE GOVERNOR--COMPENSATION--INSURANCE BENEFITS**

General Fund--State Appropriation (FY 1996 \$ ((2,390,000))

2,305,000

((General Fund--State Appropriation (FY 1997) \$ 2,561,000))

General Fund--Federal Appropriation \$ ((1,835,000))

737,000

General Fund--Private/Local Appropriation \$ ((136,000))

108,000

Salary and Insurance Increase Revolving Account  
Appropriation \$ ((4,105,000))

1,559,000

TOTAL APPROPRIATION \$ ((11,027,000))

4,709,000

The appropriations in this section are subject to the following conditions and limitations, and unless otherwise specified, apply to both state agencies and institutions of higher education:

(1) The office of financial management shall reduce the allotments of appropriations to state agencies in this act, excluding institutions of higher education, to reflect costs of health care benefits, administration, and margin in the self-insured medical and dental plans. In making these allotment revisions, the office of financial management shall reduce fiscal year 1997 general fund--state expenditures by \$363,000.

~~((1))~~ (2)(a) The monthly contribution for insurance benefit premiums shall not exceed \$308.14 per eligible employee for fiscal year 1996, and \$((308-96)) 301.95 for fiscal year 1997.

(b) The monthly contributions for the margin in the self-insured medical and dental plans and for the operating costs of the health care authority shall not exceed \$5.81 per eligible employee for fiscal year 1996( ~~and \$5.55 for fiscal year 1997~~). In fiscal year 1997, the monthly contribution for the operating costs of the health care authority shall not exceed \$5.05 per eligible employee; the monthly contribution for the margin in the self-insured medical and dental plans shall be reduced by \$2.69 per eligible employee.

(c) Surplus moneys accruing to the public employees' and retirees' insurance account due to lower-than-projected insurance costs or due to employee waivers of coverage may not be reallocated by the health care authority to increase the actuarial value of public employee insurance plans. Such funds shall be held in reserve in the public employees' and retirees' insurance account and may not be expended without subsequent legislative authorization.

(d) In order to achieve the level of funding provided for health benefits, the public employees' benefits board may require employee premium co-payments, increase point-of-service cost sharing, and/or implement managed competition.

~~((2))~~ (3) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

~~((3))~~ (4) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for parts A and B of medicare, pursuant to RCW 41.05.085. From July 1, 1995, through December 31, 1995, the subsidy shall be \$34.20 per month. From January 1, 1996, through December 31, 1996, the subsidy shall be \$36.77 per month. Starting January 1, 1997, the subsidy shall be \$39.52 per month.

~~((4))~~ (5) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit in the public employees' and retirees' insurance account established in RCW 41.05.120:

(a) For each full-time employee, \$14.79 per month beginning October 1, 1995, and \$14.80 per month beginning September 1, 1996;

(b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$14.79 each month beginning October 1, 1995, and \$14.80 each month beginning September 1, 1996, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives.

The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

~~((5))~~ (6) The salary and insurance increase revolving account appropriation includes funds sufficient to fund health benefits for ferry workers at the premium levels specified in subsection ~~((4))~~ (2) of this section, consistent with the 1995-97 transportation appropriations act.

~~((6))~~ (7) Rates charged to school districts voluntarily purchasing employee benefits through the health care authority shall be equivalent to the actual insurance costs of benefits and administration costs for state and higher education employees except:

(a) The health care authority is authorized to reduce rates charged to school districts for up to 10,000 new subscribers by applying surplus funds accumulated in the public employees' and retirees' insurance account. Rates may be reduced up to a maximum of \$10.93 per subscriber per month in fiscal year 1996 and a maximum of \$7.36 per subscriber per month in fiscal year 1997; and

(b) For employees who first begin receiving benefits through the health care authority after September 1, 1995, districts shall remit the additional costs of health care authority administration resulting from their enrollment. The additional health care authority administration costs shall not exceed \$.30 per month per subscriber.

Sec. 707. 1995 2nd sp.s. c 18 s 713 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS  
FY 1996 FY 1997**

General Fund--State  
Appropriation \$ ((1,007,000)) ((1,224,000))

942,000 1,150,000

General Fund--Federal  
Appropriation \$ ((367,000)) ((447,000))

365,000 437,000

Special Account Retirement Contribution  
Increase Revolving Account  
Appropriation \$ ((904,000)) ((1,089,000))

830,000 993,000

TOTAL APPROPRIATION \$ ((5,038,000))

4,717,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely to pay the increased retirement contributions resulting from enactment of Substitute Senate Bill No. 5119 (uniform COLA). If the bill is not enacted by June 30, 1995, the amounts provided in this section shall lapse.

Sec. 708. 1995 2nd sp.s. c 18 s 714 (uncodified) is amended to read as follows:

**SALARY COST OF LIVING ADJUSTMENT**

General Fund--State Appropriation (FY 1996) \$ ((36,020,000))	<u>34,386,000</u>
General Fund--State Appropriation (FY 1997) \$ ((36,590,000))	<u>35,100,000</u>
General Fund--Federal Appropriation \$ ((29,603,000))	<u>25,402,000</u>
Salary and Insurance Increase Revolving Account Appropriation \$ 60,213,000	
TOTAL APPROPRIATION \$ ((462,426,000))	<u>155,101,000</u>

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations in this section.

(1) In addition to the purposes set forth in subsections (2), (3), and (4) of this section, appropriations in this section are provided solely for a 4.0 percent salary increase effective July 1, 1995, for all classified employees (including those employees in the Washington management service) and exempt employees under the jurisdiction of the personnel resources board.

(2) The appropriations in this section are sufficient to fund a 4.0 percent salary increase for general government, legislative, and judicial employees exempt from merit system rules whose salaries are not set by the commission on salaries for elected officials.

(3) The salary and insurance increase revolving account appropriation in this section includes funds sufficient to fund a 4.0 percent cost-of-living adjustment, effective July 1, 1995, for ferry workers consistent with the 1995-97 transportation appropriations act.

(4) The appropriations in this section include funds sufficient to fund the salary increases approved by the commission on salaries for elected officials for legislators and judges.

(5) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the personnel resources board.

NEW SECTION. Sec. 709. A new section is added to 1995 2nd sp.s. c 18 (uncodified) to read as follows:

**FOR SUNDRY CLAIMS.** The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows:

(1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:

- (a) Walter Watson, claim number SCJ-92-11 \$ 6,003.00
  - (b) Carl L. Decker, claim number SCJ-95-02 \$ 24,948.48
  - (c) Bill R. Hood, claim number SCJ-95-08 \$ 71,698.72
  - (d) Rick Sevela, claim number SCJ-95-09 \$ 6,937.22
  - (e) William V. Pearson, claim number SCJ-95-12 \$ 5,929.99
  - (f) Craig T. Thiessen, claim number SCJ-95-13 \$ 3,540.24
  - (g) Douglas Bauer, claim number SCJ-95-15 \$ 40,015.86
  - (h) Walter A. Whyte, claim number SCJ-96-02 \$ 2,989.30
- (2) Payment from the state wildlife account for damage to crops by wildlife, pursuant to RCW 77.12.280:
- (a) Wilson Banner Ranch, claim number SCG-95-01 \$ 2,800.00
  - (b) James Koempel, claim number SCG-95-04 \$ 5,291.08
  - (c) Mark Kayser, claim number SCG-95-06 \$ 4,000.00
  - (d) Peola Farms, Inc., claim number SCG-95-07 \$ 1,046.50
  - (e) Bailey's Nursery, claim number SCG-96-01 \$ 125.00
  - (f) Paul Gibbons, claim number SCG-96-02 \$ 2,635.73

Sec. 710. 1995 2nd sp.s. c 18 s 718 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--COMPENSATION ACTIONS OF PERSONNEL RESOURCES BOARD**

General Fund Appropriation (FY 1997) \$ ((5,000,000))	<u>9,475,000</u>
Salary and Insurance Increase Revolving Account Appropriation (FY 1997) \$ 5,000,000	
TOTAL APPROPRIATION \$ ((40,000,000))	<u>14,475,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section shall be expended solely for the purposes designated in section 911 of this act.

(2) In addition to the moneys appropriated in this section, state agencies may expend up to an additional \$2,500,000 from other general fund--state appropriations in this act and \$2,500,000 from appropriations from other funds and accounts for the purposes and under the procedures designated in section 911 of this act.

**PART VIII  
OTHER TRANSFERS AND APPROPRIATIONS**

Sec. 801. 1995 2nd sp.s. c 18 s 801 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT SUBJECT TO THE STATUTORY DEBT LIMIT**

State General Obligation Bond Retirement Fund 1979 Fund Appropriation \$ ((852,281,000))	<u>784,711,959</u>
Fisheries Bond Retirement Account 1977 Appropriation \$ 291,215	
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation \$ 851,225	
Waste Disposal Facility Bond Redemption Fund	

Appropriation	\$ 19,592,375
Water Supply Facility Bond Redemption Fund	
Appropriation	\$ 1,413,613
Indian Cultural Center Bond Redemption Fund	
Appropriation	\$ 126,682
Social and Health Service Bond Redemption Fund	
1976 Appropriation	\$ 2,019,427
Higher Education Bond Retirement Fund 1977	
Appropriation	\$ 8,272,858
Salmon Enhancement Construction Bond Retirement	
Fund Appropriation	\$ 1,071,805
Fire Service Training Center Bond Retirement	
Fund Appropriation	\$ 754,844
Higher Education Bond Retirement Account 1988	
Appropriation	\$ 4,000,000
<b>TOTAL APPROPRIATION</b>	<b>\$ 823,106,003</b>

The total expenditures from the state treasury under the appropriation in this section and the general fund appropriation in section 701 of this act shall not exceed the total appropriation in this section.

**Sec. 802.** 1995 2nd sp.s. c 18 s 802 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY AS PRESCRIBED BY STATUTE**

Community College Capital Construction Bond	
Retirement Account 1975 Appropriation	\$ 450,000
Higher Education Bond Retirement Account 1979	
Appropriation	\$ 2,887,000
State General Obligation Bond Retirement Fund 1979	
Appropriation	\$ ((37,031,000))
<b>TOTAL APPROPRIATION</b>	<b>\$ 137,692,007</b>

The total expenditures from the state treasury under the appropriation in this section and the general fund appropriation in section 703 of this act shall not exceed the total appropriation in this section.

**Sec. 803.** 1995 2nd sp.s. c 18 s 803 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premiums distribution	\$ ((6,025,000))	5,641,000
General Fund Appropriation for public utility district excise tax distribution	\$ ((29,885,000))	31,242,000
General Fund Appropriation for prosecuting attorneys' salaries	\$ 2,800,000	
General Fund Appropriation for motor vehicle excise tax distribution	\$ ((72,684,000))	87,474,000
General Fund Appropriation for local mass transit assistance	\$ ((335,869,000))	339,007,000
General Fund Appropriation for camper and travel trailer excise tax distribution	\$ ((3,554,000))	3,198,000
General Fund Appropriation for boating safety/education and law enforcement distribution	\$ ((3,224,000))	3,365,000
<del>General Fund Appropriation for public health distribution</del>	<del>\$ 36,465,000</del>	
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$ 130,000	
Liquor Excise Tax Account Appropriation for liquor excise tax distribution	\$ ((22,185,000))	21,500,000
Liquor Revolving Fund Appropriation for liquor profits distribution	\$ ((42,778,000))	40,160,000
Timber Tax Distribution Account Appropriation for distribution to "Timber" counties	\$ ((115,950,000))	118,750,000
Municipal Sales and Use Tax Equalization Account Appropriation	\$ 58,181,000	
County Sales and Use Tax Equalization Account Appropriation	\$ 12,940,000	
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	\$ 1,200,000	
County Criminal Justice Account Appropriation	\$ 69,940,000	

Municipal Criminal Justice Account		
Appropriation	\$ 27,972,000	
County Public Health Account Appropriation	\$ ((29,709,000))	
		<u>29,250,000</u>
	TOTAL APPROPRIATION	\$ ((871,491,000))

852,750,000

The appropriations in this section are subject to the following conditions and limitations: The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**Sec. 804.** 1995 2nd sp.s. c 18 s 805 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--TRANSFERS**

Public Works Assistance Account: For transfer to the Flood Control Assistance Account	\$ ((4,000,000))	
		<u>10,031,000</u>

General Fund: For transfer to the Flood Control Assistance Account

\$ 23,181,000

General Fund: For transfer to the Natural Resources Fund--Water Quality Account	\$ ((18,471,000))	
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20,840,000

New Motor Vehicle Arbitration Account: For transfer to the Public Safety and Education Account	\$ 3,200,000	
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Water Quality Account: For transfer to the Water Pollution Revolving Fund. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the revolving fund. The amounts transferred shall not exceed the match required for each federal deposit	\$ 25,000,000	
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Water Quality Account: For transfer to the Water Right Permit Processing Account	\$ ((500,000))	
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750,000

Trust Land Purchase Account: For transfer to the Parks Renewal and Stewardship Account	\$ ((1,304,000))	
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1,308,000

General Government Special Revenue Fund--State Treasurer's Service Account: For transfer to the general fund on or before June 30, 1997, an amount up to \$((7,361,000))	<u>12,361,000</u> in excess of the cash requirements of the state treasurer's service account	\$ ((7,361,000))
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12,361,000

Health Services Account: For transfer to the Public Health Services Account	\$ 26,003,000	
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Public Health Services Account: For transfer to the County Public Health Account	\$ 2,250,000	
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Public Works Assistance Account: For transfer to the Growth Management Planning and Environmental Review Fund	\$ 3,000,000	
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Basic Health Plan Trust Account: For transfer to the General Fund--State Account (FY 1996)	\$ 2,664,778	
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Basic Health Plan Trust Account: For transfer to the General Fund--State Account (FY 1997)	\$ 2,664,778	
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Oil Spill Response Account: For transfer to the Oil Spill Administration Account	\$ 1,718,000	
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State Convention and Trade Center Account: For transfer to the State Convention and Trade Center Operations Account	\$ 5,400,000	
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**PART IX  
MISCELLANEOUS**

**Sec. 901.** RCW 43.08.250 and 1995 2nd sp.s. c 18 s 912 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, and state game programs. During the fiscal biennium ending June 30, 1997, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, sexual assault treatment, operations of the office of administrator for the courts, security in the common schools, programs for alternative dispute resolution of farmworker employment claims, criminal justice data collection, and Washington state patrol criminal justice activities.

**Sec. 902.** RCW 70.95.520 and 1989 c 431 s 94 are each amended to read as follows:

There is created an account within the state treasury to be known as the vehicle tire recycling account. All assessments and other funds collected or received under this chapter shall be deposited in the vehicle tire recycling account and used by the department of ecology for administration and implementation of this chapter. After October 1, 1989, the department of revenue shall deduct two percent from funds collected pursuant to RCW 70.95.510 for the purpose of administering and collecting the fee from new replacement vehicle tire retailers.

During the 1995-97 biennium, funds in the account may be appropriated to support recycling market development activities by state agencies.

**Sec. 903.** RCW 86.26.007 and 1995 2nd sp.s. c 18 s 915 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the 1997-99 fiscal biennium and each biennium thereafter the state treasurer shall transfer from the general fund to the flood control assistance account an amount of money which, when combined with money remaining in the account from the previous biennium, will equal four million dollars. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter or, during the 1995-97 biennium, for state and local response and recovery costs associated with federal emergency management agency (FEMA) disaster number 1079 (November/December 1995 storms), FEMA disaster number 1100 (February 1996 floods), and for prior biennia disaster recovery costs. To the extent that moneys in the flood control assistance account are not appropriated during the 1995-97 fiscal biennium for flood control assistance, the legislature may direct their transfer to the state general fund.

**NEW SECTION. Sec. 904.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 905.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Correct the title accordingly., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Rinehart, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 6251.

The President declared the question before the Senate to be roll call on the final passage of Engrossed Substitute Senate Bill No. 6251, as amended by the House.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6251, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Voting nay: Senators McCaslin, Oke and Schow - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6251, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 11:37 a.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 2:10 p.m. by President Pritchard.

#### SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE SENATE BILL NO. 5053,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6211,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6251,  
SENATE BILL NO. 6339,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6392.

#### MESSAGES FROM THE HOUSE

March 7, 1996

MR. PRESIDENT:

The Speaker has signed:

FOURTH SUBSTITUTE SENATE BILL NO. 5159,  
SECOND SUBSTITUTE SENATE BILL NO. 5417,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5676,  
SUBSTITUTE SENATE BILL NO. 6197,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6204,  
SENATE BILL NO. 6217,  
SENATE BILL NO. 6253,  
SUBSTITUTE SENATE BILL NO. 6542,  
SENATE BILL NO. 6672,  
SENATE CONCURRENT RESOLUTION NO. 8429,  
SENATE CONCURRENT RESOLUTION NO. 8432, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 7, 1996

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 6767,  
ENGROSSED SENATE BILL NO. 6776, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 7, 1996

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4416, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Snyder, Gubernatorial Appointment No. 9282, Peter J. Goldmark, as a member of the Board of Regents for Washington State University, was confirmed.

Senators Snyder and Rasmussen spoke to the confirmation of Peter J. Goldmark as a member of the Board of Regents for Washington State University.

APPOINTMENT OF PETER J. GOLDMARK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 4; Excused, 0. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Wojahn, Wood and Zarelli - 45.

Absent: Senators Fraser, Long, Roach and Winsley - 4.

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

MESSAGE FROM THE HOUSE

March 1, 1996

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6637 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.010 and 1990 1st ex.s. c 17 s 1 are each amended to read as follows:

The legislature finds that uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state. It is in the public interest that citizens, communities, local governments, and the private sector cooperate and coordinate with one another in comprehensive land use planning. The legislature further finds that many of the decisions by the growth management hearings boards have not accorded adequate deference to planning choices made by counties and cities. The legislature restates its intention that implementation of the growth management act focus on locally developed and locally implemented strategies to manage population growth, rather than planning decisions made at the state or regional level. Further, the legislature finds that it is in the public interest that economic development programs be shared with communities experiencing insufficient economic growth.

**Sec. 2.** RCW 36.70A.020 and 1990 1st ex.s. c 17 s 2 are each amended to read as follows:

The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040. This chapter does not establish or require that the following goals be given any particular priority. The growth management hearings boards, in any of their decisions, shall have no discretion to prioritize, balance, or rank these goals. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:

(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

(2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

(3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

(4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

(6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

(7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

(9) Open space and recreation. Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks.

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

**Sec. 3.** RCW 36.70A.280 and 1995 c 347 s 108 are each amended to read as follows:

(1) A growth management hearings board ~~((shall))~~ may exercise its discretion to hear and determine only those petitions alleging either:

(a) That an action of a state agency, county, or city planning under this chapter ~~((is not in compliance with the requirements of this chapter.))~~ or chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, or chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 90.58 RCW is not supported by substantial evidence in the record developed before the state agency, county, or city; or

(b) That the twenty-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted.

(2) A ~~((petition may be filed only by the state, a county or city that plans under this chapter, a person who has either appeared before the county or city regarding the matter on which a review is being requested or is certified by the governor within sixty days of filing the request with the board, or a person qualified pursuant to RCW 34.05.530))~~ board has discretion to consider only petitions filed by a state agency, a county or a city that plans under this chapter, or a person. The petitioner must demonstrate that it: Has participated in the public adoption process of the county or city regarding the matter on which a review is being requested; can demonstrate that each issue presented in the petition for review was presented by the petitioner on the record during the public adoption process; and can demonstrate the petitioner's interests will suffer specific and perceptible harm if the action of the county or city is not reviewed.

(3) For purposes of this section "person" means any individual, partnership, corporation, association, governmental subdivision or unit thereof, or public or private organization or entity of any character.

(4) When considering a possible adjustment to a growth management planning population projection prepared by the office of financial management, a board shall consider the implications of any such adjustment to the population forecast for the entire state.

The rationale for any adjustment that is adopted by a board must be documented and filed with the office of financial management within ten working days after adoption.

If adjusted by a board, a county growth management planning population projection shall only be used for the planning purposes set forth in this chapter and shall be known as a "board adjusted population projection". None of these changes shall affect the official state and county population forecasts prepared by the office of financial management, which shall continue to be used for state budget and planning purposes.

**Sec. 4.** RCW 36.70A.290 and 1995 c 347 s 109 are each amended to read as follows:

(1) All requests for review to a growth management hearings board shall be initiated by filing a petition that includes a detailed statement of issues presented for resolution by the board.

(2) All petitions relating to whether or not an adopted comprehensive plan, development regulation, or permanent amendment thereto, is in compliance with the goals and requirements of this chapter or chapter 90.58 or 43.21C RCW must be filed within sixty days after publication by the legislative bodies of the county or city.

(a) Except as provided in (c) of this subsection, the date of publication for a city shall be the date the city publishes the ordinance, or summary of the ordinance, adopting the comprehensive plan or development regulations, or amendment thereto, as is required to be published.

(b) Promptly after adoption, a county shall publish a notice that it has adopted the comprehensive plan or development regulations, or amendment thereto.

Except as provided in (c) of this subsection, for purposes of this section the date of publication for a county shall be the date the county publishes the notice that it has adopted the comprehensive plan or development regulations, or amendment thereto.

(c) For local governments planning under RCW 36.70A.040, promptly after approval or disapproval of a local government's shoreline master program or amendment thereto by the department of ecology as provided in RCW 90.58.090, the local government shall publish a notice that the shoreline master program or amendment thereto has been approved or disapproved by the department of ecology. For purposes of this section, the date of publication for the adoption or amendment of a shoreline master program is the date the local government publishes notice that the shoreline master program or amendment thereto has been approved or disapproved by the department of ecology.

(3) Unless the board dismisses the petition as frivolous or finds that the person filing the petition lacks standing, the board shall, within ten days of receipt of the petition, set a time for hearing the matter.

(4) The ~~((board shall base its))~~ board's discretion is limited to issuing a decision based solely on the record developed by the city, county, or the state ~~((and supplemented with additional evidence if the board determines that such additional evidence would be necessary or of substantial assistance to the board in reaching its decision)).~~

(5) The board~~((s))~~ shall consolidate, when appropriate, all petitions involving the review of the same comprehensive plan or the same development regulation or regulations.

**Sec. 5.** RCW 36.70A.300 and 1995 c 347 s 110 are each amended to read as follows:

(1) The board shall issue a final order within one hundred eighty days of receipt of the petition for review, or, when multiple petitions are filed, within one hundred eighty days of receipt of the last petition that is consolidated. Such a final order shall be based exclusively on ~~((whether or not a state agency, county, or city is in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to adoption or amendment of shoreline master programs, or chapter 43.21C RCW as it relates to plans, development regulations, and amendments thereto, adopted under RCW 36.70A.040 or chapter 90.58 RCW. In the final order, the board shall either: (a) Find that the state agency, county, or city is in compliance with the requirements of this chapter or chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs; or (b) find that the state agency, county, or city is not in compliance with the requirements of this chapter or chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs, in which case the board shall remand the matter to the affected state agency, county, or city and))~~ the matters within the board's discretion set forth in RCW 36.70A.280. The final order shall specify a reasonable time not in excess of one hundred eighty days within which the state agency, county, or city shall comply with the requirements of this chapter.

(2) A finding of noncompliance and an order of remand shall not affect the validity of comprehensive plans and development regulations during the period of remand~~((, unless the board's final order also:~~

~~((a) Includes a determination, supported by findings of fact and conclusions of law, that the continued validity of the plan or regulation would substantially interfere with the fulfillment of the goals of this chapter; and~~

~~((b) Specifies the particular part or parts of the plan or regulation that are determined to be invalid, and the reasons for their invalidity.~~

~~((3) A determination of invalidity shall:~~

~~((a) Be prospective in effect and shall not extinguish rights that vested under state or local law before the date of the board's order;~~

~~((b) Subject any development application that would otherwise vest after the date of the board's order to the local ordinance or resolution that both is enacted in response to the order of remand and determined by the board pursuant to RCW 36.70A.330 to comply with the requirements of this chapter.~~

(4) If the ordinance that adopts a plan or development regulation under this chapter includes a savings clause intended to revive prior policies or regulations in the event the new plan or regulations are determined to be invalid, the board shall determine under subsection (2) of this section whether the prior policies or regulations are valid during the period of remand.

(5)). The boards do not have discretion to invalidate or make ineffective plans or development regulations during the period of remand.

(3) Any party aggrieved by a final decision of the hearings board may appeal the decision to superior court as provided in RCW 34.05.514 or 36.01.050 within thirty days of the final order of the board.

**Sec. 6.** RCW 36.70A.320 and 1995 c 347 s 111 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, comprehensive plans and development regulations, ~~((and))~~ amendments thereto, and any other required actions adopted under this chapter are presumed valid upon adoption. In any petition ~~((under this chapter, the board, after full consideration of the petition, shall determine whether there is compliance with the requirements of this chapter. In making its determination)),~~ the board shall consider the criteria adopted by the department under RCW 36.70A.190(4). The board shall not have the discretion to substitute its own interpretation of this chapter for the interpretation made by the county or city acting under this chapter. The board shall defer to the county or city as to how the county or city balanced the goals set forth in RCW 36.70A.020 in the development of its comprehensive plan, development regulations, amendments thereto, and any other required actions adopted under this chapter. The board shall find compliance ((unless)) if it finds ((by a preponderance of the evidence)) that the interpretation or application of this chapter by the state agency, county, or city ((erroneously interpreted or applied this chapter)) is supported by substantial evidence in the record developed before the state agency, county, or city.

(2) The shoreline element of a comprehensive plan and the applicable development regulations adopted by a county or city shall take effect as provided in chapter 90.58 RCW.

**Sec. 7.** RCW 36.70A.330 and 1995 c 347 s 112 are each amended to read as follows:

(1) After the time set for complying with the requirements of this chapter under RCW 36.70A.300(1)~~((b))~~ has expired, or at an earlier time upon the motion of a county or city ~~((subject to a determination of invalidity under RCW 36.70A.300)),~~ the board shall set a hearing for the purpose of determining whether the state agency, county, or city is in compliance with the requirements of this chapter.

(2) The board shall conduct a hearing and issue a finding of compliance or noncompliance with the requirements of this chapter. A person with standing to challenge the legislation enacted in response to the board's final order may participate in the hearing along with the petitioner and the state agency, city, or county. A hearing under this subsection shall be given the highest priority of business to be conducted by the board, and a finding shall be issued within forty-five days of the filing of the motion under subsection (1) of this section with the board.

(3) If the board finds that the state agency, county, or city is not in compliance, the board shall transmit its finding to the governor. The board may recommend to the governor that the sanctions authorized by this chapter be imposed.

~~((4) The board shall also reconsider its final order and decide:~~

~~(a) If a determination of invalidity has been made, whether such a determination should be rescinded or modified under the standards in RCW 36.70A.300(2); or~~

~~(b) If no determination of invalidity has been made, whether one now should be made under the standards in RCW 36.70A.300(2). The board shall schedule additional hearings as appropriate pursuant to subsections (1) and (2) of this section.))~~

**NEW SECTION. Sec. 8.** It is the intent of the legislature that the discretion given to growth management hearings boards in chapter 347, Laws of 1995, to determine that a plan or regulation is invalid is null and void. Any board's exercise of discretion to determine a plan or regulations invalid made at any time is null, void, and of no effect. The legislature intends that this act have retroactive application and apply to determinations of invalidity made before, on, and after the effective date of this act."

On page 1, line 2 of the title, after "discretion;" strike the remainder of the title and insert "amending RCW 36.70A.010, 36.70A.020, 36.70A.280, 36.70A.290, 36.70A.300, 36.70A.320, and 36.70A.330; and creating a new section.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Snyder, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 6637 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

March 6, 1996

MR. PRESIDENT:

The House concurs in certain Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2828, refuses to concur in the amendment on page 4, after line 7, including the title amendment and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Sutherland, the Senate receded from its amendment on page 4, after line 7, and the title amendment to Engrossed Substitute House Bill No. 2828.

The President declared the question before the Senate to be roll call on the final passage of Engrossed Substitute House Bill No. 2828, as amended by the Senate without the amendment on page 4, after line 17, and the title amendment to Engrossed Substitute House Bill No. 2828.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2828, as amended by the Senate without the amendment on page 4, after line 7, and the title amendment, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 2; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Finkbeiner, Franklin, Goings, Hale, Hargrove, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prince, Rasmussen, Schow, Sellar, Sheldon, Smith, Snyder, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 36.

Voting nay: Senators Drew, Fairley, Haugen, Heavey, Kohl, Pelz, Prentice, Quigley, Rinehart, Spanel and Thibaudeau - 11.  
Absent: Senators Fraser and Roach - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2828, as amended by the Senate without the amendment on page 4, line 7, and the title amendment, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1996

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2860 and again asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate refuses to recede from its amendment(s) to Substitute House Bill No. 2860, insists on its position and asks the House to concur therein.

MESSAGE FROM THE HOUSE

March 4, 1996

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2386 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTIONS

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 2386 was returned to second reading and read the second time.

On motion of Senator Haugen, the Senate will reconsider the Committee on Government Operations striking amendment to Substitute House Bill No. 2386, which was adopted March 1, 1996.

MOTIONS

On motion of Senator Haugen, the following amendment by Senators Haugen, Sheldon and Hale to the Committee on Government Operations striking amendment, on reconsideration, was adopted:

On page 8, after line 12 of the amendment, insert the following:

"Sec. 12. RCW 34.05.230 and 1995 c 403 s 702 are each amended to read as follows:

(1) If the adoption of rules is not feasible and practicable, an agency is encouraged to advise the public of its current opinions, approaches, and likely courses of action by means of interpretive or policy statements. Current interpretive and policy statements are advisory only. To better inform and involve the public, an agency is encouraged to convert long-standing interpretive and policy statements into rules.

(2) A person may petition an agency requesting the conversion of interpretive and policy statements into rules. Upon submission, the agency shall notify the joint administrative rules review committee of the petition. Within sixty days after submission of a petition, the agency shall either deny the petition in writing, stating its reasons for the denial, or initiate rule-making proceedings in accordance with this chapter.

(3) Each agency shall maintain a roster of interested persons, consisting of persons who have requested in writing to be notified of all interpretive and policy statements issued by that agency. Each agency shall update the roster once each year and eliminate persons who do not indicate a desire to continue on the roster. Whenever an agency issues an interpretive or policy statement, it shall send a copy of the statement to each person listed on the roster. The agency may charge a nominal fee to the interested person for this service.

(4) Whenever an agency issues an interpretive or policy statement, it shall submit to the code reviser for publication in the Washington State Register a statement describing the subject matter of the interpretive or policy statement, and listing the person at the agency from whom a copy of the interpretive or policy statement may be obtained.

Renumber the section following consecutively and correct internal references accordingly.

On motion of Senator Haugen, the following amendments by Senators Haugen, Sheldon and Winsley to the Committee on Government Operations striking amendment, on reconsideration, were considered simultaneously and were adopted:

On page 4, line 14 of the amendment, after "owner" strike all material through "mail,"

On page 4, line 19 of the amendment, after "property;" insert "and"

On page 4, beginning on line 25 of the amendment, after "area" strike all material through "town" on line 29 of the amendment

On page 5, line 8 of the amendment, after "town" insert "to pay damages for a violation of this section"

The President declared the question before the Senate to be the adoption of the Committee on Government Operations striking amendment, as amended on reconsideration, to Substitute House Bill No. 2386.

The Committee on Government Operations striking amendment, as amended on reconsideration, to Substitute House Bill No. 2386, was adopted.

MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 8, line 20 of the title amendment, after "43.05.090," strike "and" and after "43.05.100" insert ", and 34.05.230"

On motion of Senator Haugen, Substitute House Bill No. 2386, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2386, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2386, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2386, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 6, 1996

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2533 and again asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 2533 was returned to second reading and read the second time.

#### MOTIONS

On motion of Senator Hargrove, the following amendment by Senators Hargrove and Long was adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** A new section is added to chapter 9.95 RCW to read as follows:

- (1) When a superior court places a defendant convicted of a misdemeanor or gross misdemeanor on probation and orders supervision under RCW 9.92.060 or 9.95.210, the department of corrections has initial responsibility for supervision of that defendant.
- (2) A county legislative authority may assume responsibility for the supervision of all defendants within its jurisdiction who have been convicted of a misdemeanor or gross misdemeanor and sentenced to probation by a superior court. The assumption of responsibility shall be made by contract with the department of corrections on a biennial basis.
- (3) If a county assumes supervision responsibility, the county shall supervise all superior court misdemeanor probationers within that county for the duration of the biennium, as set forth in the contract with the department of corrections.
- (4) A contract between a county legislative authority and the department of corrections for the transfer of supervision responsibility must include, at a minimum, the following provisions:
  - (a) The county's agreement to supervise all misdemeanor probationers who are sentenced by a superior court within that county and who reside within that county;
  - (b) A reciprocal agreement regarding the supervision of superior court misdemeanor probationers sentenced in one county but who reside in another county;
  - (c) The county's agreement to comply with the minimum standards for classification and supervision of offenders as required under section 2 of this act;
  - (d) The amount of funds available from the department of corrections to the county for supervision of superior court misdemeanor probationers, calculated according to a formula established by the department of corrections;
  - (e) A method for the payment of funds by the department of corrections to the county;
  - (f) The county's agreement that any funds received by the county under the contract will be expended only to cover costs of supervision of superior court misdemeanor probationers;
  - (g) The county's agreement to account to the department of corrections for the expenditure of all funds received under the contract and to submit to audits for compliance with the supervision standards and financial requirements of this section;
  - (h) Provisions regarding rights and remedies in the event of a possible breach of contract or default by either party; and
  - (i) Provisions allowing for voluntary termination of the contract by either party, with good cause, after sixty days' written notice.
- (5) If the contract between the county and the department of corrections is terminated for any reason, the department of corrections shall reassume responsibility for supervision of superior court misdemeanor probationers within that county. In such an event, the department of corrections retains any and all rights and remedies available by law and under the contract.
- (6) The state of Washington, the department of corrections and its employees, community corrections officers, and volunteers who assist community corrections officers are not liable for any harm caused by the actions of a superior court misdemeanor probationer who is under the supervision of a county. A county, its probation department and employees, probation officers, and volunteers who assist probation officers are not liable for any harm caused by the actions of a superior court misdemeanor probationer who is under the supervision of the department of corrections. This subsection applies regardless of whether the supervising entity is in compliance with the standards of supervision at the time of the misdemeanor probationer's actions.
- (7) The state of Washington, the department of corrections and its employees, community corrections officers, any county under contract with the department of corrections pursuant to this section and its employees, probation officers, and volunteers who assist community corrections officers and probation officers in the superior court misdemeanor probation program are not liable for civil damages resulting from any act or omission in the rendering of superior court misdemeanor probation activities unless the act or omission constitutes gross negligence. For purposes of this section, "volunteers" is defined according to RCW 51.12.035.

**NEW SECTION. Sec. 2.** A new section is added to chapter 9.95 RCW to read as follows:

- (1) Probation supervision of misdemeanor offenders sentenced in a superior court must be based upon an offender classification system and supervision standards.
- (2) Any entity under contract with the department of corrections pursuant to section 1 of this act shall establish and maintain a classification system that:
  - (a) Provides for a standardized assessment of offender risk;
  - (b) Differentiates between higher and lower risk offenders based on criminal history and current offense;
  - (c) Assigns cases to a level of supervision based on assessed risk;
  - (d) Provides, at a minimum, three levels of supervision;
  - (e) Provides for periodic review of an offender's classification level during the term of supervision; and
  - (f) Structures the discretion and decision making of supervising officers.
- (3) Any entity under contract with the department of corrections pursuant to section 1 of this act may establish and maintain supervision standards that:

- (a) Identify the frequency and nature of offender contact within each of at least three classification levels;
  - (b) Provide for a minimum of one face-to-face contact each month with offenders classified at the highest level of risk;
  - (c) Provide for a minimum of one personal contact per quarter for lower-risk offenders;
  - (d) Provide for specific reporting requirements for offenders within each level of the classification system;
  - (e) Assign higher-risk offenders to staff trained to deal with higher-risk offenders;
  - (f) Verify compliance with sentence conditions imposed by the court; and
  - (g) Report to the court violations of sentence conditions as appropriate.
- (4) Under no circumstances may an entity under contract with the department of corrections pursuant to section 1 of this act establish or maintain supervision that is less stringent than that offered by the department.
- (5) The minimum supervision standards established and maintained by the department of corrections shall provide for no less than one contact per quarter for misdemeanor probationers under its jurisdiction. The contact shall be a personal interaction accomplished either face-to-face or by telephone, unless the department finds that the individual circumstances of the offender do not require personal interaction to meet the objectives of the supervision. The circumstances under which the department may find that an offender does not require personal interaction are limited to the following: (a) The offender has no special conditions or crime-related prohibitions imposed by the court other than legal financial obligations; and (b) the offender poses minimal risk to public safety.
- (6) The classification system and supervision standards must be established and met within the resources available as provided for by the legislature and the cost of supervision assessments collected, and may be enhanced by funds otherwise generated by the supervising entity.

**Sec. 3.** RCW 9.95.210 and 1995 1st sp.s. c 19 s 29 are each amended to read as follows:

- (1) In granting probation, the superior court may suspend the imposition or the execution of the sentence and may direct that the suspension may continue upon such conditions and for such time as it shall designate, not exceeding the maximum term of sentence or two years, whichever is longer.
- (2) In the order granting probation and as a condition thereof, the superior court may in its discretion imprison the defendant in the county jail for a period not exceeding one year and may fine the defendant any sum not exceeding the statutory limit for the offense committed, and court costs. As a condition of probation, the superior court shall require the payment of the penalty assessment required by RCW 7.68.035. The superior court may also require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary: (a) To comply with any order of the court for the payment of family support; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement; (c) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required; (d) following consideration of the financial condition of the person subject to possible electronic monitoring, to pay for the costs of electronic monitoring if that monitoring was required by the court as a condition of release from custody or as a condition of probation; (e) to contribute to a county or interlocal drug fund; and (f) to make restitution to a public agency for the costs of an emergency response under RCW 38.52.430, and may require bonds for the faithful observance of any and all conditions imposed in the probation.
- (3) The superior court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the superior court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the superior court within one year of imposition of the sentence for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the superior court shall hold a restitution hearing and shall enter a restitution order.
- (4) In granting probation, the superior court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary. If the county legislative authority has elected to assume responsibility for the supervision of superior court misdemeanor probationers within its jurisdiction, the superior court misdemeanor probationer shall report to a probation officer employed or contracted for by the county. In cases where a superior court misdemeanor probationer is sentenced in one county, but resides within another county, there must be provisions for the probationer to report to the agency having supervision responsibility for the probationer's county of residence.
- (5) If the probationer has been ordered to make restitution and the superior court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made. If the superior court has ordered supervision and restitution has not been made as ordered, the officer shall inform the prosecutor of that violation of the terms of probation not less than three months prior to the termination of the probation period. The secretary of corrections will promulgate rules and regulations for the conduct of the person during the term of probation. For defendants found guilty in district court, like functions as the secretary performs in regard to probation may be performed by probation officers employed for that purpose by the county legislative authority of the county wherein the court is located.

**Sec. 4.** RCW 9.95.214 and 1995 1st sp.s. c 19 s 32 are each amended to read as follows:

Whenever a defendant convicted of a misdemeanor or gross misdemeanor is placed on probation under RCW 9.92.060 or 9.95.210, and the defendant is supervised by the department of corrections or a county probation department, the department or county probation department may assess and collect from the defendant for the duration of the term of supervision a monthly assessment not to exceed one hundred dollars per month. This assessment shall be paid to the ((department)) agency supervising the defendant and shall be applied, along with funds appropriated by the legislature, toward the payment or part payment of the cost of supervising the defendant.

**Sec. 5.** RCW 9.92.060 and 1995 1st sp.s. c 19 s 30 are each amended to read as follows:

- (1) Whenever any person is convicted of any crime except murder, burglary in the first degree, arson in the first degree, robbery, rape of a child, or rape, the superior court may, in its discretion, at the time of imposing sentence upon such person, direct that such sentence be stayed and suspended until otherwise ordered by ((such)) the superior court, and that the sentenced person be placed under the charge of a community corrections officer employed by the department of corrections, or if the county elects to assume responsibility for the supervision of all superior court misdemeanor probationers a probation officer employed or contracted for by the county, upon such terms as the superior court may determine.
- (2) As a condition to suspension of sentence, the superior court shall require the payment of the penalty assessment required by RCW 7.68.035. In addition, the superior court may require the convicted person to make such monetary payments, on such terms as the superior court deems appropriate under the circumstances, as are necessary: (a) To comply with any order of the court for the payment of family support; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement; (c) to pay any fine imposed and not suspended and the court or other costs incurred in the prosecution of the case, including reimbursement of the state for costs of extradition if return to this state by extradition was required; and (d) to contribute to a county or interlocal drug fund.
- (3) As a condition of the suspended sentence, the superior court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary. If the county legislative authority has elected to assume responsibility for the supervision of superior court misdemeanor probationers within its jurisdiction, the superior court misdemeanor probationer shall report to a probation officer employed or contracted for by the county. In

cases where a superior court misdemeanor probationer is sentenced in one county, but resides within another county, there must be provisions for the probationer to report to the agency having supervision responsibility for the probationer's county of residence.

(4) If restitution to the victim has been ordered under subsection (2)(b) of this section and the superior court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made as ordered. If the superior court has ordered supervision and restitution has not been made, the officer shall inform the prosecutor of that violation of the terms of the suspended sentence not less than three months prior to the termination of the suspended sentence.

**Sec. 6.** RCW 10.64.120 and 1991 c 247 s 3 are each amended to read as follows:

(1) Every judge of a court of limited jurisdiction shall have the authority to levy upon a person a monthly assessment not to exceed ~~((fifty))~~ one hundred dollars for services provided whenever ((a)) the person is referred by the court to the misdemeanor probation department for evaluation or supervision services. The assessment may also be made by a ~~((sentencing))~~ judge in superior court when such misdemeanor or gross misdemeanor cases are heard in the superior court.

(2) For the purposes of this section the office of the administrator for the courts shall define a probation department and adopt rules for the qualifications of probation officers based on occupational and educational requirements developed by an oversight committee. This oversight committee shall include a representative from the district and municipal court judges association, the misdemeanor corrections association, the office of the administrator for the courts, and associations of cities and counties. The oversight committee shall consider qualifications that provide the training and education necessary to (a) conduct presentencing and postsentencing background investigations, including sentencing recommendations to the court regarding jail terms, alternatives to incarceration, and conditions of release; and (b) provide ongoing supervision and assessment of offenders' needs and the risk they pose to the community.

(3) It shall be the responsibility of the probation services office to implement local procedures approved by the court of limited jurisdiction to ensure collection and payment of such fees into the general fund of the city or county treasury.

~~((3))~~ (4) Revenues raised under this section shall be used to fund programs for probation services and shall be in addition to those funds provided in RCW 3.62.050.

**Sec. 7.** RCW 36.01.070 and 1967 c 200 s 9 are each amended to read as follows:

Notwithstanding the provisions of chapter 72.01 RCW or any other provision of law, counties may engage in probation and parole services and employ personnel therefor under such terms and conditions as any such county shall so determine. If a county elects to assume responsibility for the supervision of superior court misdemeanor offenders placed on probation under RCW 9.92.060 or 9.95.210, the county may contract with other counties to receive or provide such probation services. A county may also enter into partnership agreements with the department of corrections under RCW 72.09.300.

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 9.95.210, 9.95.214, 9.92.060, 10.64.120, and 36.01.070; and adding new sections to chapter 9.95 RCW."

#### MOTION

On motion of Senator Hargrove, Substitute House Bill No. 2533, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTIONS

On motion of Senator Anderson, Senator Deccio was excused.

On motion of Senator Sheldon, Senator Rinehart was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2533, as amended by the Senate under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2533, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senator Pelz - 1.

Excused: Senators Deccio and Rinehart - 2.

SUBSTITUTE HOUSE BILL NO. 2533, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 5, 1996

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 2567 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 2567 was returned to second reading and read the second time.

#### MOTIONS

On motion of Senator Haugen, the following amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70B.130 and 1995 c 347 s 417 are each amended to read as follows:

A local government planning under RCW 36.70A.040 shall provide a notice of decision that also includes a statement of any threshold determination made under chapter 43.21C RCW and the procedures for administrative appeal, if any. The notice of decision may be a copy of the report or decision on the project permit application. The notice shall be provided to the applicant and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application. The local government shall provide for notice of its decision as provided in RCW 36.70B.110(4), which shall also state that affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation. The local government shall provide notice of decision to the county assessor's office of the county or counties in which the property is situated.

**NEW SECTION. Sec. 2.** A new section is added to chapter 35.22 RCW to read as follows:

By July 31, 1997, a first class city planning under RCW 36.70A.040 shall provide to the county assessor a copy of the first class city's comprehensive plan and development regulations in effect on July 1st of that year and shall thereafter provide any amendments to the plan and regulations that were adopted before July 31st of each following year.

**NEW SECTION. Sec. 3.** A new section is added to chapter 35.63 RCW to read as follows:

By July 31, 1997, a city planning under RCW 36.70A.040 shall provide to the county assessor a copy of the city's comprehensive plan and development regulations in effect on July 1st of that year and shall thereafter provide any amendments to the plan and regulations that were adopted before July 31st of each following year.

**NEW SECTION. Sec. 4.** A new section is added to chapter 35A.63 RCW to read as follows:

By July 31, 1997, a code city planning under RCW 36.70A.040 shall provide to the county assessor a copy of the code city's comprehensive plan and development regulations in effect on July 1st of that year and shall thereafter provide any amendments to the plan and regulations that were adopted before July 31st of each following year.

**NEW SECTION. Sec. 5.** A new section is added to chapter 36.70 RCW to read as follows:

By July 31, 1997, a county planning under RCW 36.70A.040 shall provide to the county assessor a copy of the county's comprehensive plan and development regulations in effect on July 1st of that year and shall thereafter provide any amendments to the plan and regulations that were adopted before July 31st of each following year.

**NEW SECTION. Sec. 6.** A new section is added to chapter 36.70B RCW to read as follows:

By July 31, 1997, a local government planning under RCW 36.70A.040 shall provide to the county assessor a copy of the local government's comprehensive plan and development regulations in effect on July 1st of that year and shall thereafter provide any amendments to the plan and regulations that were adopted before July 31st of each following year.

**Sec. 7.** RCW 84.41.030 and 1982 1st ex. s. c 46 s 1 are each amended to read as follows:

Each county assessor shall maintain an active and systematic program of revaluation on a continuous basis, and shall establish a revaluation schedule which will result in revaluation of all taxable real property within the county at least once each four years and physical inspection of all taxable real property within the county at least once each six years. Each county assessor may disregard any program of revaluation, if requested by a property owner, and change, as appropriate, the valuation of real property upon the receipt of a notice of decision received under RCW 36.70B.130, section 8 of this act, or chapter 35.22, 35.63, 35A.63, or 36.70 RCW pertaining to the value of the real property.

**NEW SECTION. Sec. 8.** A new section is added to chapter 90.60 RCW to read as follows:

(1) A state permit agency shall forward to the appropriate county assessor a notice of the agency's final decision with respect to a permit sought from the agency in connection with a project permit application as defined in RCW 36.70B.020.

(2) For the purposes of this section:

(a) "Permit" means a license, certificate, registration, permit, or other form of authorization required by a permit agency in connection with a project permit application as defined in RCW 36.70B.020; and

(b) "State permit agency" means the department of ecology, the department of natural resources, the department of fish and wildlife, or the department of health."

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 2 of the title, after "property;" strike the remainder of the title and insert "amending RCW 36.70B.130 and 84.41.030; adding a new section to chapter 35.22 RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 36.70B RCW; and adding a new section to chapter 90.60 RCW."

#### MOTION

On motion of Senator Haugen, House Bill No. 2567, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2567, as amended by the Senate under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2567, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator Pelz - 1.

Excused: Senator Deccio - 1.

HOUSE BILL NO. 2567, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 5, 1996

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to HOUSE BILL NO. 2716 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Snyder moved that the Senate do recede from its amendment(s) to House Bill No. 2716.  
Debate ensued.

The President declared the question before the Senate to be the motion by Senator Snyder that the Senate do recede from its amendment(s) to House Bill No. 2716.

The motion by Senator Snyder carried and the Senate receded from its amendment(s) to House Bill No. 2716.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2716, without the Senate amendment(s).

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2716, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 32; Nays, 14; Absent, 2; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Goings, Hale, Hargrove, Haugen, Hochstatter, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prince, Rasmussen, Roach, Schow, Sellar, Sheldon, Snyder, Strannigan, Sutherland, Swecker, West, Winsley, Wood and Zarelli - 32.

Voting nay: Senators Drew, Fairley, Finkbeiner, Franklin, Fraser, Heavey, Kohl, McAuliffe, Prentice, Quigley, Smith, Spanel, Thibaudeau and Wojahn - 14.

Absent: Senators Pelz and Rinehart - 2.

Excused: Senator Deccio - 1.

HOUSE BILL NO. 2716, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 7, 1996

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on Second Substitute Senate Bill No. 5258 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### CONFERENCE COMMITTEE REPORT

**2SSB 5258 March 6, 1996**

Includes "New Items": YES

An act relating to clarifying, technical, and administrative revisions to community public health and safety networks

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SECOND SUBSTITUTE SENATE BILL NO. 5258, An Act relating to clarifying, technical, and administrative revisions to community public health and safety networks, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of this act only to make minimal clarifying, technical, and administrative revisions to the laws concerning community public health and safety networks and to the related agencies responsible for implementation of the networks. This act is not intended to change the scope of the duties or responsibilities, nor to undermine the underlying policies, set forth in chapter 7, Laws of 1994 sp. sess.

Sec. 2. RCW 70.190.010 and 1995 c 399 s 200 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Administrative costs" means the costs associated with procurement; payroll processing; personnel functions; management; maintenance and operation of space and property; data processing and computer services; accounting; budgeting; auditing; indirect costs; and organizational planning, consultation, coordination, and training.

(2) "Assessment" has the same meaning as provided in RCW 43.70.010.

(3) "At-risk" children are children who engage in or are victims of at-risk behaviors.

(4) "At-risk behaviors" means violent delinquent acts, teen substance abuse, teen pregnancy and male parentage, teen suicide attempts, dropping out of school, child abuse or neglect, and domestic violence.

(5) "Community public health and safety networks" or "networks" means the organizations authorized under RCW 70.190.060.

(6) "Comprehensive plan" means a two-year plan that examines available resources and unmet needs for a county or multicounty area, barriers that limit the effective use of resources, and a plan to address these issues that is broadly supported by local residents.

((2)) (7) "Participating state agencies" means the office of the superintendent of public instruction, the department of social and health services, the department of health, the employment security department, the department of community, trade, and economic development, and such other departments as may be specifically designated by the governor.

((3)) (8) "Family policy council" or "council" means the superintendent of public instruction, the secretary of social and health services, the secretary of health, the commissioner of the employment security department, and the director of the department of community, trade, and economic development or their designees, one legislator from each caucus of the senate and house of representatives, and one representative of the governor.

((4)) (9) "Fiduciary interest" means (a) the right to compensation from a health, educational, social service, or justice system organization that receives public funds, or (b) budgetary or policy-making authority for an organization listed in (a) of this subsection. A person who acts solely in an advisory capacity and receives no compensation from a health, educational, social service, or justice system organization, and who has no budgetary or policy-making authority is deemed to have no fiduciary interest in the organization.

(10) "Outcome" or "outcome based" means defined and measurable outcomes ((and indicators that make it possible for communities)) used to evaluate progress in ((meeting their goals and whether systems are fulfilling their responsibilities)) reducing the rate of at-risk children and youth through reducing risk factors and increasing protective factors.

((5)) (11) "Matching funds" means an amount no less than twenty-five percent of the amount budgeted for a ((consortium's project)) network. ((Up to half of)) The ((consortium's)) network's matching funds may be in-kind goods and services. Funding sources allowable for match include appropriate federal or local levy funds, private charitable funding, and other charitable giving. Basic education

funds shall not be used as a match. State general funds shall not be used as a match for violence reduction and drug enforcement account funds created under RCW 69.50.520.

~~((6) "Consortium" means a diverse group of individuals that includes at least representatives of local service providers, service recipients, local government administering or funding children or family service programs, participating state agencies, school districts, existing children's commissions, ethnic and racial minority populations, and other interested persons organized for the purpose of designing and providing collaborative and coordinated services under this chapter. Consortia shall represent a county, multicounty, or municipal service area. In addition, consortia may represent Indian tribes applying either individually or collectively.))~~

(12) "Policy development" has the same meaning as provided in RCW 43.70.010.

(13) "Protective factors" means those factors determined by the department of health to be empirically associated with behaviors that contribute to socially acceptable and healthy nonviolent behaviors. Protective factors include promulgation, identification, and acceptance of community norms regarding appropriate behaviors in the area of delinquency, early sexual activity, alcohol and substance abuse, educational opportunities, employment opportunities, and absence of crime.

(14) "Risk factors" means those factors determined by the department of health to be empirically associated with at-risk behaviors that contribute to violence.

**Sec. 3.** RCW 70.190.060 and 1994 sp.s. c 7 s 303 are each amended to read as follows:

(1) The legislature (~~intends to create~~) authorizes community public health and safety networks to reconnect parents and other citizens with children, youth, families, and community institutions which support health and safety. The networks have only those powers and duties expressly authorized under this chapter. The networks should empower parents and other citizens by being a means of expressing their attitudes, spirit, and perspectives regarding safe and healthy family and community life. The legislature intends that parent and other citizen perspectives exercise a controlling influence over policy and program operations of professional organizations concerned with children and family issues within networks in a manner consistent with the Constitution and state law. It is not the intent of the legislature that health, social service, or educational professionals dominate community public health and safety network processes or programs, but rather that these professionals use their skills to lend support to parents and other citizens in expressing their values as parents and other citizens identify community needs and establish community priorities. To this end, the legislature intends full participation of parents and other citizens in community public health and safety networks. The intent is that local community values are reflected in the operations of the network.

(2) A group of persons described in subsection (3) of this section may apply (~~by December 1, 1994,~~) to be a community public health and safety network.

(3) Each community public health and safety network shall be composed of twenty-three people, thirteen of whom shall be citizens who live within the network boundary with no (~~direct~~) fiduciary interest (~~in health, education, social service, or justice system organizations operating within the network area~~). In selecting these members, first priority shall be given to members of community mobilization advisory boards, city or county children's services commissions, human services advisory boards, or other such organizations (~~which may exist within the network~~). The thirteen persons shall be selected as follows: Three by (~~the~~) chambers of commerce (~~located in the network~~), three by school board members (~~of the school districts within the network boundary~~), three by (~~the~~) county legislative authorities (~~of the counties within the network boundary~~), and one high school student, selected by student organizations (~~within the network boundary~~). The remaining ten members shall live or work within the network boundary and shall include local representation (~~from~~) selected by the following groups and entities: Cities(~~;~~); counties(~~;~~); federally recognized Indian tribes(~~;~~); parks and recreation programs(~~;~~); law enforcement agencies(~~;~~); state children's service workers (~~from within the network area~~); employment assistance workers (~~from within the network area~~); private social(~~;~~); educational) service providers, broad-based nonsecular organizations, or health service providers (~~from within the network area, and broad-based nonsecular organizations~~); and public education.

(4) (~~A list of the network members shall be submitted to the council by December 1, 1994, by the network chair who shall be selected by network members at their first meeting. The list shall become final unless the council chooses other members within twenty days after the list is submitted. The council shall accept the list unless he or she believes the proposed list does not adequately represent all parties identified in subsection (3) of this section or a member has a conflict of interest between his or her membership and his or her livelihood.~~) Members of the (~~community~~) network shall serve terms of three years.

The terms of the initial members of each network shall be as follows: (a) One-third shall serve for one year; (b) one-third shall serve for two years; and (c) one-third shall serve for three years. Initial members may agree which shall serve fewer than three years or the decision may be made by lot. (~~The same process shall be used in the selection of the chair and members for subsequent terms.~~) Any vacancy occurring during the term may be filled by the chair for the balance of the unexpired term.

(5) (~~The network shall select a public entity as the lead fiscal agency for the network. The lead agency may contract with a public or private entity to perform other administrative duties required by the state. In making the selection, the network shall consider: (a) Experience in administering prevention and intervention programs; (b) the relative geographical size of the network and its members; (c) budgeting and fiscal capacity; and (d) how diverse a population each entity represents.~~) Not less than sixty days before the expiration of a network member's term, the chair shall submit the name of a nominee to the network for its approval. The network shall comply with subsection (3) of this section.

(6) Networks (~~meetings~~) are subject to the open public meetings act under chapter 42.30 RCW and the public records provisions of RCW 42.17.270 through 42.17.310.

**NEW SECTION. Sec. 4.** A new section is added to chapter 70.190 RCW to read as follows:

(1) Each network shall contract with a public entity as its lead fiscal agent. The contract shall grant the agent authority to perform fiscal, accounting, contract administration, legal, and other administrative duties, including the provision of liability insurance. Any contract under this subsection shall be submitted to the council by the network for approval prior to its execution. The council shall review the contract to determine whether the administrative costs will be held to no more than ten percent.

(2) The lead agent shall maintain a system of accounting for network funds consistent with the budgeting, accounting, and reporting systems and standards adopted or approved by the state auditor.

(3) The lead agent may contract with another public or private entity to perform duties other than fiscal or accounting duties.

**NEW SECTION. Sec. 5.** A new section is added to chapter 70.190 RCW to read as follows:

No network member may vote to authorize, or attempt to influence the authorization of, any expenditure in which the member's immediate family has a fiduciary interest. For the purpose of this section "immediate family" means a spouse, parent, grandparent, adult child, brother, or sister.

**Sec. 6.** RCW 70.190.080 and 1994 sp.s. c 7 s 305 are each amended to read as follows:

(1) The community network's plan may include a program to provide postsecondary scholarships to at-risk students who: (a) Are community role models under criteria established by the community network; (b) successfully complete high school; and (c) maintain at least a 2.5 grade point average throughout high school. Funding for the scholarships may include public and private sources.

(2) The community network's plan may also include funding of community-based home visitor programs which are designed to reduce the incidence of child abuse and neglect (~~with~~ ~~within~~) within the network. Parents shall sign a voluntary authorization for services, which may be withdrawn at any time. The program may provide parents with education and support either in parents' homes or in other locations comfortable for parents, beginning with the birth of their first baby. The program may make the following services available to the families:

(a) Visits for all expectant or new parents, either at the parent's home or another location with which the parent is comfortable;

(b) Screening before or soon after the birth of a child to assess the family's strengths and goals and define areas of concern in consultation with the family;

- (c) Parenting education and skills development;
- (d) Parenting and family support information and referral;
- (e) Parent support groups; and

(f) Service coordination for individual families, and assistance with accessing services, provided in a manner that ensures that individual families have only one individual or agency to which they look for service coordination. Where appropriate for a family, service coordination may be conducted through interdisciplinary or interagency teams.

These programs are intended to be voluntary for the parents involved.

~~(3) ((The community network may include funding of))~~ In developing long-term comprehensive plans to reduce the rate of at-risk children and youth, the community networks shall consider increasing employment and job training opportunities in recognition that they constitute an effective network strategy and strong protective factor. The networks shall consider and may include funding of:

(a) At-risk youth job placement and training programs. The programs shall:

- (i) Identify and recruit at-risk youth for local job opportunities;
- (ii) Provide skills and needs assessments for each youth recruited;
- (iii) Provide career and occupational counseling to each youth recruited;
- (iv) Identify businesses willing to provide employment and training opportunities for at-risk youth;
- (v) Match each youth recruited with a business that meets his or her skills and training needs;
- (vi) Provide employment and training opportunities that prepare the individual for demand occupations; and
- (vii) Include, to the extent possible, collaboration of business, labor, education and training, community organizations, and local

government;

(b) Employment assistance, including job development, school-to-work placement, employment readiness training, basic skills, apprenticeships, job mentoring, and private sector and community service employment;

(c) Education assistance, including tutoring, mentoring, interactions with role models, entrepreneurial education and projects, violence prevention training, safe school strategies, and employment reentry assistance services;

~~((d))~~ (4) The community network may include funding of:

~~(a)~~ Peer-to-peer, group, and individual counseling, including crisis intervention, for at-risk youth and their parents;

~~((e))~~ (b) Youth coalitions that provide opportunities to develop leadership skills and gain appropriate respect, recognition, and rewards for their positive contribution to their community;

~~((f))~~ (c) Technical assistance to applicants to increase their organizational capacity and to improve the likelihood of a successful application; and

~~((g))~~ (d) Technical assistance and training resources to successful applicants.

**Sec. 7.** RCW 70.190.090 and 1994 sp.s. c 7 s 306 are each amended to read as follows:

(1) A ~~((community))~~ network that has its membership finalized under RCW 70.190.060(4) shall, upon application to the council, be eligible to receive planning grants and technical assistance from the council. Planning grants may be funded through available federal funds for family preservation services. After receiving the planning grant the ~~((region will be given))~~ network has up to one year to submit the long-term comprehensive plan. ~~((Upon application the community networks are eligible to receive funds appropriated under RCW 70.190.140.))~~

(2) The council shall enter into biennial contracts with ~~((community))~~ networks as part of the grant process. The contracts shall be consistent with available resources, and shall be distributed in accordance with the distribution formula developed pursuant to RCW 43.41.195, subject to the applicable matching fund requirement.

(3) No later than February 1 of each odd-numbered year following the initial contract between the council and a network, the council shall request from the network its plan for the upcoming biennial contract period.

(4) The council shall notify the ~~((community))~~ networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(5) The networks shall, by contract, distribute funds (a) appropriated for plan implementation by the legislature, and (b) obtained from nonstate or federal sources. In distributing funds, the networks shall ensure that administrative costs are held to a maximum of ten percent.

(6) A network shall not provide services or operate programs.

(7) A network shall file a report with the council by May 1 of each year that includes but is not limited to the following information: Detailed expenditures, programs under way, progress on contracted services and programs, and successes and problems in achieving the outcomes required by RCW 70.190.130(1)(h) related to reducing the rate of state-funded out-of-home placements and the other three at-risk behaviors covered by the comprehensive plan and approved by the council.

**Sec. 8.** RCW 70.190.130 and 1994 sp.s. c 7 s 310 are each amended to read as follows:

(1) The council shall only disburse funds to a ~~((community))~~ network after a comprehensive plan has been prepared by the network and approved by the council ~~((or as provided in RCW 70.190.140)).~~ In approving the plan the council shall consider whether the network:

~~((1))~~ (a) Promoted input from the widest practical range of agencies and affected parties, including public hearings;

~~((2))~~ (b) Reviewed the indicators of violence data compiled by the local public health departments and incorporated a response to those indicators in the plan;

~~((3))~~ (c) Obtained a declaration by the largest health department within the ~~((network's boundaries, ensuring that))~~ network boundary, indicating whether the plan ~~((met))~~ meets minimum standards for assessment and policy development relating to social development according to RCW 43.70.555;

~~((4))~~ (d) Included a specific mechanism of data collection and transmission based on the rules established under RCW 43.70.555;

~~((5))~~ (e) Considered all relevant causes of violence in its community and did not isolate only one or a few of the elements to the exclusion of others and demonstrated evidence of building community capacity through effective neighborhood and community development; ~~((and~~

~~((6))~~ (f) Considered youth employment and job training programs outlined in this chapter as a strategy to reduce the rate of at-risk children and youth;

(g) Integrated local programs that met the network's priorities and were deemed successful by the network;

(h) Committed to make measurable reductions in the rate of at-risk children and youth by reducing the rate of state-funded out-of-home placements and make reductions in at least three of the following rates of youth: Violent criminal acts, substance abuse, pregnancy and male parentage, suicide attempts, ~~((or))~~ dropping out of school, child abuse or neglect, and domestic violence; and

(i) Held a public hearing on its proposed comprehensive plan and submitted to the council all of the written comments received at the hearing and a copy of the minutes taken at the hearing.

(2) The council may establish a maximum amount to be expended by a network for purposes of planning and administrative duties, that shall not, in total, exceed ten percent of funds available to a network.

(3) The council may determine that a network is not in compliance with this chapter if it fails to comply with statutory requirements. Upon a determination of noncompliance, the council may suspend or revoke a network's status or contract and specify a process and deadline for the network's compliance.

**NEW SECTION. Sec. 9.** A new section is added to chapter 70.190 RCW to read as follows:

(1) The network members are immune from all civil liability arising from their actions done in their decision-making capacity as a network member, except for their intentional tortious acts or acts of official misconduct.

(2) The assets of a network are not subject to attachment or execution in satisfaction of a judgment for the tortious acts or official misconduct of any network member or for the acts of any agency or program to which it provides funds.

**NEW SECTION. Sec. 10.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 11.** The amendments to RCW 70.190.060 in 1996 c . . . s 3 (section 3 of this act) shall apply prospectively only and are not intended to affect the composition of any community public health and safety network's membership that has been approved by the family policy council prior to the effective date of this section.

**NEW SECTION. Sec. 12.** (1) Section 7 of this act shall take effect July 1, 1996.

(2) Section 8 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "networks;" strike the remainder of the title and insert "amending RCW 70.190.010, 70.190.060, 70.190.080, 70.190.090, and 70.190.130; adding new sections to chapter 70.190 RCW; creating new sections; providing an effective date; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Hargrove, Kohl, Long; Representatives Cooke, Boldt, Dickerson.

#### MOTION

On motion of Senator Hargrove, the Senate adopted the Conference Committee Report on Second Substitute Senate Bill No. 5258.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5258, as recommended by the Conference Committee.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5258, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senators Pelz and Rinehart - 2.

**SECOND SUBSTITUTE SENATE BILL NO. 5258**, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 7, 1996

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on Senate Bill No. 6247 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### CONFERENCE COMMITTEE REPORT

**SB 6247 March 5, 1996**

Includes "New Items": YES

Revising economic development activities

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SENATE BILL NO. 6247, revising economic development activities, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.163.210 and 1994 c 238 s 4 are each amended to read as follows:

For the purpose of facilitating economic development in the state of Washington and encouraging the employment of Washington workers at meaningful wages:

(1) The authority may develop and conduct a program or programs to provide nonrecourse revenue bond financing for the project costs for no more than five economic development activities, per fiscal year, included under the authority's general plan of economic development finance objectives(=). In addition, the authority may issue tax-exempt bonds to finance ten manufacturing or processing activities, per fiscal year, for which the total project cost is less than one million dollars per project.

(2) The authority may also develop and conduct a program that will stimulate and encourage the development of new products within Washington state by the infusion of financial aid for invention and innovation in situations in which the financial aid would not otherwise be reasonably available from commercial sources. The authority is authorized to provide nonrecourse revenue bond financing for this program.

(a) For the purposes of this program, the authority shall have the following powers and duties:

(i) To enter into financing agreements with eligible persons doing business in Washington state, upon terms and on conditions consistent with the purposes of this chapter, for the advancement of financial and other assistance to the persons for the development of specific products, procedures, and techniques, to be developed and produced in this state, and to condition the agreements upon contractual assurances that the benefits of increasing or maintaining employment and tax revenues shall remain in this state and accrue to it;

(ii) Own, possess, and take license in patents, copyrights, and proprietary processes and negotiate and enter into contracts and establish charges for the use of the patents, copyrights, and proprietary processes when the patents and licenses for products result from assistance provided by the authority;

(iii) Negotiate royalty payments to the authority on patents and licenses for products arising as a result of assistance provided by the authority;

(iv) Negotiate and enter into other types of contracts with eligible persons that assure that public benefits will result from the provision of services by the authority; provided that the contracts are consistent with the state Constitution;

(v) Encourage and provide technical assistance to eligible persons in the process of developing new products;

(vi) Refer eligible persons to researchers or laboratories for the purpose of testing and evaluating new products, processes, or innovations; and

(vii) To the extent permitted under its contract with eligible persons, to consent to a termination, modification, forgiveness, or other change of a term of a contractual right, payment, royalty, contract, or agreement of any kind to which the authority is a party.

(b) Eligible persons seeking financial and other assistance under this program shall forward an application, together with an application fee prescribed by rule, to the authority. An investigation and report concerning the advisability of approving an application for assistance shall be completed by the staff of the authority. The investigation and report may include, but is not limited to, facts about the company under consideration as its history, wage standards, job opportunities, stability of employment, past and present financial condition and structure, pro forma income statements, present and future markets and prospects, integrity of management as well as the feasibility of the proposed product and invention to be granted financial aid, including the state of development of the product as well as the likelihood of its commercial feasibility. After receipt and consideration of the report set out in this subsection and after other action as is deemed appropriate, the application shall be approved or denied by the authority. The applicant shall be promptly notified of action by the authority. In making the decision as to approval or denial of an application, priority shall be given to those persons operating or planning to operate businesses of special importance to Washington's economy, including, but not limited to: (i) Existing resource-based industries of agriculture, forestry, and fisheries; (ii) existing advanced technology industries of electronics, computer and instrument manufacturing, computer software, and information and design; and (iii) emerging industries such as environmental technology, biotechnology, biomedical sciences, materials sciences, and optics.

(3) The authority may also develop and implement, if authorized by the legislature, such other economic development financing programs adopted in future general plans of economic development finance objectives developed under RCW 43.163.090.

(4) The authority may not issue any bonds for the programs authorized under this section after June 30, 2000.

**Sec. 2.** RCW 43.180.160 and 1986 c 264 s 2 are each amended to read as follows:

The total amount of outstanding indebtedness of the commission may not exceed (~~one and one-half~~) two billion dollars at any time. The calculation of outstanding indebtedness shall include the initial principal amount of an issue and shall not include interest that is either currently payable or that accrues as a part of the face amount of an issue payable at maturity or earlier redemption. Outstanding indebtedness shall not include notes or bonds as to which the obligation of the commission has been satisfied and discharged by refunding or for which payment has been provided by reserves or otherwise.

**NEW SECTION. Sec. 3.** Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "development;" strike the remainder of the title and insert "amending RCW 43.163.210 and 43.180.160; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by: Senators Sheldon, Loveland, Winsley; Representatives Van Luven, Radcliff, Ogden.

#### MOTION

On motion of Senator Sheldon, the Senate adopted the Conference Committee Report on Senate Bill No. 6247.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6247, as recommended by the Conference Committee.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6247, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 5; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sheldon, Smith, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44.

Absent: Senators Goings, Rinehart, Sellar, Snyder and Sutherland - 5.

SENATE BILL NO. 6247, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 7, 1996

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6257 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### CONFERENCE COMMITTEE REPORT

**ESSB 6257 March 6, 1996**

Includes "New Items": YES

Improving guardian and guardian ad litem systems to protect minors and incapacitated persons

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 6257, improving guardian and guardian ad litem systems to protect minors and incapacitated persons, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** It is the intent of this act to make improvements to the guardian and guardian ad litem systems currently in place for the protection of minors and incapacitated persons.

**Sec. 2.** RCW 2.56.030 and 1994 c 240 s 1 are each amended to read as follows:

The administrator for the courts shall, under the supervision and direction of the chief justice:

- (1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same;
- (2) Examine the state of the dockets of the courts and determine the need for assistance by any court;
- (3) Make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance;
- (4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;
- (5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;
- (6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;
- (7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;
- (8) Act as secretary of the judicial conference referred to in RCW 2.56.060;
- (9) Formulate and submit to the judicial council of this state recommendations of policies for the improvement of the judicial system;

(10) Submit annually, as of February 1st, to the chief justice and the judicial council, a report of the activities of the administrator's office for the preceding calendar year;

(11) Administer programs and standards for the training and education of judicial personnel;

(12) Examine the need for new superior court and district judge positions under a weighted caseload analysis that takes into account the time required to hear all the cases in a particular court and the amount of time existing judges have available to hear cases in that court. The results of the weighted caseload analysis shall be reviewed by the board for judicial administration and the judicial council, both of which shall make recommendations to the legislature ((by January 1, 1989)). It is the intent of the legislature that weighted caseload analysis become the basis for creating additional district court positions, and recommendations should address that objective;

(13) Provide staff to the judicial retirement account plan under chapter 2.14 RCW;

(14) Attend to such other matters as may be assigned by the supreme court of this state;

(15) Within available funds, develop a curriculum for a general understanding of child development, placement, and treatment resources, as well as specific legal skills and knowledge of relevant statutes including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules, interviewing skills, and special needs of the abused or neglected child. This curriculum shall be completed and made available to all juvenile court judges, court personnel, and service providers ((by July 1, 1988. The curriculum shall) and be updated yearly to reflect changes in statutes, court rules, or case law;

(16) Develop, in consultation with the entities set forth in section 3(3) of this act, a comprehensive state-wide curriculum for persons who act as guardians ad litem under Title 13 or 26 RCW. The curriculum shall be made available July 1, 1997, and include specialty sections on child development, child sexual abuse, child physical abuse, child neglect, clinical and forensic investigative and interviewing techniques, family reconciliation and mediation services, and relevant statutory and legal requirements. The curriculum shall be made available to all superior court judges, court personnel, and all persons who act as guardians ad litem;

(17) Develop a curriculum for a general understanding of crimes of malicious harassment, as well as specific legal skills and knowledge of RCW 9A.36.080, relevant cases, court rules, and the special needs of malicious harassment victims. This curriculum shall be ((completed and)) made available to all superior court and court of appeals judges and to all justices of the supreme court ((by July 1, 1989));

((47)) (18) Develop, in consultation with the criminal justice training commission and the commissions established under chapters 43.113, 43.115, and 43.117 RCW, a curriculum for a general understanding of ethnic and cultural diversity and its implications for working with youth of color and their families. The curriculum shall be ((completed and made)) available to all superior court judges and court commissioners assigned to juvenile court, and other court personnel ((by October 1, 1993)). Ethnic and cultural diversity training shall be provided annually so as to incorporate cultural sensitivity and awareness into the daily operation of juvenile courts state-wide;

((48)) (19) Authorize the use of closed circuit television and other electronic equipment in judicial proceedings. The administrator shall promulgate necessary standards and procedures and shall provide technical assistance to courts as required.

**NEW SECTION. Sec. 3.** A new section is added to chapter 2.56 RCW to read as follows:

(1) The administrator for the courts shall review the advisability and feasibility of the state-wide mandatory use of court-appointed special advocates as described in RCW 26.12.175 to act as guardians ad litem in appropriate cases under Titles 13 and 26 RCW. The review must explore the feasibility of obtaining various sources of private and public funding to implement state-wide mandatory use of court-appointed special advocates, such as grants and donations, instead of or in combination with raising court fees or assessments.

(2) The administrator shall also conduct a study on the feasibility and desirability of requiring all persons who act as guardians ad litem under Titles 11, 13, and 26 RCW to be certified as qualified guardians ad litem prior to their eligibility for appointment.

(3) In conducting the review and study the administrator shall consult with: (a) The presidents or directors of all public benefit nonprofit corporations that are eligible to receive state funds under RCW 43.330.135; (b) the attorney general, or a designee; (c) the secretary of the department of social and health services, or a designee; (d) the superior court judges association; (e) the Washington state bar association; (f) public defenders who represent children under Title 13 or 26 RCW; (g) private attorneys who represent parents under Title 13 or 26 RCW; (h) professionals who evaluate families for the purposes of determining the custody or placement decisions of children; (i) the office of financial management; (j) persons who act as volunteer or compensated guardians ad litem; and (k) parents who have dealt with guardians ad litem in court cases. For the purposes of studying the feasibility of a certification requirement for guardians ad litem acting under Title 11 RCW the administrator shall consult with the advisory group formed under RCW 11.88.090.

(4) The office of the administrator for the courts shall also conduct a review of problems and concerns about the role of guardians ad litem in actions under Titles 11, 13, and 26 RCW and recommend alternatives to strengthen judicial oversight of guardians ad litem and ensure fairness and impartiality of the process. The office of the administrator for the courts must accept and obtain comments from parties designated in subsection (3) of this section.

**NEW SECTION. Sec. 4.** The review and study required under section 3 of this act shall be presented to the governor and to the legislature no later than December 1, 1996.

**Sec. 5.** RCW 4.08.060 and 1899 c 91 s 1 are each amended to read as follows:

When an ((insane)) incapacitated person is a party to an action in the superior courts he or she shall appear by guardian, or if he or she has no guardian, or in the opinion of the court the guardian is an improper person, the court shall appoint one to act as guardian ad litem. Said guardian shall be appointed as follows:

(1) When the ((insane)) incapacitated person is plaintiff, upon the application of a relative or friend of the ((insane)) incapacitated person.

(2) When the ~~((insane))~~ incapacitated person is defendant, upon the application of a relative or friend of such ~~((insane))~~ incapacitated person, such application shall be made within thirty days after the service of summons if served in the state of Washington, and if served out of the state or service is made by publication, then such application shall be made within sixty days after the first publication of summons or within sixty days after the service out of the state. If no such application be made within the time above limited, application may be made by any party to the action.

**Sec. 6.** RCW 8.25.270 and 1977 ex.s. c 80 s 12 are each amended to read as follows:

When it ~~((shall))~~ appears in any petition or otherwise at any time during the proceedings for condemnation brought pursuant to chapters 8.04, 8.08, 8.12, 8.16, 8.20, and 8.24 RCW~~((, each as now or hereafter amended,))~~ that any ~~((infant))~~ minor, or ~~((allegedly incompetent or disabled))~~ alleged incapacitated person is interested in any property that is to be taken or damaged, the court shall appoint a guardian ad litem for ~~((such infant))~~ the minor or ~~((allegedly incompetent or disabled))~~ alleged incapacitated person to appear and assist in ~~((his, her or their))~~ the person's defense, unless a guardian or limited guardian has previously been appointed, in which case the duty to appear and assist shall be delegated to the properly qualified guardian or limited guardian. The court shall make such orders or decrees as it shall deem necessary to protect and secure the interest of the ~~((infant))~~ minor or ~~((allegedly incompetent or disabled))~~ alleged incapacitated person ~~((in the property sought to be condemned or the compensation which shall be awarded therefore)).~~

**Sec. 7.** RCW 11.16.083 and 1977 ex.s. c 234 s 1 are each amended to read as follows:

Notwithstanding any other provision of this title, no notice of any hearing in probate or probate proceeding need be given to any legally competent person who is interested in any hearing in any probate as an heir, legatee, or devisee of the decedent who has in person or by attorney waived in writing notice of such hearing or proceeding. Such waiver of notice may apply to either a specific hearing or proceeding, or to any and all hearings and proceedings to be held during the administration of the estate in which event such waiver of notice shall be of continuing effect unless subsequently revoked by the filing of a written notice of revocation of the waiver and the mailing of a copy thereof to the personal representative and his or her attorney. Unless notice of a hearing is required to be given by publication, if all persons entitled to notice thereof shall have waived such notice, the court may hear the matter forthwith. A guardian of the estate or a guardian ad litem may make such waivers on behalf of ~~((his incompetent))~~ an incapacitated person, as defined in RCW 11.88.010, and a trustee may make such waivers on behalf of any competent or ~~((incompetent))~~ incapacitated beneficiary of his or her trust. A consul or other representative of a foreign government, whose appearance has been entered as provided by law on behalf of any person residing in a foreign country, may make such waiver of notice on behalf of such person. Any person who submits to the jurisdiction of the court in any hearing shall be deemed to have waived notice thereof.

**Sec. 8.** RCW 11.88.030 and 1995 c 297 s 1 are each amended to read as follows:

(1) Any person or entity may petition for the appointment of a qualified person, trust company, national bank, or nonprofit corporation authorized in RCW 11.88.020 ~~((as now or hereafter amended))~~ as the guardian or limited guardian of an incapacitated person. No liability for filing a petition for guardianship or limited guardianship shall attach to a petitioner acting in good faith and upon reasonable basis. A petition for guardianship or limited guardianship shall state:

- (a) The name, age, residence, and post office address of the alleged incapacitated person;
- (b) The nature of the alleged incapacity in accordance with RCW 11.88.010;
- (c) The approximate value and description of property, including any compensation, pension, insurance, or allowance, to which the alleged incapacitated person may be entitled;
- (d) Whether there is, in any state, a guardian or limited guardian, or pending guardianship action for the person or estate of the alleged incapacitated person;
- (e) The residence and post office address of the person whom petitioner asks to be appointed guardian or limited guardian;
- (f) The names and addresses, and nature of the relationship, so far as known or can be reasonably ascertained, of the persons most closely related by blood or marriage to the alleged incapacitated person;
- (g) The name and address of the person or facility having the care and custody of the alleged incapacitated person;
- (h) The reason why the appointment of a guardian or limited guardian is sought and the interest of the petitioner in the appointment, and whether the appointment is sought as guardian or limited guardian of the person, the estate, or both~~((, and why no alternative to guardianship is appropriate));~~
- (i) A description of any alternate arrangements previously made by the alleged incapacitated person, such as trusts or powers of attorney, including identifying any guardianship nominations contained in a power of attorney, and why a guardianship is nevertheless necessary;

(j) The nature and degree of the alleged incapacity and the specific areas of protection and assistance requested and the limitation of rights requested to be included in the court's order of appointment;

~~((j))~~ (k) The requested term of the limited guardianship to be included in the court's order of appointment;

~~((k))~~ (l) Whether the petitioner is proposing a specific individual to act as guardian ad litem and, if so, the individual's knowledge of or relationship to any of the parties, and why the individual is proposed.

(2)(a) The attorney general may petition for the appointment of a guardian or limited guardian in any case in which there is cause to believe that a guardianship is necessary and no private party is able and willing to petition.

(b) Prepayment of a filing fee shall not be required in any guardianship or limited guardianship brought by the attorney general. Payment of the filing fee shall be ordered from the estate of the incapacitated person at the hearing on the merits of the petition, unless in the judgment of the court, such payment would impose a hardship upon the incapacitated person, in which case the filing shall be waived.

(3) No filing fee shall be charged by the court for filing either a petition for guardianship or a petition for limited guardianship if the petition alleges that the alleged incapacitated person has total assets of a value of less than three thousand dollars.

(4)(a) Notice that a guardianship proceeding has been commenced shall be personally served upon the alleged incapacitated person and the guardian ad litem along with a copy of the petition for appointment of a guardian. Such notice shall be served not more than five court days after the petition has been filed.

(b) Notice under this subsection shall include a clear and easily readable statement of the legal rights of the alleged incapacitated person that could be restricted or transferred to a guardian by a guardianship order as well as the right to counsel of choice and to a jury trial on the issue of incapacity. Such notice shall be in substantially the following form and shall be in capital letters, double-spaced, and in a type size not smaller than ten-point type:

**IMPORTANT NOTICE  
PLEASE READ CAREFULLY**

A PETITION TO HAVE A GUARDIAN APPOINTED FOR YOU HAS BEEN FILED IN THE . . . . . COUNTY SUPERIOR COURT BY . . . . . IF A GUARDIAN IS APPOINTED, YOU COULD LOSE ONE OR MORE OF THE FOLLOWING RIGHTS:

- (1) TO MARRY OR DIVORCE;
- (2) TO VOTE OR HOLD AN ELECTED OFFICE;
- (3) TO ENTER INTO A CONTRACT OR MAKE OR REVOKE A WILL;
- (4) TO APPOINT SOMEONE TO ACT ON YOUR BEHALF;
- (5) TO SUE AND BE SUED OTHER THAN THROUGH A GUARDIAN;

- (6) TO POSSESS A LICENSE TO DRIVE;
- (7) TO BUY, SELL, OWN, MORTGAGE, OR LEASE PROPERTY;
- (8) TO CONSENT TO OR REFUSE MEDICAL TREATMENT;
- (9) TO DECIDE WHO SHALL PROVIDE CARE AND ASSISTANCE;
- (10) TO MAKE DECISIONS REGARDING SOCIAL ASPECTS OF YOUR LIFE.

UNDER THE LAW, YOU HAVE CERTAIN RIGHTS.

YOU HAVE THE RIGHT TO BE REPRESENTED BY A LAWYER OF YOUR OWN CHOOSING. THE COURT WILL APPOINT A LAWYER TO REPRESENT YOU IF YOU ARE UNABLE TO PAY OR PAYMENT WOULD RESULT IN A SUBSTANTIAL HARDSHIP TO YOU.

YOU HAVE THE RIGHT TO ASK FOR A JURY TO DECIDE WHETHER OR NOT YOU NEED A GUARDIAN TO HELP YOU.

YOU HAVE THE RIGHT TO BE PRESENT IN COURT AND TESTIFY WHEN THE HEARING IS HELD TO DECIDE WHETHER OR NOT YOU NEED A GUARDIAN. IF A GUARDIAN AD LITEM IS APPOINTED, YOU HAVE THE RIGHT TO REQUEST THE COURT TO REPLACE THAT PERSON.

(5) All petitions filed under the provisions of this section shall be heard within sixty days unless an extension of time is requested by a party or the guardian ad litem within such sixty day period and granted for good cause shown. If an extension is granted, the court shall set a new hearing date.

**Sec. 9.** RCW 11.88.045 and 1995 c 297 s 3 are each amended to read as follows:

(1)(a) Alleged incapacitated individuals shall have the right to be represented by willing counsel of their choosing at any stage in guardianship proceedings. The court shall provide counsel to represent any alleged incapacitated person at public expense when either: (i) The individual is unable to afford counsel, or (ii) the expense of counsel would result in substantial hardship to the individual, or (iii) the individual does not have practical access to funds with which to pay counsel. If the individual can afford counsel but lacks practical access to funds, the court shall provide counsel and may impose a reimbursement requirement as part of a final order. When, in the opinion of the court, the rights and interests of an alleged or adjudicated incapacitated person cannot otherwise be adequately protected and represented, the court on its own motion shall appoint an attorney at any time to represent such person. Counsel shall be provided as soon as practicable after a petition is filed and long enough before any final hearing to allow adequate time for consultation and preparation. Absent a convincing showing in the record to the contrary, a period of less than three weeks shall be presumed by a reviewing court to be inadequate time for consultation and preparation.

(b) Counsel for an alleged incapacitated individual shall act as an advocate for the client and shall not substitute counsel's own judgment for that of the client on the subject of what may be in the client's best interests. Counsel's role shall be distinct from that of the guardian ad litem, who is expected to promote the best interest of the alleged incapacitated individual, rather than the alleged incapacitated individual's expressed preferences.

(c) If an alleged incapacitated person is represented by counsel and does not communicate with counsel, counsel may ask the court for leave to withdraw for that reason. If satisfied, after affording the alleged incapacitated person an opportunity for a hearing, that the request is justified, the court may grant the request and allow the case to proceed with the alleged incapacitated person unrepresented.

(2) During the pendency of any guardianship, any attorney purporting to represent a person alleged or adjudicated to be incapacitated shall petition to be appointed to represent the incapacitated or alleged incapacitated person. Fees for representation described in this section shall be subject to approval by the court pursuant to the provisions of RCW 11.92.180.

(3) The alleged incapacitated person is further entitled to testify and present evidence and, upon request, entitled to a jury trial on the issues of his or her alleged incapacity. The standard of proof to be applied in a contested case, whether before a jury or the court, shall be that of clear, cogent, and convincing evidence.

(4) In all proceedings for appointment of a guardian or limited guardian, the court must be presented with a written report from a physician licensed to practice under chapter 18.71 or 18.57 RCW or licensed or certified psychologist selected by the guardian ad litem. If the alleged incapacitated person opposes the health care professional selected by the guardian ad litem to prepare the medical report, then the guardian ad litem shall use the health care professional selected by the alleged incapacitated person. The guardian ad litem may also obtain a supplemental examination. The physician or psychologist shall have personally examined and interviewed the alleged incapacitated person within thirty days of preparation of the report to the court and shall have expertise in the type of disorder or incapacity the alleged incapacitated person is believed to have. The report shall contain the following information and shall be set forth in substantially the following format:

- (a) The name and address of the examining physician or psychologist;
  - (b) The education and experience of the physician or psychologist pertinent to the case;
  - (c) The dates of examinations of the alleged incapacitated person;
  - (d) A summary of the relevant medical, functional, neurological, psychological, or psychiatric history of the alleged incapacitated person as known to the examining physician or psychologist;
  - (e) The findings of the examining physician or psychologist as to the condition of the alleged incapacitated person;
  - (f) Current medications;
  - (g) The effect of current medications on the alleged incapacitated person's ability to understand or participate in guardianship proceedings;
  - (h) Opinions on the specific assistance the alleged incapacitated person needs;
  - (i) Identification of persons with whom the physician or psychologist has met or spoken regarding the alleged incapacitated person.
- The court shall not enter an order appointing a guardian or limited guardian until a medical or psychological report meeting the above requirements is filed.

The requirement of filing a medical report is waived if the basis of the guardianship is minority.

(5) During the pendency of an action to establish a guardianship, a petitioner or any person may move for temporary relief under chapter 7.40 RCW, to protect the alleged incapacitated person from abuse, neglect, abandonment, or exploitation, as those terms are defined in RCW 74.34.020, or to address any other emergency needs of the alleged incapacitated person. Any alternative arrangement executed before filing the petition for guardianship shall remain effective unless the court grants the relief requested under chapter 7.40 RCW, or unless, following notice and a hearing at which all parties directly affected by the arrangement are present, the court finds that the alternative arrangement should not remain effective.

**Sec. 10.** RCW 11.88.090 and 1995 c 297 s 4 are each amended to read as follows:

(1) Nothing contained in RCW 11.88.080 through 11.88.120, 11.92.010 through 11.92.040, 11.92.060 through 11.92.120, 11.92.170, and 11.92.180(~~as now or hereafter amended~~;) shall affect or impair the power of any court to appoint a guardian ad litem to

defend the interests of any incapacitated person interested in any suit or matter pending therein, or to commence and prosecute any suit in his or her behalf.

(2) Upon receipt of a petition for appointment of guardian or limited guardian, except as provided herein, the court shall appoint a guardian ad litem to represent the best interests of the alleged incapacitated person, who shall be a person found or known by the court to:

- (a) Be free of influence from anyone interested in the result of the proceeding; and
- (b) Have the requisite knowledge, training, or expertise to perform the duties required by this section.

The guardian ad litem shall within five days of receipt of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, each party with a statement including: His or her training relating to the duties as a guardian ad litem; his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment; his or her hourly rate, if compensated; whether the guardian ad litem has had any contact with a party to the proceeding prior to his or her appointment; and whether he or she has an apparent conflict of interest. Within three days of the later of the actual service or filing of the guardian ad litem's statement, any party may set a hearing and file and serve a motion for an order to show cause why the guardian ad litem should not be removed for one of the following three reasons: (i) Lack of expertise necessary for the proceeding; (ii) an hourly rate higher than what is reasonable for the particular proceeding; or (iii) a conflict of interest. Notice of the hearing shall be provided to the guardian ad litem and all parties. If, after a hearing, the court enters an order replacing the guardian ad litem, findings shall be included, expressly stating the reasons for the removal. If the guardian ad litem is not removed, the court has the authority to assess to the moving party, attorneys' fees and costs related to the motion. The court shall assess attorneys' fees and costs for frivolous motions.

No guardian ad litem need be appointed when a parent is petitioning for a guardian or a limited guardian to be appointed for his or her minor child and the minority of the child, as defined by RCW 11.92.010, is the sole basis of the petition. The order appointing the guardian ad litem shall recite the duties set forth in subsection ((5)) (4) of this section. The appointment of a guardian ad litem shall have no effect on the legal competency of the alleged incapacitated person and shall not overcome the presumption of competency or full legal and civil rights of the alleged incapacitated person.

(3)(a) The superior court of each county shall develop ((by September 1, 1991,)) and maintain a registry of persons who are willing and qualified to serve as guardians ad litem in guardianship matters. The court shall choose as guardian(s) ad litem ((only)) a person(s) whose name(s) appears on the registry in a system of consistent rotation, except in extraordinary circumstances such as the need for particular expertise. The court shall develop procedures for periodic review of the persons on the registry and for probation, suspension, or removal of persons on the registry for failure to perform properly their duties as guardian ad litem. In the event the court does not select the person next on the list, it shall include in the order of appointment a written reason for its decision.

(b) To be eligible for the registry a person shall:

(i) Present a written statement ((of)) outlining his or her background and qualifications ((describing)). The background statement shall include, but is not limited to, the following information:

- (A) Level of formal education;
- (B) Training related to the guardian ad litem's duties;
- (C) Number of years' experience as a guardian ad litem;
- (D) Number of appointments as a guardian ad litem and the county or counties of appointment;
- (E) Criminal history, as defined in RCW 9.94A.030; and
- (F) Evidence of the person's knowledge, training, and experience in each of the following: Needs of impaired elderly people,

physical disabilities, mental illness, developmental disabilities, and other areas relevant to the needs of incapacitated persons, legal procedure, and the requirements of chapters 11.88 and 11.92 RCW.

The written statement of qualifications shall include a statement of the number of times the guardian ad litem has been removed for failure to perform his or her duties as guardian ad litem; and

(ii) Complete ((a training program adopted by the court, or, in the absence of a locally adopted program, a candidate for inclusion upon the registry shall have completed a)) the model training program as described in (d) of this subsection.

(c) ((The superior court of each county shall approve training programs designed to:

(i) Train otherwise qualified human service professionals in those aspects of legal procedure and the requirements of chapters 11.88 and 11.92 RCW with which a guardian ad litem should be familiar;

(ii) Train otherwise qualified legal professionals in those aspects of medicine, social welfare, and social service delivery systems with which a guardian ad litem should be familiar.)) The background and qualification information shall be updated annually.

(d) ((The superior court of each county may approve a guardian ad litem training program on or before June 1, 1991.)) The department of social and health services ((aging and adult services administration,)) shall convene an advisory group to develop a model guardian ad litem training program and shall update the program biennially. The advisory group shall consist of representatives from consumer, advocacy, and professional groups knowledgeable in developmental disabilities, neurological impairment, physical disabilities, mental illness, aging, legal, court administration, the Washington state bar association, and other interested parties.

(e) ((Any)) The superior court ((that has not adopted a guardian ad litem training program by September 1, 1991,)) shall require utilization of ((a)) the model program developed by the advisory group as described in (d) of this subsection, to assure that candidates applying for registration as a qualified guardian ad litem shall have satisfactorily completed training to attain these essential minimum qualifications to act as guardian ad litem.

(4) ((The guardian ad litem's written statement of qualifications required by RCW 11.88.090(3)(b)(i) shall be made part of the record in each matter in which the person is appointed guardian ad litem.

(5)) The guardian ad litem appointed pursuant to this section shall have the following duties:

(a) To meet and consult with the alleged incapacitated person as soon as practicable following appointment and explain, in language which such person can reasonably be expected to understand, the substance of the petition, the nature of the resultant proceedings, the person's right to contest the petition, the identification of the proposed guardian or limited guardian, the right to a jury trial on the issue of his or her alleged incapacity, the right to independent legal counsel as provided by RCW 11.88.045, and the right to be present in court at the hearing on the petition;

(b) To obtain a written report according to RCW 11.88.045; and such other written or oral reports from other qualified professionals as are necessary to permit the guardian ad litem to complete the report required by this section;

(c) To meet with the person whose appointment is sought as guardian or limited guardian and ascertain:

(i) The proposed guardian's knowledge of the duties, requirements, and limitations of a guardian; and

(ii) The steps the proposed guardian intends to take or has taken to identify and meet the needs of the alleged incapacitated person;

(d) To consult as necessary to complete the investigation and report required by this section with those known relatives, friends, or other persons the guardian ad litem determines have had a significant, continuing interest in the welfare of the alleged incapacitated person;

(e) To investigate alternate arrangements made, or which might be created, by or on behalf of the alleged incapacitated person, such as revocable or irrevocable trusts, or durable powers of attorney; whether good cause exists for any such arrangements to be discontinued; and why such arrangements should not be continued or created in lieu of a guardianship;

(f) To provide the court with a written report which shall include the following:

(i) A description of the nature, cause, and degree of incapacity, and the basis upon which this judgment was made;

(ii) A description of the needs of the incapacitated person for care and treatment, the probable residential requirements of the alleged incapacitated person and the basis upon which these findings were made;

(iii) An evaluation of the appropriateness of the guardian or limited guardian whose appointment is sought and a description of the steps the proposed guardian has taken or intends to take to identify and meet current and emerging needs of the incapacitated person;

~~(iv) A description of any alternative arrangements previously made by the alleged incapacitated person or which could be made, and whether and to what extent such alternatives should be used in lieu of a guardianship, and if the guardian ad litem is recommending discontinuation of any such arrangements, specific findings as to why such arrangements are contrary to the best interest of the alleged incapacitated person;~~

~~(v) A description of the abilities of the alleged incapacitated person and a recommendation as to whether a guardian or limited guardian should be appointed. If appointment of a limited guardian is recommended, the guardian ad litem shall recommend the specific areas of authority the limited guardian should have and the limitations and disabilities to be placed on the incapacitated person;~~

~~((v+)) (vi) An evaluation of the person's mental ability to rationally exercise the right to vote and the basis upon which the evaluation is made;~~

~~((v+)) (vii) Any expression of approval or disapproval made by the alleged incapacitated person concerning the proposed guardian or limited guardian or guardianship or limited guardianship;~~

~~((v+)) (viii) Identification of persons with significant interest in the welfare of the alleged incapacitated person who should be advised of their right to request special notice of proceedings pursuant to RCW 11.92.150; and~~

~~((v+)) (ix) Unless independent counsel has appeared for the alleged incapacitated person, an explanation of how the alleged incapacitated person responded to the advice of the right to jury trial, to independent counsel and to be present at the hearing on the petition.~~

~~Within forty-five days after notice of commencement of the guardianship proceeding has been served upon the guardian ad litem, and at least ~~(ten)~~ fifteen days before the hearing on the petition, unless an extension or reduction of time has been granted by the court for good cause, the guardian ad litem shall file its report and send a copy to the alleged incapacitated person and his or her counsel, spouse, all children not residing with a notified person, those persons described in ~~((e)(v+))~~ (f)(viii) of this subsection, and persons who have filed a request for special notice pursuant to RCW 11.92.150. If the guardian ad litem needs additional time to finalize his or her report, then the guardian ad litem shall petition the court for a postponement of the hearing or, with the consent of all other parties, an extension or reduction of time for filing the report. If the hearing does not occur within sixty days of filing the petition, then upon the two-month anniversary of filing the petition and on or before the same day of each following month until the hearing, the guardian ad litem shall file interim reports summarizing his or her activities on the proceeding during that time period as well as fees and costs incurred;~~

~~((f)) (g) To advise the court of the need for appointment of counsel for the alleged incapacitated person within five court days after the meeting described in (a) of this subsection unless (i) counsel has appeared, (ii) the alleged incapacitated person affirmatively communicated a wish not to be represented by counsel after being advised of the right to representation and of the conditions under which court-provided counsel may be available, or (iii) the alleged incapacitated person was unable to communicate at all on the subject, and the guardian ad litem is satisfied that the alleged incapacitated person does not affirmatively desire to be represented by counsel.~~

~~((f)) (5) If the petition is brought by an interested person or entity requesting the appointment of some other qualified person or entity and a prospective guardian or limited guardian cannot be found, the court shall order the guardian ad litem to investigate the availability of a possible guardian or limited guardian and to include the findings in a report to the court pursuant to ~~(RCW 11.88.090(5)(e) as now or hereafter amended)~~ subsection (4)(f) of this section.~~

~~(6) The parties to the proceeding may file responses to the guardian ad litem report with the court and deliver such responses to the other parties and the guardian ad litem at any time up to the second day prior to the hearing. If a guardian ad litem fails to file his or her report in a timely manner, the hearing shall be continued to give the court and the parties at least fifteen days before the hearing to review the report. At any time during the proceeding upon motion of any party or on the court's own motion, the court may remove the guardian ad litem for failure to perform his or her duties as specified in this chapter, provided that the guardian ad litem shall have five days notice of any motion to remove before the court enters such order. In addition, the court in its discretion may reduce a guardian ad litem's fee for failure to carry out his or her duties.~~

~~(7) The court appointed guardian ad litem shall have the authority, in the event that the alleged incapacitated person is in need of emergency life-saving medical services, and is unable to consent to such medical services due to incapacity pending the hearing on the petition to give consent for such emergency life-saving medical services on behalf of the alleged incapacitated person.~~

~~(8) The court appointed guardian ad litem shall have the authority, to move for temporary relief under chapter 7.40 RCW to protect the alleged incapacitated person from abuse, neglect, abandonment, or exploitation, as those terms are defined in RCW 74.34.020, or to address any other emergency needs of the alleged incapacitated person. Any alternative arrangement executed before filing the petition for guardianship shall remain effective unless the court grants the relief requested under chapter 7.40 RCW, or unless, following notice and a hearing at which all parties directly affected by the arrangement are present, the court finds that the alternative arrangement should not remain effective.~~

~~(9) The guardian ad litem shall receive a fee determined by the court. The fee shall be charged to the alleged incapacitated person unless the court finds that such payment would result in substantial hardship upon such person, in which case the county shall be responsible for such costs: PROVIDED, That if no guardian or limited guardian is appointed the court may charge such fee to the petitioner or the alleged incapacitated person, or divide the fee, as it deems just; and if the petition is found to be frivolous or not brought in good faith, the guardian ad litem fee shall be charged to the petitioner. The court shall not be required to provide for the payment of a fee to any salaried employee of a public agency.~~

~~((9)) (10) Upon the presentation of the guardian ad litem report and the entry of an order either dismissing the petition for appointment of guardian or limited guardian or appointing a guardian or limited guardian, the guardian ad litem shall be dismissed and shall have no further duties or obligations unless otherwise ordered by the court. If the court orders the guardian ad litem to perform further duties or obligations, they shall not be performed at county expense.~~

~~(11) The guardian ad litem shall appear in person at all hearings on the petition unless all parties provide a written waiver of the requirement to appear.~~

~~(12) At any hearing the court may consider whether any person who makes decisions regarding the alleged incapacitated person or estate has breached a statutory or fiduciary duty.~~

**Sec. 11.** RCW 11.92.190 and 1977 ex.s. c 309 s 14 are each amended to read as follows:

No residential treatment facility which provides nursing or other care may detain a person within such facility against their will. Any court order, other than an order issued in accordance with the involuntary treatment provisions of chapters 10.77, 71.05, and 72.23 RCW, which purports to authorize such involuntary detention or purports to authorize a guardian or limited guardian to consent to such involuntary detention on behalf of an ~~((incompetent or disabled))~~ incapacitated person shall be void and of no force or effect. This section does not apply to the detention of a minor as provided in chapter 70.96A or 71.34 RCW.

Nothing in this section shall be construed to require a court order authorizing placement of an ~~((incompetent or disabled))~~ incapacitated person in a residential treatment facility if such order is not otherwise required by law: PROVIDED, That notice of any residential placement of an ~~((incompetent or disabled))~~ incapacitated person shall be served, either before or after placement, by the guardian or limited guardian on such person, the guardian ad litem of record, and any attorney of record.

**NEW SECTION. Sec. 12.** A new section is added to chapter 2.08 RCW to read as follows:

An attorney may not serve as a superior court judge pro tempore or a superior court commissioner pro tempore in a judicial district while appointed to or serving on a case in that judicial district as a guardian ad litem for compensation under Title 11, 13, or 26 RCW, if that judicial district is contained within division one or two of the court of appeals and has a population of more than one hundred thousand.

**Sec. 13.** RCW 13.34.100 and 1994 c 110 s 2 are each amended to read as follows:

(1) The court shall appoint a guardian ad litem for a child who is the subject of an action under this chapter, unless a court for good cause finds the appointment unnecessary. The requirement of a guardian ad litem may be deemed satisfied if the child is represented by independent counsel in the proceedings.

(2) If the court does not have available to it a guardian ad litem program with a sufficient number of volunteers, the court may appoint a suitable person to act as guardian ad litem for the child under this chapter. Another party to the proceeding or the party's employee or representative shall not be so appointed.

(3) Each guardian ad litem program shall maintain a background information record for each guardian ad litem in the program. The background file shall include, but is not limited to, the following information:

- (a) Level of formal education;
- (b) Training related to the guardian's duties;
- (c) Number of years' experience as a guardian ad litem;
- (d) Number of appointments as a guardian ad litem and the county or counties of appointment; and
- (e) Criminal history, as defined in RCW 9.94A.030.

The background information report shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program the person shall provide the background information to the court.

Upon appointment, the guardian ad litem, or guardian ad litem program, shall provide the parties or their attorneys with a statement containing his or her training relating to the duties as a guardian ad litem and criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment. The background statement shall not include identifying information that may be used to harm a guardian ad litem, such as home addresses and home telephone numbers, and for volunteer guardians ad litem the court may allow the use of maiden names or pseudonyms as necessary for their safety.

(4) The appointment of the guardian ad litem shall remain in effect until the court discharges the appointment or no longer has jurisdiction, whichever comes first. The guardian ad litem may also be discharged upon entry of an order of guardianship.

(5) A guardian ad litem through counsel, or as otherwise authorized by the court, shall have the right to present evidence, examine and cross-examine witnesses, and to be present at all hearings. A guardian ad litem shall receive copies of all pleadings and other documents filed or submitted to the court, and notice of all hearings according to court rules. The guardian ad litem shall receive all notice contemplated for a parent or other party in all proceedings under this chapter.

(6) If the child requests legal counsel and is age twelve or older, or if the guardian ad litem or the court determines that the child needs to be independently represented by counsel, the court may appoint an attorney to represent the child's position.

(7) For the purposes of child abuse prevention and treatment act (42 U.S.C. Secs. 5101 et seq.) grants to this state under P.L. 93-247, or any related state or federal legislation, a person appointed pursuant to RCW 13.34.100 shall be deemed a guardian ad litem to represent the best interests of the minor in proceedings before the court.

(8) When a court-appointed special advocate or volunteer guardian ad litem is requested on a case, the program shall give the court the name of the person it recommends and the appointment shall be effective immediately. The court shall appoint the person recommended by the program. If a party in a case reasonably believes the court-appointed special advocate or volunteer is inappropriate or unqualified, the party may request a review of the appointment by the program. The program must complete the review within five judicial days and remove any appointee for good cause. If the party seeking the review is not satisfied with the outcome of the review, the party may file a motion with the court for the removal of the court-appointed special advocate on the grounds the advocate or volunteer is inappropriate or unqualified.

**Sec. 14.** RCW 13.34.120 and 1994 c 288 s 2 are each amended to read as follows:

(1) To aid the court in its decision on disposition, a social study, consisting of a written evaluation of matters relevant to the disposition of the case, shall be made by the person or agency filing the petition. The study shall include all social records and may also include facts relating to the child's cultural heritage, and shall be made available to the court. The court shall consider the social file, social study, guardian ad litem report, the court-appointed special advocate's report, if any, and any reports filed by a party at the disposition hearing in addition to evidence produced at the fact-finding hearing. At least ten working days before the disposition hearing, the department shall mail to the parent and his or her attorney a copy of the agency's social study and proposed service plan, which shall be in writing or in a form understandable to the parents or custodians. In addition, the department shall provide an opportunity for parents to review and comment on the plan at the community service office. If the parents disagree with the agency's plan or any part thereof, the parents shall submit to the court at least twenty-four hours before the hearing, in writing, or signed oral statement, an alternative plan to correct the problems which led to the finding of dependency. This section shall not interfere with the right of the parents or custodians to submit oral arguments regarding the disposition plan at the hearing.

(2) In addition to the requirements set forth in subsection (1) of this section, a predisposition study to the court in cases of dependency alleged pursuant to RCW ((13.34.030(2))) 13.34.030(4) (b) or (c) shall contain the following information:

- (a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;
- (b) A description of the specific programs, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such programs are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered;
- (c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs which have been considered and rejected; the preventive services that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;
- (d) A statement of the likely harms the child will suffer as a result of removal. This section should include an exploration of the nature of the parent-child attachment and the meaning of separation and loss to both the parents and the child;
- (e) A description of the steps that will be taken to minimize harm to the child that may result if separation occurs; and
- (f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

**Sec. 15.** RCW 26.12.175 and 1993 c 289 s 4 are each amended to read as follows:

(1)(a) The court may appoint a guardian ad litem to represent the interests of a minor or dependent child when the court believes the appointment of a guardian ad litem is necessary to protect the best interests of the child in any proceeding under this chapter. The family court services professionals may also make a recommendation to the court regarding whether a guardian ad litem should be appointed for the child. The court may appoint a guardian ad litem from the court-appointed special advocate program, if that program exists in the county.

(b) Unless otherwise ordered, the guardian ad litem's role is to investigate and report to the court concerning parenting arrangements for the child, and to represent the child's best interests. The court may require the guardian ad litem to provide periodic reports to the parties regarding the status of his or her investigation. The guardian ad litem shall file his or her report at least sixty days prior to trial.

(c) The court shall enter an order for costs, fees, and disbursements to cover the costs of the guardian ad litem. The court may order either or both parents to pay for the costs of the guardian ad litem, according to their ability to pay. If both parents are indigent, the county shall bear the cost of the guardian, subject to appropriation for guardians' ad litem services by the county legislative authority.

Guardians ad litem who are not volunteers shall provide the parties with an itemized accounting of their time and billing for services each month.

(2)(a) If the guardian ad litem appointed is from the county court-appointed special advocate program, the program shall supervise any guardian ad litem assigned to the case. The court-appointed special advocate program shall be entitled to notice of all proceedings in the case.

(b) The legislative authority of each county may authorize creation of a court-appointed special advocate program. The county legislative authority may adopt rules of eligibility for court-appointed special advocate program services.

(3) Each guardian ad litem program shall maintain a background information record for each guardian ad litem in the program. The background file shall include, but is not limited to, the following information:

- (a) Level of formal education;
- (b) Training related to the guardian's duties;
- (c) Number of years' experience as a guardian ad litem;
- (d) Number of appointments as a guardian ad litem and county or counties of appointment; and
- (e) Criminal history, as defined in RCW 9.94A.030.

The background information report shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program the person shall provide the background information to the court.

Upon appointment, the guardian ad litem, or guardian ad litem program, shall provide the parties or their attorneys with a statement containing his or her training relating to the duties as a guardian ad litem and criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment. The background statement shall not include identifying information that may be used to harm a guardian ad litem, such as home addresses and home telephone numbers, and for volunteer guardians ad litem the court may allow the use of maiden names or pseudonyms as necessary for their safety.

(4) When a court-appointed special advocate or volunteer guardian ad litem is requested on a case, the program shall give the court the name of the person it recommends and the appointment shall be effective immediately. The court shall appoint the person recommended by the program. If a party in a case reasonably believes the court-appointed special advocate or volunteer is inappropriate or unqualified, the party may request a review of the appointment by the program. The program must complete the review within five judicial days and remove any appointee for good cause. If the party seeking the review is not satisfied with the outcome of the review, the party may file a motion with the court for the removal of the court-appointed special advocate on the grounds the advocate or volunteer is inappropriate or unqualified.

**Sec. 16.** RCW 26.44.053 and 1994 c 110 s 1 are each amended to read as follows:

(1) In any judicial proceeding under this chapter or chapter 13.34 RCW in which it is alleged that a child has been subjected to child abuse or neglect, the court shall appoint a guardian ad litem for the child as provided in chapter 13.34 RCW. The requirement of a guardian ad litem may be deemed satisfied if the child is represented by counsel in the proceedings.

(2) At any time prior to or during a hearing in such a case, the court may, on its own motion, or the motion of the guardian ad litem, or other parties, order the examination by a physician, psychologist, or psychiatrist, of any parent or child or other person having custody of the child at the time of the alleged child abuse or neglect, if the court finds such an examination is necessary to the proper determination of the case. The hearing may be continued pending the completion of such examination. The physician, psychologist, or psychiatrist conducting such an examination may be required to testify concerning the results of such examination and may be asked to give his or her opinion as to whether the protection of the child requires that he or she not be returned to the custody of his or her parents or other persons having custody of him or her at the time of the alleged child abuse or neglect. Persons so testifying shall be subject to cross-examination as are other witnesses. No information given at any such examination of the parent or any other person having custody of the child may be used against such person in any subsequent criminal proceedings against such person or custodian concerning the abuse or neglect of the child.

(3) A parent or other person having legal custody of a child alleged to be abused or neglected shall be a party to any proceeding that may impair or impede such person's interest in and custody or control of the child.

**NEW SECTION. Sec. 17.** A new section is added to chapter 13.34 RCW to read as follows:

(1) All guardians ad litem, who have not previously served or been trained as a guardian ad litem in this state, who are appointed after January 1, 1998, must complete the curriculum developed by the office of the administrator for the courts under RCW 2.56.030(16), prior to their appointment in cases under Title 13 RCW except that volunteer guardians ad litem or court appointed special advocates accepted into a volunteer program after January 1, 1998, may complete an alternative curriculum approved by the office of the administrator for the courts that meets or exceeds the state-wide curriculum.

(2)(a) Each guardian ad litem program for compensated guardians ad litem shall establish a rotational registry system for the appointment of guardians ad litem. If a judicial district does not have a program the court shall establish the rotational registry system. Guardians ad litem shall be selected from the registry except in exceptional circumstances as determined and documented by the court. The parties may make a joint recommendation for the appointment of a guardian ad litem from the registry.

(b) In judicial districts with a population over one hundred thousand, a list of three names shall be selected from the registry and given to the parties along with the background information as specified in RCW 13.34.100(3), including their hourly rate for services. Each party may, within three judicial days, strike one name from the list. If more than one name remains on the list, the court shall make the appointment from the names on the list. In the event all three names are stricken the person whose name appears next on the registry shall be appointed.

(c) If a party reasonably believes that the appointed guardian ad litem lacks the necessary expertise for the proceeding, charges an hourly rate higher than what is reasonable for the particular proceeding, or has a conflict of interest, the party may, within three judicial days from the appointment, move for substitution of the appointed guardian ad litem by filing a motion with the court.

(3) The rotational registry system shall not apply to court-appointed special advocate programs.

**NEW SECTION. Sec. 18.** A new section is added to chapter 26.12 RCW to read as follows:

(1) All guardians ad litem, who have not previously served or been trained as a guardian ad litem in this state, who are appointed after January 1, 1998, must complete the curriculum developed by the office of the administrator for the courts under RCW 2.56.030(16), prior to their appointment in cases under Title 26 RCW except that volunteer guardians ad litem or court appointed special advocates accepted into a volunteer program after January 1, 1998, may complete an alternative curriculum approved by the office of the administrator for the courts that meets or exceeds the state-wide curriculum.

(2)(a) Each guardian ad litem program for compensated guardians ad litem shall establish a rotational registry system for the appointment of guardians ad litem. If a judicial district does not have a program the court shall establish the rotational registry system. Guardians ad litem shall be selected from the registry except in exceptional circumstances as determined and documented by the court. The parties may make a joint recommendation for the appointment of a guardian ad litem from the registry.

(b) In judicial districts with a population over one hundred thousand, a list of three names shall be selected from the registry and given to the parties along with the background information as specified in RCW 26.12.175(3), including their hourly rate for services. Each party may, within three judicial days, strike one name from the list. If more than one name remains on the list, the court shall make the appointment from the names on the list. In the event all three names are stricken the person whose name appears next on the registry shall be appointed.

(c) If a party reasonably believes that the appointed guardian ad litem lacks the necessary expertise for the proceeding, charges an hourly rate higher than what is reasonable for the particular proceeding, or has a conflict of interest, the party may, within three judicial days from the appointment, move for substitution of the appointed guardian ad litem by filing a motion with the court.

(3) The rotational registry system shall not apply to court-appointed special advocate programs."

On page 1, line 2 of the title, after "persons;" strike the remainder of the title and insert "amending RCW 2.56.030, 4.08.060, 8.25.270, 11.16.083, 11.88.030, 11.88.045, 11.88.090, 11.92.190, 13.34.100, 13.34.120, 26.12.175, and 26.44.053; adding a new section to chapter 2.56 RCW; adding a new section to chapter 2.08 RCW; adding a new section to chapter 13.34 RCW; adding a new section to chapter 26.12 RCW; and creating new sections.", and the bill do pass as recommended by the Conference Committee.

Signed by: Senators Hargrove, Long, Franklin; Representatives Sheahan, Lambert, Dellwo.

#### MOTION

On motion of Senator Hargrove, the Senate adopted the Conference Committee Report on Engrossed Substitute Senate Bill No. 6257.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6257, as recommended by the Conference Committee.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6257, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 3; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senators Deccio, Rinehart and Wood - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6257, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 7, 1996

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6285 and passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### CONFERENCE COMMITTEE REPORT

**ESSB 6285 March 6, 1996**

Includes "New Items": YES

Providing for disclosure of offenders' HIV test results to department of corrections and jail staff

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 6285, providing for disclosure of offenders' HIV test results to department of corrections and jail staff, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that department of corrections staff and jail staff perform essential public functions that are vital to our communities. The health and safety of these workers is often placed in jeopardy while they perform the responsibilities of their jobs. Therefore, the legislature intends that the results of any HIV tests conducted on an offender or detainee pursuant to RCW 70.24.340, 70.24.360, or 70.24.370 shall be disclosed to the superintendent or administrator of the department of corrections facility or local jail housing the offender or detainee, and shall also be disclosed to any corrections staff or jail staff who have been substantially exposed to the bodily fluids of the offender or detainee. However, the legislature recognizes that the mandatory disclosure of the HIV status of individual offenders may cause some corrections and jail staff to use more precautions with those offenders and detained people they know to be HIV positive. The legislature also recognizes the risk exists that some corrections and jail staff may correspondingly use fewer precautions with those offenders and detained people they are not informed are HIV positive. The legislature finds, however, that the system of universal precautions required under federal and state law in all settings where risk of occupational exposure to communicable diseases exists remains the most effective way to reduce the risk of communicable disease transmission. The legislature does not intend to discourage the use of universal precautions but to provide supplemental information for corrections and jail staff to utilize as part of their universal precautions with all offenders and detained people.

(2) The legislature further finds that, through the efforts of health care professionals and corrections staff, offenders in department of corrections facilities and people detained in local jails are being encouraged to take responsibility for their health by requesting voluntary and anonymous pretest counseling, HIV testing, posttest counseling, and AIDS counseling. The legislature does not intend, through this act, to mandate disclosure of the results of voluntary and anonymous tests. The legislature intends to continue to protect the confidential exchange of medical information related to voluntary and anonymous pretest counseling, HIV testing, posttest counseling, and AIDS counseling as provided by chapter 70.24 RCW.

**Sec. 2.** RCW 70.24.105 and 1994 c 72 s 1 are each amended to read as follows:

(1) No person may disclose or be compelled to disclose the identity of any person who has investigated, considered, or requested a test or treatment for a sexually transmitted disease, except as authorized by this chapter.

(2) No person may disclose or be compelled to disclose the identity of any person upon whom an HIV antibody test is performed, or the results of such a test, nor may the result of a test for any other sexually transmitted disease when it is positive be disclosed. This protection against disclosure of test subject, diagnosis, or treatment also applies to any information relating to diagnosis of or treatment for HIV infection and for any other confirmed sexually transmitted disease. The following persons, however, may receive such information:

(a) The subject of the test or the subject's legal representative for health care decisions in accordance with RCW 7.70.065, with the exception of such a representative of a minor child over fourteen years of age and otherwise competent;

(b) Any person who secures a specific release of test results or information relating to HIV or confirmed diagnosis of or treatment for any other sexually transmitted disease executed by the subject or the subject's legal representative for health care decisions in accordance with RCW 7.70.065, with the exception of such a representative of a minor child over fourteen years of age and otherwise competent;

(c) The state public health officer, a local public health officer, or the centers for disease control of the United States public health service in accordance with reporting requirements for a diagnosed case of a sexually transmitted disease;

(d) A health facility or health care provider that procures, processes, distributes, or uses: (i) A human body part, tissue, or blood from a deceased person with respect to medical information regarding that person; (ii) semen, including that provided prior to March 23, 1988, for the purpose of artificial insemination; or (iii) blood specimens;

(e) Any state or local public health officer conducting an investigation pursuant to RCW 70.24.024, provided that such record was obtained by means of court ordered HIV testing pursuant to RCW 70.24.340 or 70.24.024;

(f) A person allowed access to the record by a court order granted after application showing good cause therefor. In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of the order, the court, in determining the extent to which any disclosure of all or any part of the record of any such test is necessary, shall impose appropriate safeguards against unauthorized disclosure. An order authorizing disclosure shall: (i) Limit disclosure to those parts of the patient's record deemed essential to fulfill the objective for which the order was granted; (ii) limit disclosure to those persons whose need for information is the basis for the order; and (iii) include any other appropriate measures to keep disclosure to a minimum for the protection of the patient, the physician-patient relationship, and the treatment services, including but not limited to the written statement set forth in subsection (5) of this section;

(g) Persons who, because of their behavioral interaction with the infected individual, have been placed at risk for acquisition of a sexually transmitted disease, as provided in RCW 70.24.022, if the health officer or authorized representative believes that the exposed person was unaware that a risk of disease exposure existed and that the disclosure of the identity of the infected person is necessary;

(h) A law enforcement officer, fire fighter, health care provider, health care facility staff person, or other persons as defined by the board in rule pursuant to RCW 70.24.340(4), who has requested a test of a person whose bodily fluids he or she has been substantially exposed to, pursuant to RCW 70.24.340(4), if a state or local public health officer performs the test;

(i) Claims management personnel employed by or associated with an insurer, health care service contractor, health maintenance organization, self-funded health plan, state-administered health care claims payer, or any other payer of health care claims where such disclosure is to be used solely for the prompt and accurate evaluation and payment of medical or related claims. Information released under this subsection shall be confidential and shall not be released or available to persons who are not involved in handling or determining medical claims payment; and

(j) A department of social and health services worker, a child placing agency worker, or a guardian ad litem who is responsible for making or reviewing placement or case-planning decisions or recommendations to the court regarding a child, who is less than fourteen years of age, has a sexually transmitted disease, and is in the custody of the department of social and health services or a licensed child placing agency; this information may also be received by a person responsible for providing residential care for such a child when the department of social and health services or a licensed child placing agency determines that it is necessary for the provision of child care services.

(3) No person to whom the results of a test for a sexually transmitted disease have been disclosed pursuant to subsection (2) of this section may disclose the test results to another person except as authorized by that subsection.

(4) The release of sexually transmitted disease information regarding an offender or detained person, except as provided in subsection (2)(e) of this section, shall be governed as follows:

(a) The sexually transmitted disease status of a department of corrections offender and the results of any tests conducted pursuant to RCW 70.24.340, 70.24.360, or 70.24.370 shall be made available by department of corrections health care providers and local public health officers to a department of corrections superintendent or administrator ((as necessary)). The information made available to superintendents and administrators under this subsection (4)(a) shall be utilized by a superintendent or administrator only as provided in section 3 of this act for disease prevention or control and for protection of the safety and security of the staff, offenders, and the public. The information may be submitted to transporting officers and receiving facilities, including facilities that are not under the department of ((correction's)) corrections' jurisdiction.

(b) The sexually transmitted disease status of a person detained in a jail and the results of any tests conducted pursuant to RCW 70.24.340, 70.24.360, or 70.24.370 shall be made available by the local public health officer to a jail administrator ((as necessary)). The information made available to administrators under this subsection (4)(b) shall be utilized only as provided in section 4 of this act for disease prevention or control and for protection of the safety and security of the staff, offenders, detainees, and the public. The information may be submitted to transporting officers and receiving facilities.

(c) Information regarding ((a department of corrections offender's)) the sexually transmitted disease status of an offender or detained person is confidential and may be disclosed by a correctional superintendent or administrator or local jail administrator only as necessary for disease prevention or control and for protection of the safety and security of the staff, offenders, and the public. Unauthorized disclosure of this information to any person may result in disciplinary action, in addition to the penalties prescribed in RCW 70.24.080 or any other penalties as may be prescribed by law.

(d) Notwithstanding the limitations on disclosure contained in (a), (b), and (c) of this subsection, whenever any member of jail staff or department of corrections staff has been substantially exposed to the bodily fluids of an offender or detained person, then the results of any tests conducted pursuant to RCW 70.24.340, 70.24.360, or 70.24.370 shall be immediately disclosed by the department of corrections health care provider and the local public health officer or the officer's designee to the correctional superintendent or administrator or local jail administrator. The superintendent or administrator is then required to immediately disclose these results to the staff member who was substantially exposed. Disclosure must be accompanied by appropriate counseling for the staff member, including information regarding follow-up testing.

(e) The receipt by any individual of any information disclosed pursuant to this subsection (4) shall be utilized only for disease prevention or control and for protection of the safety and security of the staff, offenders, detainees, and the public. Use of this information for any other purpose, including harassment or discrimination, may result in disciplinary action, in addition to the penalties prescribed in RCW 70.24.080 or any other penalties as may be prescribed by law.

(5) Whenever disclosure is made pursuant to this section, except for subsections (2)(a) and (6) of this section, it shall be accompanied by a statement in writing which includes the following or substantially similar language: "This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by state law. A general authorization for the release of medical or other information is NOT sufficient for this purpose." An oral disclosure shall be accompanied or followed by such a notice within ten days.

(6) The requirements of this section shall not apply to the customary methods utilized for the exchange of medical information among health care providers in order to provide health care services to the patient, nor shall they apply within health care facilities where there is a need for access to confidential medical information to fulfill professional duties.

(7) Upon request of the victim, disclosure of test results under this section to victims of sexual offenses under chapter 9A.44 RCW shall be made if the result is negative or positive. The county prosecuting attorney shall notify the victim of the right to such disclosure. Such disclosure shall be accompanied by appropriate counseling, including information regarding follow-up testing.

**NEW SECTION. Sec. 3.** A new section is added to chapter 72.09 RCW to read as follows:

(1) The department shall develop and implement policies and procedures for the uniform distribution of communicable disease prevention protocols to all corrections staff who, in the course of their regularly assigned job responsibilities, may come within close physical proximity to offenders with communicable diseases. The protocols shall include, but not be limited to, information learned from tests conducted pursuant to RCW 70.24.340, 70.24.360, and 70.24.370.

(2) The protocols shall identify the offender and special precautions necessary to reduce the risk of transmission of the communicable disease but shall not identify the offender's particular communicable disease.

(3) For the purposes of this section, "communicable disease" means an illness caused by an infectious agent which can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission via an intermediate host or vector, food, water, or air.

**NEW SECTION. Sec. 4.** A new section is added to chapter 70.48 RCW to read as follows:

(1) Local jail administrators shall develop and implement policies and procedures for the uniform distribution of communicable disease prevention protocols to all jail staff who, in the course of their regularly assigned job responsibilities, may come within close physical proximity to offenders or detainees with communicable diseases. The protocols shall include, but not be limited to, information learned from tests conducted pursuant to RCW 70.24.340, 70.24.360, and 70.24.370.

(2) The protocols shall identify the offender or detainee and special precautions necessary to reduce the risk of transmission of the communicable disease but shall not identify the offender's or detainee's particular communicable disease.

(3) For the purposes of this section, "communicable disease" means an illness caused by an infectious agent which can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission via an intermediate host or vector, food, water, or air.

**NEW SECTION. Sec. 5.** The department of health and the department of corrections shall each adopt rules to implement this act. The department of health and the department of corrections shall also report to the legislature by January 1, 1997, on the following: (1) Changes made in rules and department of corrections and local jail policies and procedures to implement this act; and (2) a summary of the number and circumstances of mandatory test results that were disclosed to department of corrections staff and jail staff pursuant to section 2 of this act."

On page 1, line 2 of the title, after "staff," strike the remainder of the title and insert "amending RCW 70.24.105; adding a new section to chapter 72.09 RCW; adding a new section to chapter 70.48 RCW; and creating new sections.", and that the bill do pass as recommended by the Conference Committee.

Signed by: Senators Hargrove, Kohl, Zarelli; Representatives Ballasiotes, Radcliff, Quall.

#### MOTION

Senator Hargrove moved that the Senate adopt the Conference Committee Report on Engrossed Substitute Senate Bill No. 6285. Debate ensued.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate adopt the Conference Committee Report on Engrossed Substitute Senate Bill No. 6285.

The motion by Senator Hargrove carried and the Senate adopted the Conference Committee Report on Engrossed Substitute Senate Bill No. 6285.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6285, as recommended by the Conference Committee.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6285, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Absent: Senator Rinehart - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6285, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 7, 1996

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6666 and passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### CONFERENCE COMMITTEE REPORT

**ESSB 6666 March 6, 1996**

Includes "New Items": YES

Providing for a long-term solution to nuisance aquatic weeds

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 6666, providing for a long-term solution to nuisance aquatic weeds, have had the same under consideration and we recommend that:

All previous amendment not be adopted, and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that Washington's lakes, particularly urban and suburban lakes, are experiencing pollution problems. There are frequent conflicts between shoreline property owners, who want a lake free of nuisance and noxious aquatic

weeds for health, natural habitat, and recreation purposes, and local and state agencies, who are charged with protecting water quality and habitat quality in the lakes. Human-caused pollution and natural factors that cause the growth of the nuisance and noxious aquatic weeds in lakes often have diffuse sources and can create dangerous conditions.

**NEW SECTION. Sec. 2.** There is created a committee to develop a Washington state lake health plan. The lake health plan shall include, but not be limited to, the following elements:

(1) An overview of the science of lakes management in general, and aquatic weeds in particular, using peer-reviewed studies and prior completed environmental impact statements, where possible. This scientific overview should identify and critically evaluate the various methods and techniques available for lake restoration and weed management;

(2) An analysis of the existing federal and state statutes, regulations, and policies dealing with lakes management. The plan shall provide recommendations on how to eliminate conflicts and inconsistencies in these legal requirements;

(3) An assessment of, and recommendations addressing, the problems arising from overlapping state and local agency programs and procedures;

(4) Recommendations on sources of state and local funding for lakes management. The funding mechanisms should reflect a preference for local solutions, and on involving all of the contributors to a lake's pollution in the funding of lake management expenses; and

(5) A plan or program to provide public information and education concerning how to prevent lake pollution and improve lake health. The committee shall consist of up to two senate members from each caucus of the senate, selected by the president of the senate and up to two representatives from each caucus of the house of representatives, selected by the speaker of the house of representatives. The committee may create advisory groups to assist them in evaluating these issues and shall consult with the following:

(a) Lakeside homeowners, lake users, and other citizens interested in lake water quality;

(b) The director or designee from the departments of fish and wildlife, health, ecology, natural resources, and agriculture;

(c) County governments and local health departments from both the east side and the west side of the state;

(d) Cities;

(e) Scientific and academic specialists; and

(f) Pesticide applicators.

Staff support for the committee shall be provided by the office of program research in the house of representatives and by senate committee services. The committee shall submit a plan with statutory recommendations, if any, to the legislature by January 1, 1998.

**NEW SECTION. Sec. 3.** The department of ecology shall expedite requests for approval for the application of state or federally registered pesticides by licensed pesticide applicators, including the use of herbicides such as copper sulfate or diquat, to control nuisance and noxious weeds in lakes managed under chapter 90.24 RCW. Approval for the application of pesticides is subject to compliance with state and federal pesticide laws. The department of ecology shall condition the permits to ensure that fish within the watershed are not significantly affected. The department of ecology may require applicators to provide reasonable notification to shoreline residents before application and to post signs describing swimming and fishing restrictions. The department of ecology may require sampling by the local health department to assess the biological effects of pesticide treatments and effects on human and animal health of toxic algae. This section shall expire April 1, 1998.

**NEW SECTION. Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "weeds;" strike the remainder of the title and insert "creating new sections; providing an expiration date; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by: Senators Fraser, Swecker, Fairley; Representatives Talcott, Carrell, Regala.

#### MOTION

On motion of Senator Winsley, the Senate adopted the Conference Committee Report on Engrossed Substitute Senate Bill No. 6666.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6666, as recommended by the Conference Committee.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6666, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Absent: Senator Rinehart - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6666, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

#### MOTION

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

#### SENATE RESOLUTION 1996-8713

By Senators Fraser and Kohl

WHEREAS, The state of Washington hails the academic and athletic endeavors by our state's youth; and

WHEREAS, It is vital to the future of the state of Washington and the United States of America that young people participate in healthy activities and focus their talents and energies into achieving educational success; and

WHEREAS, During each school year, the Washington Interscholastic Activities Association (WIAA) recognizes the academic achievements of high school athletic teams; and

WHEREAS, The members of the Olympia High School Girls' Gymnastics Team won the 1995-96 WIAA Academic Championship for AA schools in their sport by achieving a team GPA of 3.78; and

WHEREAS, The members of the Olympia High School Boys' Varsity Wrestling Team won the 1995-96 WIAA Academic Championship for AA schools in their sport by achieving a team GPA of 3.225; and

WHEREAS, The Olympia High School Girls' Gymnastics Team and Boys' Varsity Wrestling Team made their families, teachers, coaches, classmates and their community proud during their recently concluded seasons; and

WHEREAS, These accomplishments could not have been achieved without the dedication and drive of Gymnastics Team members Dana Hamblet, Amy Pernerl, Toni Rose, Sarah Rensel, Devin McGee, Kira Parr, Deanna Perry, Amelia Rogerson, and Team Captain Katie Parr; and Wrestling Team members Don Sunde, Steve Koh, Tom Lamb, Scott Thompson, Brock Milliern, Shaun Gravatt, Jerad Firby, Barry O'Neal, Mike Tomford, Casey Hanell, Neil Lapham, Mike Sheafe, John Ellsworth, Tyler Martin, and Team Captains Marc Lowe and Jeremy Lindquist; and

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington honor and recognize the diligent efforts of the Olympia High School Girls' Gymnastic Team and their coach Kim Strathdee, and the members of the Boys' Varsity Wrestling Team and their coaches Rocky Isley, John Willmarth, John Perry and Jim Zabel; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of Senate to Olympia High School Principal Richard Allen; Vice Principal and Athletic Administrator, Bob Ward; Vice Principal Margaret Hellberg; and the coaches and Athletic Directors of the Olympia High School Girls' Gymnastic Team and Boys' Varsity Wrestling Team.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Olympia High School Girls' Gymnastic Team and the Olympia High School Boys' Varsity Wrestling Team and their coaches, who were seated in the gallery.

#### MOTION

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

#### SENATE RESOLUTION 1996-8704

By Senators Bauer, Sellar, Kohl, Rasmussen, Drew, Heavey, Hargrove, Goings, Johnson, Snyder, Wojahn, Quigley, Hale, Fairley, Sutherland, Thibaudeau, Franklin, McAuliffe, Rinehart, Sheldon, Spanel, Wood, Oke, Winsley, Prince, Pelz, West, Prentice, Smith, Haugen and Loveland

WHEREAS, The Washington State Legislature, in 1981, established the Washington Scholars Program to recognize selected senior students from Washington's public and private high schools for their academic achievements, leadership abilities, and community service contributions; and

WHEREAS, Three senior students are selected from each of the state's forty-nine legislative districts by a review committee composed of distinguished secondary and postsecondary educators; and

WHEREAS, The students selected for special recognition as Washington Scholars have distinguished themselves by their energy and diversity as student leaders; as participants in music, debate, sports, and other programs; and through valuable service to their communities; and

WHEREAS, The families of the students have nurtured and supported the interests and talents of their children; and

WHEREAS, The state of Washington benefits from the accomplishments of these caring and gifted individuals, not only as students, but as citizens of our communities and our state;

NOW, THEREFORE, BE IT RESOLVED, That the Senate commend the families of these students for their encouragement and support; and

BE IT FURTHER RESOLVED, That the Washington Scholars be recognized and congratulated for their hard work, dedication, and maturity in achieving this noteworthy accomplishment; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to all of the Washington Scholars from each of the forty-nine legislative districts.

Senators Bauer and Wood spoke to Senate Resolution 1996-8704.

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

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Pelz, Gubernatorial Appointment No. 9158, James McGhee, as a member of the Lottery Commission, was confirmed.

#### APPOINTMENT OF JAMES MCGHEE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senators Anderson, A. and Sellar - 2.

MOTION

On motion of Senator Moyer, Senator Cantu was excused.

MOTION

On motion of Senator Smith, Gubernatorial Appointment No. 9223, Robert W. Winsor, as a member of the Clemency and Pardons Board, was confirmed.

APPOINTMENT OF ROBERT W. WINSOR

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1. Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.  
Excused: Senator Cantu - 1.

MOTION

On motion of Senator Wood, Senator Schow was excused.

MOTION

On motion of Senator Smith, Gubernatorial Appointment No. 9236, Dr. Anita Mendez-Peterson, as a member of the Clemency and Pardons Board, was confirmed.

APPOINTMENT OF DR. ANITA MENDEZ-PETERSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2. Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 45.  
Absent: Senators Rinehart and West - 2.  
Excused: Senators Cantu and Schow - 2.

MOTION

On motion of Senator Wood, Senator Sellar was excused.

MOTION

On motion of Senator Smith, Gubernatorial Appointment No. 9275, Barbara Cothorn, as a member of the Public Disclosure Commission, was confirmed.

APPOINTMENT OF BARBARA COTHERN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2. Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.  
Excused: Senators Schow and Sellar - 2.

MOTION

On motion of Senator Anderson, Senator Wood was excused.

MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9271, Brian Stiles, as a member of the Board of Trustees for Skagit Valley Community College District No. 4, was confirmed.

APPOINTMENT OF BRIAN STILES

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46.

Absent: Senator Smith - 1.

Excused: Senators Sellar and Wood - 2.

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

#### MOTION

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

#### SENATE RESOLUTION 1996-8714

By Senators Kohl, Goings, Sutherland, Smith, Loveland, Winsley, Sheldon, Long, Haugen, Prentice, Rasmussen, Roach, Wojahn, Drew, Rinehart, Fairley, Wood, Hale, Bauer, Thibaudeau, Franklin, McAuliffe, Spanel, Quigley, Owen, Hargrove, Pelz and Anderson

WHEREAS, Women of every age, race, religion, creed, ethnicity, economic status, and degree of ability and disability have immeasurably enriched and continue to enrich our homes, our schools, our workplaces, our communities, our state, our country, and every nation on Earth; and

WHEREAS, Women have played a critical economic, cultural, and social role in every sphere of life by constituting a significant portion of the labor force whether working inside or outside of the home, whether paid or as a volunteer; and

WHEREAS, Women of every age, race, religion, creed, ethnicity, economic status, and degree of ability and disability have served as leaders of every major progressive movement of social change; and

WHEREAS, Day-to-day discrimination against women remains a fact of life around the globe, and women continue to be largely unrecognized and undervalued for their historical and contemporary accomplishments; and

WHEREAS, Women continue to lead efforts in eliminating discrimination and violence committed against women, men, and children, and in promoting equality, equity, and peace; and

WHEREAS, Washington State has always been a champion of womens' rights and a national leader in promoting progress for women, having been one of the first states to grant suffrage to women, having the highest proportion of women legislators of any State Legislature currently and in the history of the United States, and having a majority of women in the Senate majority caucus, which is a first in the United States; and

WHEREAS, The United States of America remains a world leader and must continue to set the standards for womens' rights and equality; and

WHEREAS, 1996 is the 86th anniversary of women's suffrage in Washington State and the 76th anniversary of womens' suffrage in the United States; and

WHEREAS, March is National Womens' History Month as proclaimed by Congress, and March 8th is International Womens' Day as proclaimed by the United Nations;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and celebrate the women of our state, country, and the world, and recognize March 8th as International Women's Day and March as National Womens' History Month.

Senators Kohl and McCaslin spoke to Senate Resolution 1996-8714.

#### MOTION

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

#### SENATE RESOLUTION 1996-8694

WHEREAS, The Shelburne Inn of Seaview, Washington, is our state's oldest continuously operating inn; and

WHEREAS, In June of this year, The Shelburne Inn will commemorate its one-hundredth anniversary; and

WHEREAS, The history of The Shelburne Inn is both rich and diverse, as it has long served as a landmark in the coastal village of Seaview, attracting visitors from across the country and demonstrating its usefulness to the community; and

WHEREAS, In keeping with the Shelburne's heritage, numerous restoration and refurbishing projects have been meticulously undertaken to confirm its ability to adapt to the changing times; and

WHEREAS, The Shelburne Inn is rated as one of the "Top 25 inns worldwide" and is one of only six Washington inns listed in The Innkeepers' Register, a guide to 309 of the most prestigious guest accommodations in North America and Great Britain;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate pays tribute to The Shelburne Inn on the occasion of its one-hundredth anniversary and extends to the operators and staff its best wishes during this centennial celebration; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be directed to send a copy of this resolution to Laurie Anderson and David Campiche, owners and operators of The Shelburne Inn.

#### MOTION

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

#### SENATE RESOLUTION 1996-8701

By Senators Swecker, Anderson, Snyder, Spanel, Oke, Drew, Sellar, Morton, Haugen, Hochstatter, Rasmussen, McDonald, Sutherland and Roach

WHEREAS, The Murray Pacific Corporation has been a leader in the forest products industry; and  
WHEREAS, This corporation has shown leadership in environmental protection; and  
WHEREAS, Murray Pacific has helped set a nation-wide trend toward comprehensive protection of fish and wildlife habitat on timber lands; and  
WHEREAS, This company has made a substantial investment of private dollars into the development of habitat conservation plans to protect public and private resources for future generations; and  
WHEREAS, Murray Pacific has shown tremendous initiative in expending its financial resources to provide a public benefit; and  
WHEREAS, The company has taken great efforts to work with the United States Department of the Interior and ultimately received approval for its habitat conservation planning from the Secretary of the Interior and the President of the United States; and  
WHEREAS, Murray Pacific has worked cooperatively through the Timber, Fish, and Wildlife Agreement process; and  
WHEREAS, Certainty in the regulatory climate created by this state and the federal government is essential to ensuring that Murray Pacific and other land managers continue to provide leadership in the protection and enhancement of fish and wildlife habitat;  
NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the efforts of the Murray Pacific Corporation with passage of this Senate Floor Resolution; and  
BE IT FURTHER RESOLVED, That with passage of this resolution, the members of the Washington State Senate acknowledge the example this company has set, and the importance of certainty in the regulation of lands within our state.

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

## SECOND READING

HOUSE BILL NO. 2341, by Representatives Cooke, Appelwick and L. Thomas

Relating to the use of credit cards in state liquor stores.

The bill was read the second time.

## MOTIONS

On motion of Senator Pelz, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 66.16.040 and 1995 c 16 s 1 are each amended to read as follows:

Except as otherwise provided by law, an employee in a state liquor store or agency may sell liquor to any person of legal age to purchase alcoholic beverages and may also sell to holders of permits such liquor as may be purchased under such permits.

Where there may be a question of a person's right to purchase liquor by reason of age, such person shall be required to present any one of the following officially issued cards of identification which shows his/her correct age and bears his/her signature and photograph:

- (1) Liquor control authority card of identification of any state or province of Canada.
- (2) Driver's license, instruction permit or identification card of any state or province of Canada, or "identocard" issued by the Washington state department of licensing pursuant to RCW 46.20.117.
- (3) United States armed forces identification card issued to active duty, reserve, and retired personnel and the personnel's dependents.

(4) Passport.

(5) Merchant Marine identification card issued by the United States Coast Guard.

The board may adopt such regulations as it deems proper covering the acceptance of such cards of identification.

No liquor sold under this section shall be delivered until the purchaser has paid for the liquor in cash, except as allowed under section 2 of this act. The use of a personal credit card does not rely upon the credit of the state as prohibited by Article VIII, section 5 of the state Constitution.

**NEW SECTION. Sec. 2.** (1) The state liquor control board shall allow credit card purchases in a pilot project to study and test the use of credit cards in state liquor stores. In order to conduct the pilot project, the board shall, by rule:

- (a) Establish the criteria for selecting store test sites;
  - (b) Limit the pilot project to eighteen months in duration;
  - (c) Include no more than twenty stores;
  - (d) Include the use of debit cards; and
  - (e) Allow only nonlicensees to make credit card purchases.
- (2) The board shall provide a report of the results to the legislature by January 1, 1998.

**Sec. 3.** RCW 66.08.026 and 1983 c 160 s 2 are each amended to read as follows:

All administrative expenses of the board incurred on and after April 1, 1963 shall be appropriated and paid from the liquor revolving fund. These administrative expenses shall include, but not be limited to: The salaries and expenses of the board and its employees, the cost of establishing, leasing, maintaining, and operating state liquor stores and warehouses, legal services, pilot projects, annual or other audits, and other general costs of conducting the business of the board. The administrative expenses shall not, however, be deemed to include costs of liquor and lottery tickets purchased, the cost of transportation and delivery to the point of distribution, other costs pertaining to the acquisition and receipt of liquor and lottery tickets, packaging and repackaging of liquor, sales tax, and those amounts distributed pursuant to RCW 66.08.180, 66.08.190, 66.08.200, 66.08.210 and 66.08.220."

On motion of Senator Pelz, the following title amendment was adopted:

On page 1, line 2 of the title, after "stores;" strike the remainder of the title and insert "amending RCW 66.16.040 and 66.08.026; and creating a new section."

## MOTION

On motion of Senator Pelz, the rules were suspended, House Bill No. 2341, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2341, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2341, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Fraser, Goings, Hale, Hochstatter, Johnson, Kohl, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prince, Quigley, Rinehart, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 36.

Voting nay: Senators Franklin, Hargrove, Haugen, Heavey, Long, Loveland, McAuliffe, McCaslin, Owen, Prentice, Rasmussen and Zarelli - 12.

Absent: Senator Smith - 1.

HOUSE BILL NO. 2341, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

REPORTS OF STANDING COMMITTEES

March 7, 1996

SB 5104 Prime Sponsor, Senator Loveland: Adopting the capital budget. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5104 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West and Winsley.

HOLD.

March 7, 1996

SB 6137 Prime Sponsor, Senator Kohl: Providing tax credits as an incentive for employer-sponsored child care benefits. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6137, as recommended by Committee on Human Services and Corrections, be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Fraser, Hargrove, Kohl, Long, McDonald, Moyer, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

HOLD.

March 7, 1996

SB 6184 Prime Sponsor, Senator Loveland: Crediting certain insurance premium taxes. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Cantu, Drew, Hargrove, Hochstatter, Johnson, McDonald, Moyer, Snyder, Strannigan, Sutherland, West and Wojahn.

HOLD.

March 7, 1996

SB 6382 Prime Sponsor, Senator Hochstatter: Lowering the business and occupation taxation of the handling of hay, alfalfa, or seed. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6382 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Finkbeiner, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

HOLD.

March 7, 1996

SB 6401 Prime Sponsor, Senator Bauer: Providing a sales and use tax exemption for carbon used in producing aluminum. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

HOLD.

March 7, 1996

SB 6510 Prime Sponsor, Senator Loveland: Changing the tax status of persons engaged in the business of cleaning up for the United States, or its instrumentalities, radioactive waste and other byproducts of weapons production and nuclear research and development. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6510 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

HOLD.

SB 6511 Prime Sponsor, Senator Loveland: Providing sales and use tax exemptions for materials used in the construction of a laser interferometer gravitational wave observatory. Reported by Committee on Ways and Means March 7, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

HOLD.

SB 6526 Prime Sponsor, Senator Spanel: Exempting from sales and use tax medicines prescribed by naturopaths. Reported by Committee on Ways and Means March 7, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

HOLD.

SB 6656 Prime Sponsor, Senator Bauer: Providing sales and use tax exemptions for manufacturing machinery and equipment. Reported by Committee on Ways and Means March 7, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6656 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

HOLD.

SB 6775 Prime Sponsor, Senator Sutherland: Providing property tax relief for destroyed property. Reported by Committee on Ways and Means March 7, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6775 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

HOLD.

SB 6777 Prime Sponsor, Senator Sutherland: Providing a credit against property taxes on residential property. Reported by Committee on Ways and Means March 7, 1996

MAJORITY Recommendation: That Substitute Senate Bill No. 6777 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chair; Bauer, Cantu, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Quigley, Roach, Sheldon, Strannigan, Sutherland, West, Winsley and Wojahn.

HOLD.

SJR 8220 Prime Sponsor, Senator Sutherland: Amending the state Constitution to allow a credit against property taxes on residential property. Reported by Committee on Ways and Means March 7, 1996

MAJORITY Recommendation: That Substitute Senate Joint Resolution No. 8220 be substituted therefor, and the substitute joint resolution do pass. Signed by Senators Bauer, Cantu, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Quigley, Roach, Sheldon, Strannigan, Sutherland, Winsley and Wojahn.

HOLD.

SHB 2119 Prime Sponsor, House Committee on Agriculture and Ecology: Providing for the excise taxation of preserved fruit and vegetables. Reported by Committee on Ways and Means March 7, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

HOLD.

ESHB 2214 Prime Sponsor, House Committee on Finance: Exempting medical research materials from sales and use taxes. Reported by Committee on Ways and Means March 7, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Fraser, Hargrove, Johnson, Kohl, Long, McDonald, Moyer, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

HOLD.

HB 2290 Prime Sponsor, Representative Honeyford: Exempting construction of wind energy and solar electric generating facilities from sales and use tax. Reported by Committee on Ways and Means March 7, 1996

MAJORITY recommendation: Do pass as amended by Committee on Energy, Telecommunications and Utilities. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

HOLD.

HB 2337 Prime Sponsor, Representative Schoesler: Defining distressed county designation. Reported by Committee on Ways and Means March 7, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Drew, Fraser, Hargrove, Hochstatter, Kohl, Long, McDonald, Moyer, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, West, Winsley and Wojahn.

HOLD.

SHB 2447 Prime Sponsor, House Committee on Finance: Providing business and occupation tax exemptions for auctions and wholesale transactions involving motor vehicles. Reported by Committee on Ways and Means March 7, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Fraser, Hargrove, Hochstatter, Johnson, Moyer, Quigley, Roach, Sheldon, Snyder, Strannigan, Sutherland, West, Winsley and Wojahn.

HOLD.

HB 2484 Prime Sponsor, Representative Van Luven: Allowing sales and use tax exemptions for manufacturing machinery and equipment used for maintenance, improvement, and research and development. Reported by Committee on Ways and Means March 7, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

HOLD.

SHB 2590 Prime Sponsor, Representative Van Luven: Implementing excise tax changes needed as a result of Jefferson Lines v. Oklahoma. March 7, 1996

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

HOLD.

HB 2593 Prime Sponsor, Representative Schoesler: Changing the taxation of railroad-related businesses. Reported by Committee on Ways and Means March 7, 1996

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

HOLD.

March 7, 1996

ESHB 2695 Prime Sponsor, House Committee on Education: Changing the timelines for development and implementation of the student assessment system. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, Moyer, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

HOLD.

March 7, 1996

SHB 2708 Prime Sponsor, House Committee on Finance: Requiring a warehouse tax study. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Kohl, Long, McDonald, Moyer, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

HOLD.

March 7, 1996

SHB 2745 Prime Sponsor, House Committee on Finance: Clarifying the taxation of intangible personal property. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Kohl, Long, McDonald, Moyer, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

HOLD.

March 7, 1996

SHB 2778 Prime Sponsor, House Committee on Agriculture and Ecology: Providing sales and use tax exemptions for agricultural employee housing. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

HOLD.

March 7, 1996

EHB 2841 Prime Sponsor, Representative Carrell: Limiting property tax increases additionally to the rate of inflation. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

HOLD.

March 7, 1996

2SHB 2856 Prime Sponsor, House Committee on Appropriations: Establishing the office of the child, youth, and family ombudsman. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Quigley, Roach, Sheldon, Snyder, Spanel, Sutherland, West and Winsley.

HOLD.

March 7, 1996

HB 2861 Prime Sponsor, Representative Carlson: Exempting sales of academic transcripts from B&O, sales, and use taxes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rinehart, Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Pelz, Quigley, Roach, Sheldon, Spanel, Strannigan, Winsley and Wojahn.

HOLD.

MOTION

On motion of Senator Spanel, the rules were suspended and all of the Senate Bills and all the House Bills on the Reports of Standing Committees were advanced to second reading and placed on the second reading calendar.

MOTION

At 4:04 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 5:00 p.m. by President Pritchard.

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

MESSAGE FROM THE GOVERNOR

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

I have the honor to advise you that on March 7, 1996, Governor Lowry approved the following Senate Bills entitled:

Substitute Senate Bill No. 5050

Relating to burglary in the first degree.

Substitute Senate Bill No. 5140

Relating to drug-free zones in publicly owned or publicly operated civic centers.

Substitute Senate Bill No. 5522

Relating to the use of pro tempore judges and court commissioners.

Engrossed Substitute Senate Bill No. 5605

Relating to prohibiting alcohol and drug use in state-owned college or university residences.

Second Substitute Senate Bill No. 5757

Relating to bidding requirements.

Engrossed Substitute Senate Bill No. 6093

Relating to sidewalk reconstruction.

Substitute Senate Bill No. 6101

Relating to food fish and shellfish license requirements.

Substitute Senate Bill No. 6113

Relating to paternity.

Substitute Senate Bill No. 6150

Relating to health care professionals doing business as professional service corporations or limited liability companies.

Senate Bill No. 6167

Relating to jurisdiction of petitions for dissolution of marriage.

Senate Bill No. 6181

Relating to requirements of a petition for deferred prosecution.

Senate Bill No. 6216

Relating to state board of education office staff.

Substitute Senate Bill No. 6271

Relating to vehicles that have been rebuilt from salvage.

Engrossed Substitute Senate Bill No. 6398

Relating to background checks of employees at the special commitment center.

Senate Bill No. 6414

Relating to the voluntary withholding of federal income tax from unemployment insurance benefit payments.

Senate Bill No. 6467

Relating to pollution source fees.

Substitute Senate Bill No. 6487

Relating to commercial driver's license.

Senate Bill No. 6489

Relating to refunds of overpayments of license fees and motor vehicle excise taxes.

Engrossed Substitute Senate Bill No. 6554

Relating to attachments to transmission facilities.

Engrossed Senate Bill No. 6631

Relating to exempting thermal energy companies from utilities and transportation commission authority.

Sincerely,  
KENT CAPUTO, Legal Counsel to the Governor

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

SECOND READING

SENATE BILL NO. 6401, by Senators Bauer, Sellar, Snyder, Newhouse, Sutherland, Zarelli, Sheldon, A. Anderson, Spanel and Roach (by request of Department of Revenue)

Providing a sales and use tax exemption for carbon used in producing aluminum.

The bill was read the second time.

#### MOTION

On motion of Senator Rinehart, the rules were suspended, Senate Bill No. 6401 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6401.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6401 and the bill passed the Senate by the following vote:  
Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senators McDonald and Strannigan - 2.

SENATE BILL NO. 6401, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Anderson, Senator Strannigan was excused.

#### SECOND READING

SENATE BILL NO. 6511, by Senators Loveland and Hale (by request of Governor Lowry)

Providing sales and use tax exemptions for materials used in the construction of a laser interferometer gravitational wave observatory.

The bill was read the second time.

#### MOTION

On motion of Senator Rinehart, the rules were suspended, Senate Bill No. 6511 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6511.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6511 and the bill passed the Senate by the following vote:  
Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator McDonald - 1.

Excused: Senator Strannigan - 1.

SENATE BILL NO. 6511, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6526, by Senators Spanel, Roach and Kohl

Exempting from sales and use tax medicines prescribed by naturopaths.

The bill was read the second time.

#### MOTION

On motion of Senator Rinehart, the rules were suspended, Senate Bill No. 6526 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6526.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6526 and the bill passed the Senate by the following vote:  
Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Strannigan - 1.  
SENATE BILL NO. 6526, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Snyder, Senate Bill No. 6401, Senate Bill No. 6511 and Senate Bill No. 6526 were immediately transmitted to the House of Representatives.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2119, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Honeyford, Lisk, Morris, Chandler, Mastin, Grant, Delvin, Clements, Basich, Mulliken, Skinner, Kremen, Koster, Boldt, Goldsmith, McMorris, Johnson, Hymes, Thompson, Foreman, Hankins, Sheldon, Schoesler, Campbell, L. Thomas, Sheahan and Stevens)

Providing for the excise taxation of preserved fruit and vegetables.

The bill was read the second time.

#### MOTION

On motion of Senator Rinehart, the rules were suspended, Substitute House Bill No. 2119 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2119.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2119 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2119, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2214, by House Committee on Finance (originally sponsored by Representatives Van Luven, B. Thomas, Schoesler, Pennington, Mastin, Sheldon, Radcliff, Koster, Smith, Huff, Sheahan, Morris, Thompson, Cooke, Goldsmith, Backlund, Benton and Dyer)

Exempting medical research materials from sales and use taxes.

The bill was read the second time.

#### MOTION

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute House Bill No. 2214 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2214.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2214 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Absent: Senator Schow - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2214, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2447, by House Committee on Finance (originally sponsored by Representatives Robertson, Cairnes, L. Thomas, Silver, Mulliken and Carrell)

Providing business and occupation tax exemptions for auctions and wholesale transactions involving motor vehicles.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, Substitute House Bill No. 2447 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2447.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2447 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Voting nay: Senator Long - 1.

SUBSTITUTE HOUSE BILL NO. 2447, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2593, by Representatives Schoesler, Mason, B. Thomas and Boldt (by request of Department of Revenue)

Changing the taxation of railroad-related businesses.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, House Bill No. 2593 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2593.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2593 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

HOUSE BILL NO. 2593, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2695, by House Committee on Education (originally sponsored by Representatives Brumsickle and B. Thomas) (by request of Joint Select Committee on Education Restructuring, Board of Education and Commission on Student Learning)

Changing the timelines for development and implementation of the student assessment system.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute House Bill No. 2695 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2695.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2695 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Schow, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 44.

Voting nay: Senators Cantu, Morton, Roach, Sellar and Zarelli - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2695, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2778, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Mastin, Chappell, Chandler, Honeyford, Foreman, Mulliken, Lisk, Clements, Sheldon and Thompson) (by request of Department of Health and Department of Agriculture)

Providing sales and use tax exemptions for agricultural employee housing.

The bill was read the second time.

### MOTION

On motion of Senator Rinehart, the rules were suspended, Substitute House Bill No. 2778 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2778.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2778 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2778, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2861, by Representatives Carlson, Mulliken, Jacobsen, Van Luven, Blanton, Benton, Scheuerman, Basich, Goldsmith, Delvin and Quall

Exempting sales of academic transcripts from B&O, sales, and use taxes.

The bill was read the second time.

### MOTION

On motion of Senator Rinehart, the rules were suspended, House Bill No. 2861 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2861.

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2861 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

HOUSE BILL NO. 2861, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4423, by Representatives Johnson, Brumsickle, Radcliff, Cole, Quall, Talcott, McMahan, Hatfield, Thompson, Mulliken, Sheldon, Smith, Stevens, Clements, Hargrove, Sterk, Beeksma, H. Sommers, Wolfe, Kessler, Elliot, K. Schmidt, Lambert, Silver, Casada, Carrell, Chandler, Sherstad, B. Thomas, Crouse, Buck, Pelesky, Cooke, McMorris, D. Schmidt, Hymes, Mastin, Mitchell, Huff, Fuhrman, Goldsmith, Blanton, Delvin, Cairnes, Hankins, Sehlin, L. Thomas, Honeyford, Carlson, Backlund, Mason, Linville, Conway, D. Sommers, Scheuerman, Romero, Ogden, Brown, R. Fisher, Cody, Murray, Costa, Tokuda, Regala, Dickerson, Robertson, Keiser, Chopp, Skinner and Dyer

Requesting the governor to declare the Year of the Reader.

The concurrent resolution was read the second time.

### MOTION

On motion of Senator McAuliffe, the rules were suspended, House Concurrent Resolution No. 4423 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4423.

HOUSE CONCURRENT RESOLUTION NO. 4423 was adopted by voice vote.

## SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4424, by Representatives Delvin, Chandler, Robertson, Clements, Foreman, Grant, Schoesler, Hankins, Mulliken, Linville, B. Thomas, Honeyford, McMahan and Silver

Establishing a legislative joint committee on water resources.

The concurrent resolution was read the second time.

### MOTION

On motion of Senator Fraser, the rules were suspended, House Concurrent Resolution No. 4424 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Concurrent Resolution No. 4424.

## ROLL CALL

The Secretary called the roll on the final passage of House Concurrent Resolution No. 4424 and the concurrent resolution passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 3; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 45.

Voting nay: Senator Johnson - 1.

Absent: Senators Hargrove, Pelz and Thibaudeau - 3.

HOUSE CONCURRENT RESOLUTION NO. 4424, having received the constitutional majority, was declared passed.

## SECOND READING

SENATE BILL NO. 5104, by Senators Loveland and West (by request of Office of Financial Management)

Adopting the capital budget.

### MOTION

On motion of Senator Rinehart, Substitute Senate Bill No. 5104 was substituted for Senate Bill No. 5104 and the substitute bill was placed on second reading and read the second time.

Debate ensued.

### MOTION

Senator Strannigan moved that the following amendments be considered simultaneously and be adopted:

On page 22, line 12, strike "21,100,000" and insert "~~((21,400,000))~~ 19,600,000"

On page 22, line 13, strike "22,500,000" and insert "~~((22,500,000))~~ 21,000,000"

On page 22, after line 13, insert the following:

"~~General Fund--Federal~~ \$ 3,000,000

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Strannigan to adopt the amendments on page 22, lines 12 and 13, and after line 13, to Substitute Senate Bill No. 5104.

The motion by Senator Strannigan carried and the amendments were adopted.

## MOTIONS

On motion of Senator Strannigan, the following amendments were considered simultaneously and were adopted:

On page 23, line 53, after "status" and before the period, insert "or existing natural area preserves"

On page 24, line 4, strike "53,000,000" and insert "50,000,000"

On page 24, after line 4, insert the following:

"Habitat Conservation Account Appropriation \$ 1,500,000

Outdoor Recreation Account Appropriation \$ 1,500,000"

On motion of Senator Loveland, the rules were suspended, Engrossed Substitute Senate Bill No. 5104 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5104.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5104 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Voting nay: Senators McCaslin and Schow - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5104, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

MESSAGE FROM THE HOUSE

March 7, 1996

MR. PRESIDENT:

Under suspension of the rules, SENATE BILL NO. 6174 was returned to second reading for the purpose of amendment(s). The following amendments were adopted and the bill passed the House as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.85.020 and 1994 c 38 s 1 are each amended to read as follows:

(1) The board:

~~((1))~~ (a) Shall adopt by rule minimum standards for degree-granting institutions concerning granting of degrees, quality of education, unfair business practices, financial stability, and other necessary measures to protect citizens of this state against substandard, fraudulent, or deceptive practices. The board shall adopt the rules in accordance with chapter 34.05 RCW;

~~((2))~~ (b) May investigate any entity the board reasonably believes to be subject to the jurisdiction of this chapter. In connection with the investigation, the board may administer oaths and affirmations, issue subpoenas and compel attendance, take evidence, and require the production of any books, papers, correspondence, memorandums, or other records which the board deems relevant or material to the investigation. The board, including its staff and any other authorized persons, may conduct site inspections and examine records of all institutions subject to this chapter;

~~((3))~~ (c) Shall develop an interagency agreement with the work force training and education coordinating board to regulate degree-granting private vocational schools with respect to degree and nondegree programs.

(2) Financial disclosures provided to the board by degree-granting private vocational schools are not subject to public disclosure under chapter 42.17 RCW.

Sec. 2. RCW 42.17.310 and 1995 c 267 s 6 are each amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.140 maintained in the files of the department shall automatically be withheld from public inspection and copying if the provider has provided the department with an accurate alternative or business address and telephone number.

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510, regardless of which agency is in possession of the information and documents.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

**Sec. 3.** RCW 28B.15.558 and 1992 c 231 s 20 are each amended to read as follows:

(1) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges may waive all or a portion of the tuition and services and activities fees for state employees as defined under subsection (2) of this section pursuant to the following conditions:

(a) Such state employees shall register for and be enrolled in courses on a space available basis and no new course sections shall be created as a result of the registration;

(b) Enrollment information on state employees registered pursuant to this section shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor shall such state employees be considered in any enrollment statistics which would affect budgetary determinations; and

(c) State employees registering on a space available basis shall be charged a registration fee of not less than five dollars.

(2) For the purposes of this section, "state employees" means permanent (~~full-time~~) employees employed half-time or more in classified service under chapter ~~(s-28B.16 and)~~ 41.06 RCW; permanent employees employed half-time or more who are governed by chapter 41.56 RCW pursuant to the exercise of the option under RCW 41.56.201; permanent classified employees and exempt paraprofessional employees of technical colleges employed half-time or more; and nonacademic employees and members of the faculties and instructional staff employed half-time or more at institutions of higher education as defined in RCW 28B.10.016.

**NEW SECTION. Sec. 4.** Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

**NEW SECTION. Sec. 5.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "board;" strike the remainder of the title and insert "amending RCW 28B.85.020, 42.17.310, and 28B.15.558; and declaring an emergency.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Bauer, the Senate concurred in the House amendments to Senate Bill No. 6174.  
The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6174, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6174, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SENATE BILL NO. 6174, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

#### SECOND READING

SENATE BILL NO. 6137, by Senators Kohl, Long, Hargrove, Pelz, Thibaudeau, Rasmussen, Spanel, Snyder, Fraser, Wojahn, Heavey, Bauer, Quigley and McAuliffe

Providing tax credits as an incentive for employer-sponsored child care benefits.

#### MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 6137 was substituted for Senate Bill No. 6137 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rinehart, the rules were suspended, Substitute Senate Bill No. 6137 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Rinehart, and there being no objection, further consideration of Substitute Senate Bill No. 6137 was deferred.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2856, by House Committee on Appropriations (originally sponsored by Representatives Cooke, D. Schmidt, Wolfe, Reams, Tokuda, Chopp, Stevens, Costa, Mulliken, Hymes, Hatfield, Silver, Scheuerman, Kessler, Conway and Cole) (by request of Governor Lowry)

Establishing the office of the child, youth, and family ombudsman.

The bill was read the second time.

#### MOTIONS

On motion of Senator Hargrove, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** (1) There is created the legislative children's oversight committee for the purpose of monitoring and ensuring compliance with administrative acts, relevant statutes, rules, and policies pertaining to family and children services and the placement, supervision, and treatment of children in the state's care or in state-licensed facilities or residences. The committee shall consist of three senators and three representatives from the legislature. The senate members of the committee shall be appointed by the president of the senate. The house members of the committee shall be appointed by the speaker of the house. Not more than two members from each chamber shall be from the same political party. Members shall be appointed before the close of each regular session of the legislature during an odd-numbered year.

(2) The committee shall have the following powers:

- (a) Selection of its officers and adopt rules for orderly procedure;
- (b) Request investigations by the ombudsman of administrative acts;
- (c) Receive reports of the ombudsman;

(d)(i) Obtain access to all relevant records in the possession of the ombudsman, except as prohibited by law; and (ii) make recommendations to all branches of government;

(e) Request legislation;

(f) Conduct hearings into such matters as it deems necessary.

(3) Upon receipt of records from the ombudsman, the committee is subject to the same confidentiality restrictions as the ombudsman under section 6 of this act.

**NEW SECTION. Sec. 2.** There is hereby created an office of the family and children's ombudsman within the office of the governor for the purpose of promoting public awareness and understanding of family and children services, identifying system issues and responses for the governor and the legislature to act upon, and monitoring and ensuring compliance with administrative acts, relevant statutes, rules, and policies pertaining to family and children's services and the placement, supervision, and treatment of children in the state's care or in state-licensed facilities or residences. The ombudsman shall report directly to the governor and shall exercise his or her powers and duties independently of the secretary.

**NEW SECTION. Sec. 3.** (1) The governor shall appoint an ombudsman who shall be a person of recognized judgment, independence, objectivity, and integrity, and shall be qualified by training or experience, or both, in family and children's services law and policy. Prior to the appointment, the governor shall consult with, and may receive recommendations from the committee, regarding the selection of the ombudsman.

(2) The person appointed ombudsman shall hold office for a term of three years and shall continue to hold office until reappointed or until his or her successor is appointed. The governor may remove the ombudsman only for neglect of duty, misconduct, or inability to perform duties. Any vacancy shall be filled by similar appointment for the remainder of the unexpired term.

NEW SECTION. Sec. 4. The ombudsman shall perform the following duties:

(1) Provide information as appropriate on the rights and responsibilities of individuals receiving family and children's services, and on the procedures for providing these services;

(2) Investigate, upon his or her own initiative or upon receipt of a complaint, an administrative act alleged to be contrary to law, rule, or policy, imposed without an adequate statement of reason, or based on irrelevant, immaterial, or erroneous grounds; however, the ombudsman may decline to investigate any complaint as provided by rules adopted under this chapter;

(3) Monitor the procedures as established, implemented, and practiced by the department to carry out its responsibilities in delivering family and children's services with a view toward appropriate preservation of families and ensuring children's health and safety;

(4) Review periodically the facilities and procedures of state institutions serving children, and state-licensed facilities or residences;

(5) Recommend changes in the procedures for addressing the needs of families and children;

(6) Submit annually to the committee and to the governor by November 1 a report analyzing the work of the office including recommendations;

(7) Grant the committee access to all relevant records in the possession of the ombudsman unless prohibited by law; and

(8) Adopt rules necessary to implement this chapter.

NEW SECTION. Sec. 5. The office of family and children's ombudsman shall be a juvenile justice or care agency for the purposes of chapter 13.50 RCW.

NEW SECTION. Sec. 6. The ombudsman shall treat all matters under investigation, including the identities of service recipients, complainants, and individuals from whom information is acquired, as confidential, except as far as disclosures may be necessary to enable the ombudsman to perform the duties of the office and to support any recommendations resulting from an investigation. Upon receipt of information that by law is confidential or privileged, the ombudsman shall maintain the confidentiality of such information and shall not further disclose or disseminate the information except as provided by applicable state or federal law. Investigative records of the office of the ombudsman are confidential and are exempt from public disclosure under chapter 42.17 RCW.

NEW SECTION. Sec. 7. Sections 1 through 3 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 2 of the title, after "ombudsman;" strike the remainder of the title and insert "creating new sections; and declaring an emergency."

#### MOTION

On motion of Senator Rinehart, the rules were suspended, Second Substitute House Bill No. 2856, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 2856, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2856, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SECOND SUBSTITUTE HOUSE BILL NO. 2856, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6137, deferred on third reading earlier today.

#### MOTIONS

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6137 was returned to second reading and read the second time.

On motion of Senator Hargrove, the following amendment by Senators Rinehart and Hargrove was adopted:

On page 2, beginning on line 27, after "employees" strike all material through "department" on line 31

#### MOTION

On motion of Senator Hargrove, Engrossed Substitute Senate Bill No. 6137, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6137, under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6137, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6137, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

#### INTRODUCTION AND FIRST READING

SCR 8435 by Senators Drew, Snyder, Oke, Hargrove, Owen, Rinehart and Bauer

Requesting an Attorney General's opinion concerning trust lands.

HOLD.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHCR 4426 by Representatives D. Schmidt, Cooke McMorris, Rust and B. Thomas

Establishing the commission on county services and resources.

HOLD.

EHCR 4427 by Representative Foreman

Exempting specified bills from cutoff dates.

HOLD.

#### MOTION

On motion of Senator Spanel, the rules were suspended, Senate Concurrent Resolution No. 8435, Engrossed House Concurrent Resolution No. 4426 and Engrossed House Concurrent Resolution No. 4427 were advanced to second reading and placed on the second reading calendar.

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

#### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8435, by Senators Drew, Snyder, Oke, Hargrove, Owen, Rinehart and Bauer

Requesting an Attorney General's opinion concerning trust lands.

The concurrent resolution was read the second time.

#### MOTION

Senator Drew moved that the rules be suspended and Senate Concurrent Resolution No. 8435 be advanced to third reading, the second reading considered the third and the concurrent resolution be adopted.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Drew to suspend the rules and advance Senate Concurrent Resolution No. 8435 to third reading.

The motion by Senator Drew carried and Senate Concurrent Resolution No. 8435 was advanced to third reading and final passage and adopted.

SENATE CONCURRENT RESOLUTION NO. 8435 was adopted by voice vote.

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

#### MESSAGE FROM THE HOUSE

March 7, 1996

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2875 and again asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute House Bill No. 2875 was returned to second reading and read the second time.

#### MOTION

Senator Fraser moved that the following amendment by Senators Fraser and Swecker be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1. FINDINGS.** (1) The legislature finds that:

(a) Puget Sound and related inland marine waterways of Washington state represent a unique and unparalleled resource. A rich and varied range of marine organisms, comprising an interdependent, sensitive communal ecosystem reside in these sheltered waters. Residents of this region enjoy a way of life centered around the waters of Puget Sound, featuring accessible recreational opportunities, world-class port facilities and water transportation systems, harvest of marine food resources, shoreline-oriented life styles, water-dependent industries, tourism, irreplaceable aesthetics, and other activities, all of which to some degree depend upon a clean and healthy marine resource;

(b) The Puget Sound water quality authority has done an excellent job in developing a comprehensive plan to identify actions to restore and protect the biological health and diversity of Puget Sound;

(c) The large number of governmental entities that now have regulatory programs affecting the water quality of Puget Sound have diverse interests and limited jurisdictions that cannot adequately address the cumulative, wide-ranging impacts that contribute to the degradation of Puget Sound; and

(d) Coordination of the regulatory programs, at the state and local level, is best accomplished through the development of interagency mechanisms that allow these entities to transcend their diverse interests and limited jurisdictions.

(2) It is therefore the policy of the state of Washington to coordinate the activities of state and local agencies by establishing a biennial work plan that clearly delineates state and local actions necessary to protect and restore the biological health and diversity of Puget Sound. It is further the policy of the state to implement the Puget Sound water quality management plan to the maximum extent possible.

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

(1) "Action team" means the Puget Sound water quality action team.

(2) "Chair" means the chair of the action team.

(3) "Council" means the Puget Sound council created in section 4 of this act.

(4) "Puget Sound management plan" means the 1994 Puget Sound water quality management plan as it exists June 30, 1996, and as subsequently amended by the action team.

(5) "Support staff" means the staff to the action team.

(6) "Work plan" means the work plan and budget developed by the action team.

**NEW SECTION. Sec. 3. PUGET SOUND ACTION TEAM.** (1) The Puget Sound action team is created. The action team shall consist of: The directors of the departments of ecology; agriculture; natural resources; fish and wildlife; and community, trade, and economic development; the secretaries of the departments of health and transportation; the director of the parks and recreation commission; the director of the interagency committee for outdoor recreation; the administrative officer of the conservation commission designated in RCW 89.08.050; one person representing cities, appointed by the governor; one person representing counties, appointed by the governor; and the chair of the action team. The members representing cities and counties shall each be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(2) The action team shall:

(a) Prepare a Puget Sound work plan and budget for inclusion in the governor's biennial budget;

(b) Coordinate monitoring and research programs as provided in section 7 of this act;

(c) Work under the direction of the action team chair as provided in section 5 of this act;

(d) Coordinate permitting requirements as necessary to expedite permit issuance for any local watershed plan developed pursuant to rules adopted under this chapter;

(e) Identify and resolve any policy or rule conflicts that may exist between one or more agencies represented on the action team;

(f) Periodically amend the Puget Sound management plan;

(g) Enter into, amend, and terminate contracts with individuals, corporations, or research institutions for the purposes of this chapter;

(h) Receive such gifts, grants, and endowments, in trust or otherwise, for the use and benefit of the purposes of the action team.

The action team may expend the same or any income therefrom according to the terms of the gifts, grants, or endowments;

(i) Promote extensive public participation, and otherwise seek to broadly disseminate information concerning Puget Sound;

(j) Receive and expend funding from other public agencies;

(k) To reduce costs and improve efficiency, review by December 1, 1996, all requirements for reports and documentation from state agencies and local governments specified in the plan for the purpose of eliminating and consolidating reporting requirements; and

(l) Beginning in December 1998, and every two years thereafter, submit a report to the appropriate policy and fiscal committees of the legislature that describes and evaluates the successes and shortcomings of the current work plan relative to the priority problems identified for each geographic area of Puget Sound.

(3) By July 1, 1996, the action team shall begin developing its initial work plan, which shall include the coordination of necessary support staff.

(4) The action team shall incorporate, to the maximum extent possible, the recommendations of the council regarding amendments to the Puget Sound plan and the work plan.

(5) All proceedings of the action team are subject to the open public meetings act under chapter 42.30 RCW.

**NEW SECTION. Sec. 4. PUGET SOUND COUNCIL.** (1) There is established the Puget Sound council composed of nine members. Seven members shall be appointed by the governor. In making these appointments, the governor shall include representation from business, the environmental community, agriculture, the shellfish industry, counties, cities, and the tribes. One member shall be a member of the senate selected by the president of the senate and one member shall be a member of the house of representatives selected by the speaker of the house of representatives. The legislative members shall be nonvoting members of the council. Appointments to the council shall reflect geographical balance and the diversity of population within the Puget Sound basin. Members shall serve four-year terms. Of the initial members appointed to the council, two shall serve for two years, two shall serve for three years, and two shall serve for four years.

Thereafter members shall be appointed to four-year terms. Vacancies shall be filled by appointment in the same manner as the original appointment for the remainder of the unexpired term of the position being vacated. Nonlegislative members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members shall be reimbursed as provided in RCW 44.04.120.

(2) The council shall:

(a) Recommend to the action team projects and activities for inclusion in the biennial work plan;

(b) Recommend to the action team coordination of work plan activities with other relevant activities, including but not limited to, agencies' activities other than those funded through the plan, local plan initiatives, and governmental and nongovernmental watershed restoration and protection activities; and

(c) Recommend to the action team proposed amendments to the Puget Sound management plan.

(3) The chair of the action team shall convene the council at least four times per year and shall jointly convene the council and the action team at least two times per year.

**NEW SECTION. Sec. 5. GOVERNOR'S OFFICE.** (1) By June 1, 1996, the governor shall appoint a person in the governor's office to chair the action team. The chair shall serve at the pleasure of the governor.

(2) The chair shall be responsible for:

(a) Organizing the development of the council recommendations;

(b) Organizing the development of the work plan required under section 6 of this act;

(c) Presenting work plan and budget recommendations to the governor and the legislature;

(d) Overseeing the implementation of the elements of the work plan that receive funding through appropriations by the legislature;

and

(e) Serving as chair of the council.

(3) The chair of the action team shall be a full-time employee responsible for the administration of all functions of the action team and the council, including hiring and terminating support staff, budget preparation, contracting, coordinating with the governor, the legislature, and other state and local entities, and the delegation of responsibilities as deemed appropriate. The salary of the chair shall be fixed by the governor, subject to RCW 43.03.040.

**NEW SECTION. Sec. 6. WORK PLANS.** (1)(a) Each biennium, the action team shall prepare a Puget Sound work plan and budget for inclusion in the governor's biennial budget. The work plan shall prescribe the necessary federal, state, and local actions to maintain and enhance Puget Sound water quality, including but not limited to, enhancement of recreational opportunities, and restoration of a balanced population of indigenous shellfish, fish, and wildlife.

(b) In developing a work plan, the action team shall meet the following objectives:

(i) Use the plan elements of the Puget Sound management plan to prioritize local and state actions necessary to restore and protect the biological health and diversity of Puget Sound;

(ii) Consider the problems and priorities identified in local plans; and

(iii) Coordinate the work plan activities with other relevant activities, including but not limited to, agencies' activities that have not been funded through the plan, local plans, and governmental and nongovernmental watershed restoration activities.

(2) In addition to the requirements identified under section 3(2)(a) of this act, the work plan and budget shall:

(a) Identify and prioritize the local and state actions necessary to address the water quality problems in the following locations:

(i) Area 1: Island and San Juan counties;

(ii) Area 2: Skagit and Whatcom counties;

(iii) Area 3: Clallam and Jefferson counties;

(iv) Area 4: Snohomish, King, and Pierce counties; and

(v) Area 5: Kitsap, Mason, and Thurston counties;

(b) Provide sufficient funding to characterize local watersheds, provide technical assistance, and implement state responsibilities identified in the work plan. The number and qualifications of staff assigned to each region shall be determined by the types of problems identified pursuant to (a) of this subsection;

(c) Provide sufficient funding to implement and coordinate the Puget Sound ambient monitoring plan pursuant to section 7 of this act;

(d) Provide funds to assist local jurisdictions to implement elements of the work plan assigned to local governments and to develop and implement local plans;

(e) Provide sufficient funding to provide support staff for the action team; and

(f) Describe any proposed amendments to the Puget Sound plan.

(3) The work plan shall be submitted to the appropriate policy and fiscal committees of the legislature by December 20th of each even-numbered year.

(4) The work plan shall be implemented consistent with the legislative provisos of the biennial appropriation acts.

**NEW SECTION. Sec. 7. PUGET SOUND RESEARCH AND MONITORING.** In addition to other powers and duties specified in this chapter, the action team shall ensure implementation and coordination of the Puget Sound ambient monitoring program established in the Puget Sound management plan. The program shall include, at a minimum:

(1) A research program, including but not limited to methods to provide current research information to managers and scientists, and to establish priorities based on the needs of the action team;

(2) A monitoring program, including baselines, protocols, guidelines, and quantifiable performance measures. In consultation with state agencies, local and tribal governments, and other public and private interests, the action team shall develop and track quantifiable performance measures that can be used by the governor and the legislature to assess the effectiveness over time of programs and actions initiated under the plan to improve and protect Puget Sound water quality and biological resources. The performance measures shall be developed by June 30, 1997. The performance measures shall include, but not be limited to a methodology to track the progress of: Fish and wildlife habitat; sites with sediment contamination; wetlands; shellfish beds; and other key indicators of Puget Sound health. State agencies shall assist the action team in the development and tracking of these performance measures. The performance measures may be limited to a selected geographic area.

**NEW SECTION. Sec. 8. WORK PLAN IMPLEMENTATION.** (1) Local governments are required to implement local elements of the work plan subject to the availability of appropriated funds or other funding sources.

(2) The council shall review the progress of work plan implementation. Where prescribed actions have not been accomplished in accordance with the work plan, the responsible agency shall submit to the council written explanations for the shortfalls, together with proposed remedies.

**NEW SECTION. Sec. 9. PUBLIC PARTICIPATION.** The chair of the action team shall hold public hearings to solicit public comment on the work plan.

**NEW SECTION. Sec. 10. RULE MAKING.** By January 1, 1997, the action team shall adopt chapter 400-12 WAC with revisions that:

(1) Direct counties to develop a prioritized list of watershed improvement projects; and

(2) Identify all funding sources that can be used to implement local plans.

**NEW SECTION. Sec. 11.** (1) The powers, duties, and functions of the Puget Sound water quality authority pertaining to the cleanup and protection of Puget Sound are transferred to the Puget Sound action team. All references to the executive director or the Puget Sound water quality authority in the Revised Code of Washington shall be construed to mean the chair of the action team or the action team when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the authority pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the action team. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the authority in carrying out the powers, functions, and duties transferred

shall be made available to the action team. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the action team.

(b) Any appropriations made to the authority for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the action team.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the authority pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the action team. All existing contracts and obligations shall remain in full force and shall be performed by the action team.

(4) The transfer of the powers, duties, functions, and personnel of the authority shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

(1) RCW 90.70.065 and 1995 c 269 s 3501, 1994 c 264 s 98, & 1990 c 115 s 9;

(2) RCW 90.70.075 and 1990 c 115 s 10;

(3) RCW 90.70.090 and 1990 c 115 s 8; and

(4) RCW 90.70.100 and 1991 c 200 s 502.

NEW SECTION. Sec. 13. RCW 90.70.027 and 90.70.902 are each recodified as new sections in the new chapter created in section 16 of this act.

NEW SECTION. Sec. 14. CAPTIONS NOT LAW. Captions used in this chapter do not constitute any part of the law.

NEW SECTION. Sec. 15. This act may be known and cited as the Puget Sound water quality protection act.

NEW SECTION. Sec. 16. Sections 1 through 10, 14, and 15 of this act shall constitute a new chapter in Title 90 RCW.

NEW SECTION. Sec. 17. The sum of one million dollars, or as much thereof as may be necessary is appropriated for the biennium ending June 30, 1997, from the water quality account to the department of ecology. The amount appropriated in this section is provided solely for grants to local governments for on-site sewage system projects or programs identified in local watershed action plans. In issuing grants, the department shall give priority to areas that have formed shellfish protection districts under chapter 90.72 RCW, to areas that have created operation and maintenance programs, and to areas where failing on-site systems have contaminated or threaten to contaminate highly productive shellfish growing areas or recreational harvest areas. The department of ecology shall develop criteria for assistance that establishes higher priority for areas with substantial numbers of low-income households for which on-site system upgrades are proposed.

NEW SECTION. Sec. 18. Section 11 of this act shall take effect June 30, 1996.

NEW SECTION. Sec. 19. Section 5 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately." Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Fraser and Swecker to Engrossed Substitute House Bill No. 2875, on reconsideration.

The motion by Senator Fraser carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 1 of the title, after "quality;" strike the remainder of the title and insert "adding a new chapter to Title 90 RCW; creating a new section; recodifying RCW 90.70.027 and 90.70.902; repealing RCW 90.70.065, 90.70.075, 90.70.090, and 90.70.100; making an appropriation; providing an effective date; and declaring an emergency."

On motion of Senator Fraser, Engrossed Substitute House Bill No. 2875, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2875, as amended by the Senate under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2875, as amended by the Senate, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 42.

Voting nay: Senators Cantu, McCaslin, Morton, Roach, Schow, Sellar and Zarelli - 7.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2875, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Drew, Gubernatorial Appointment No. 9183, Roger J. Contor, as a member of the Fish and Wildlife Commission, was confirmed.

Senators Drew, Oke, Roach, Morton, Owen, Hargrove and Snyder spoke to the confirmation of Roger J. Contor, as a member of the Fish and Wildlife Commission.

## APPOINTMENT OF ROGER J. CONTOR

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.  
Voting yea: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, Moyer, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Wood - 36.  
Voting nay: Senators Anderson, A., Johnson, McDonald, Morton, Newhouse, Oke, Roach, Schow, Sellar, Strannigan, Sutherland, Swecker and Zarelli - 13.

## MOTION

On motion of Senator Spanel, the Senate advanced to the eighth order of business.

EDITOR'S NOTE: The following transpired before honoring President Joel Pritchard on his retirement:

## MOTION

Senator Pelz moved that the following resolution be adopted:

## SENATE RESOLUTION 96

By Senator Pelz

WHEREAS, corporate downsizing has pitted sections of workers against one another; and  
WHEREAS, all thinking persons should support the struggles of all oppressed peoples against the bureaucratic ruling class; and  
WHEREAS, stagnant wages are leading us inexorably toward a society of "haves" and "have nots;" and  
WHEREAS, certain candidates for high office are now resorting to jingoistic appeals to frighten working families to favor economic isolationism and cultural imperialism; and  
WHEREAS, only mass struggles by working people can destroy the current system of oppression and exploitation;  
NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognizes the plight of Washington's poor and working families and will do everything in its power to right the wrongs they have suffered.

## REMARKS BY SENATOR PELZ

Senator Pelz: "Thank you, Mr. President, and members of the Senate. I apologize, I think my staff might have gotten a little out of hand in drafting this resolution, but I, I-- Excuse me, Senator, could I speak to my resolution?"

President Pritchard: "The Senator is speaking; for what purpose are you interrupting?"

Senator Pelz: "Could I continue?"

President Pritchard: "Just stay out of it. Now just a second."

Senator West: "A point of order, Mr. President."

President Pritchard: "Are you raising a point of order?"

Senator West: "A point of order."

President Pritchard: "Senator Pelz, go ahead."

Senator Pelz: "It is no secret that working families are disappointed with government these days."

President Pritchard: "All right, just a minute, he raised--"

Senator Pelz: "And I think we know why."

President Pritchard: "He is raising a point of order. State your point of order."

Senator West: "Mr. President, first of all, I can't believe this left-winged pinko is going to talk about this liberal nonsense."

President Pritchard: "Oh---, come on now."

Senator West: "Mr. President, I invoke Rule No. 20 which insists--Mr. President Rule No. 20 says that a floor resolution has to be on the floor twenty-four hours and this left-winged pinko didn't bring his resolution out here. I can't believe it."

Senator Prentice: "A point of order."

President Pritchard: "Just a minute. Everybody hold up just for a minute here."

Senator Prentice: "Mr. President."

President Pritchard: "Just hold up--just hold up. Now, everybody just hold up here for a minute."

Senator Prentice: "All right."

President Pritchard: "Senator Prentice."

Senator Prentice: "Thank you, Mr. President. Senator West is impugning Senator's Pelz's motives. We may disagree with each other in this body and we frequently do, but we can do it with civility. We must never impugn each other's motives. Senator West is to be admonished--admonished--for his actions and I demand that Senator West know of our disapproval of his words."

President Pritchard: "All right, let's see. Senator, are you going to get into this? Senator Heavey, I--"

Senator Heavey: "Thank you, Mr. President."

President Pritchard: "All right, go ahead."

Senator Heavey: "Senate Rule 7, Conduct of members says, 'indecorous conduct, boisterous or unbecoming language shall not be permitted in the Senate at any time. In cases of such breach of decorum, any Senator shall be liable to such censure or punishment as the Senate may deem proper.' With that, Mr. President, I move the expulsion of Senator West for the remainder of the session."

Senator Johnson: "Mr. President--"

President Pritchard: "Senator Johnson raises a point of order."

Senator Johnson: "A point of order, Mr. President. I demand, under Reed's Rule 225 that the President require that order be restored in this Chamber and if necessary mete out punishment under Reed's Rule 226."

President Pritchard: "That's under Reed's, but not ours."

Senator Quigley: "Mr. President, Rule 30 clearly states that Senator Heavey--"

President Pritchard: "Just a minute--just hold up one minute. I want to make an observation. I don't know if this is a plot, but--please--everybody--now just hold up. What was so bad is that I turned to see where my lawyers were and they both walked out and then to replace them came Ralph Munro. Senator Anderson."

Senator Anderson: "I was just about to try and clear up the confusion on the floor. I think the reader was reading the wrong Senate Resolution, so on your desks should be Senate Resolution 1996-8716 and Marty if you would like to read that, I think it will clear up this confusion."

President Pritchard: "Last line."

Secretary Marty Brown: "I have higher orders, Sir."

#### SENATE RESOLUTION 1996-8716

By Senators Snyder, McDonald, Loveland, Sellar, Anderson, Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstater, Johnson, Kohl, Long, McAuliffe, McCaslin, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sheldon, Smith, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli

WHEREAS, Lt. Governor Joel Pritchard was elected Washington's fourteenth Lieutenant Governor in 1988; and  
WHEREAS, He handily won re-election to that position in 1992, defeating three other candidates, including "Absolutely Nobody";  
and

WHEREAS, Lt. Governor Pritchard has decided not to seek a third term as Lieutenant Governor, due to his desire to abide by the spirit of the term limits law; and

WHEREAS, He has been one of our state's most popular politicians and the citizens of Washington State undoubtedly would elect him as long as he wanted to serve; and

WHEREAS, Lt. Governor Pritchard has served as presiding officer of the Senate and chair of the Rules Committee with integrity, good humor, and fairness for eight years, and this will be his last session as President of the Senate; and

WHEREAS, He has used the prestige of the Lieutenant Governor's office to champion notable causes such as literacy programs, education reform, and the anti-deficit Concord Coalition; and

WHEREAS, Lt. Governor Pritchard has served more than a year, 375 days to be exact, as Governor of the State of Washington, as provided by our State Constitution; and

WHEREAS, Lt. Governor Pritchard also has served the citizens of Washington State with honor and distinction in other important capacities: In the State Legislature from 1958 to 1970; the United States Congress from 1972 to 1984; and as a United States Delegate to the General Assembly of the United Nations in 1983; and

WHEREAS, Throughout his career, Lt. Governor Pritchard has been known for his honesty and ability to work with others, thereby earning him the respect and praise of people across party lines; and

WHEREAS, "All right" and "unraveling the gavel" have, under Lt. Governor Pritchard's watch, become an all too familiar part of parliamentary procedure in the Washington State Senate; and

WHEREAS, Thanks to Governor Pritchard, we remain in doubt as to whether it is Gloria Die or Gloria Day Lutheran Church here in Olympia; and

WHEREAS, We will miss the Governor's distinctive Seattle accent as he calls upon Senators Finkbinder, Tibadoo, Farly, Rineholt, Swyker, and Stranahan; and

WHEREAS, Under Governor Pritchard's gavel, the Senate now refuses to insist on its position and requests the House to grant the request for a concurrence; and

WHEREAS, Questions have been raised about whether any useful work is being accomplished at the rostrum, after hearing the Lt. Governor explain to the galleries: "we're glad you came to visit us, but all the real work is being done in the committees"; and

WHEREAS, Governor Pritchard regularly proves the maxim that consistency is the hobgoblin of little minds especially when the Senate confirms gubernatorial appointments since the Senate has "adopted the nominee," the appointees have been "passed and confirmed" and some individuals have been sent to their "final confirmation"; and

WHEREAS, During the Lt. Governor's tenure as presiding officer the Senate has convened promptly between 10:05 and 10:13 a.m.; and

WHEREAS, Despite, or perhaps because of all this, Lt. Governor Pritchard will be sorely missed by the members and staff of the Washington State Legislature;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate thanks Lt. Governor Pritchard for his friendship and years of dedicated public service;

BE IT FURTHER RESOLVED, That the Senate wishes him well as he completes his last year as Lieutenant Governor and begins his retirement, likely to pursue more travel and tennis, his sport of choice; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be directed to present a copy of this resolution to Lt. Governor Joel Pritchard.

#### MOTION BY SENATOR SNYDER

Senator Snyder: "Thank you, Mr. President. I move the adoption of the resolution."

President Pritchard: "Senator Snyder."

Senator Snyder: "I could have moved to lay it on the table. Well, thank you, Mr. President. You know I had the privilege of being the Assistant Chief Clerk in the House of Representatives when Lieutenant Governor Pritchard first came to the Legislature. He came in with quite a class. I just went to the little red book and picked out some of the people that he came in with as freshman in 1959--Norm Ackley, who later became a King County Superior Court Judge; Jimmy Anderson, who later moved over to the Senate and was an Appellate Judge and a member of the Supreme Court; Dan Brink, who is an outstanding attorney in Seattle; Paul Conner, who served many years here in the Senate after he left the House.

"Another freshman that is still serving well in public office is Slade Gorton who was in that class of fifty-nine; Don Moos, who was later a Director of Ag and the Director of Fisheries for the state of Washington; Sam Smith, who we all know served many years on the King County Council. Wes Uhlman was a freshman, one of the twenty-three, that session and spent, I think, eight years as Mayor of Seattle and came within a whisker of winning the nomination in 1976 for Governor.

"There were some other people that were there that arrived a little sooner. Frank Brouillet, who we all know was our Superintendent of Public Instruction; Fred Dore, who became a Supreme Court Justice; Don Eldridge moved up to Speaker and over to the Liquor Board; Dan Evans, we all know his career as Governor and United States Senator; Julia Butler Hansen was a member that had been around for a number of years at that time, who went to Congress; Mike McCormack was a member who had been there for a couple of years and went on to Congress; John O'Brien was the Speaker and served many years; Len Sawyer was a member and later became the Speaker;

and then there are all the other people--the Maurie Ahlquists and the Art Aveys and the Tom Copelands, and I could go down the line--and also one of our distinguished colleagues, Senator Prince, who was an employee of the Bill Room.

"In those days, the Bill Room was right off the House Floor and we were all a big part of the process, because members didn't have offices in those days and the office was the desk on the floor. All the committee rooms were up on the fourth floor and it was a very tight, close, group of people. Any evening, there would be anywhere from fifteen to fifty members on the floor. It was your office and you had your bill books and you had your correspondence and all of it. I think people were much closer in those days and I know I got to know Lieutenant Governor Pritchard and I certainly consider myself a close friend and have a lot of admiration for him.

"We have mixed emotions about seeing you leave and we certainly wish you well in your future endeavors and you can be proud of your multitude of accomplishments over the years and God Speed."

President Pritchard: "Thank you. Thank you. Senator McDonald."

#### REMARKS BY SENATOR McDONALD

Senator McDonald: "Mr. President, I think it is really symbolic that we can pause here after Senator Pelz's outrageous outburst and Senator West's calm and reasonable rebuttal to that outburst--and have a reflection with you. You have given us stability over the years, not only in this body, but in Congress and everything that you have touched. You have been a man of class; you have been a man of reason; you have been a friend; you have been a great raconteur; and we are going to miss all of those, but we will see you in many other ways. Thank you for your service."

President Pritchard: "Oh, thank you. Senator Hargrove."

#### REMARKS BY SENATOR HARGROVE

Senator Hargrove: "Well, I will be very brief. There are two reasons for rising and is one to thank you for your patience for all my shenanigans over the last four years and also to show you I can button my collar."

President Pritchard: "Senator Owen."

#### REMARKS BY SENATOR OWEN

Senator Owen: "Thank you, Mr. President, I just wanted to move that all members names be added--I think I'm pretty safe in this motion--that all member's names be added to the resolution and the response is 'hearing no objection, so ordered,' just in case--"

President Pritchard: "You never know; you may be here, you know. Senator McCaslin."

#### REMARKS BY SENATOR McCASLIN

Senator McCaslin: "Mr. President, I see that when Senator Snyder spoke he waived the three minute rule. Obviously, if they are complimenting you, it is okay to talk ten minutes. I just wonder--you know I am always asking you about parliamentary inquiries. When you gaveled Senator West when he called Senator Pelz a pinko commie, were you adopting that--and is he a pinko commie or just a regular guy?"

"Mr. President, I've loved your ungaveling and your gaveling and keeping me on my toes. We are going to miss you, Mr. President, and as Senator Snyder said, 'God Speed to you,' and God Bless you."

President Pritchard: "Wait a minute, how do we get out of this? My question is, how do we get out of this? Wait a minute, I'm being--oh all right. Ralph Munro."

#### REMARKS BY SECRETARY OF STATE RALPH MUNRO

Secretary of State Ralph Munro: "This breaks all the rules, but I must say that when I was about seven years old on the west side of Bainbridge Island, one day there was a very high tide and a lot of boats drifted away from peoples' homes and there was a beautiful run--about that came by our place. My dad said, 'Why don't you row out and pull that in,' and I did. We had it tied up there and this wonderful gentlemen came down the road looking for his boat and it was Joel's dad. Joel's dad was a very fine man who was a summer-time neighbor of ours on the west side of Bainbridge. He gave me a ten dollar bill as a reward. I don't think I had ever seen a ten dollar bill--still have it, that's right--and later on in life as I got interested in politics, my father always told me, 'You stick with those Pritchard boys and you will do just fine.' We've been life-time friends and Joel I can't thank you enough for the wonderful job you have done."

President Pritchard: "Thank you."

#### REMARKS BY GOVERNOR MIKE LOWRY

Governor Mike Lowry: "Thank you. As Governor of the state of Washington, I am confident that I am speaking for every person in the state of Washington when I say, 'Thank you, Joel Pritchard, for your outstanding public service--in Congress, in the Legislature and as Lieutenant Governor.' Few, if any, have brought such a commitment to the general good of all people in the state of Washington. So, as Governor, I am going to say, 'Thank you very much.'"

"Now, there is something else I want to do. I am going to call for the vote on this resolution. This may be one of the few times I have any control of this body. The memorial that is before us is the Resolution on Lieutenant Governor Joel Pritchard. All in favor, say, 'Aye.'"

Members of the Senate: "Aye."

Governor Lowry: "Those opposed--it is unanimous."

President Pritchard: "If I would have known this, I would have worn a white shirt."

Senator Snyder: "Blue is supposed to look better on television."

Senators Snyder and McDonald presented the President with a framed picture of the Washington State Capitol and campus.

#### REMARKS BY SENATOR SNYDER

Senator Snyder: "Well Joel, on behalf of all the members of the Senate, we want to present you with a little memento that might remind you of all the good times and make you forget any of the bad times, if you had any."

President Pritchard: "Not many. Thank you very much. Now, what do we do Marty--how do we get out of this? Thank you, very much. What do we do? Well, it just says some nice things. All right, we've got some things--we have to get on and get us out of here."

Senator Snyder: "Mr. President, I move that the three minute rule be waived for your response."

#### REMARKS BY PRESIDENT PRITCHARD

President Pritchard: "I don't think I can. I don't remember of ever being speechless, but is one time when I am. I'm very moved and touched and I think I will just leave it at that. Hopefully, I will see all of you individually and thank you. It has been a rare experience for me, so I'm just not going to make it, so I am going to go on. What do we do, Marty?"

The Senate stood and applauded President Joel Pritchard.

President Pritchard: "We've got to get out of here."

#### MOTION

At 6:59 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 8:40 p.m. by President Pritchard.

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

#### MESSAGES FROM THE HOUSE

MR. PRESIDENT:

The House passed:  
SENATE BILL NO. 6401,  
SENATE BILL NO. 6526, and the same are herewith transmitted.

March 7, 1996

TIMOTHY A. MARTIN, Chief Clerk

MR. PRESIDENT:

The Speaker has signed:  
SECOND SUBSTITUTE SENATE BILL NO. 5053,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6211,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6251,  
SENATE BILL NO. 6339,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6392, and the same are herewith transmitted.

March 7, 1996

TIMOTHY A. MARTIN, Chief Clerk

MR. PRESIDENT:

The Speaker has signed:  
HOUSE BILL NO. 1339,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1556,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2150,  
SUBSTITUTE HOUSE BILL NO. 2167,  
SUBSTITUTE HOUSE BILL NO. 2186,  
SUBSTITUTE HOUSE BILL NO. 2195,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2217,  
SUBSTITUTE HOUSE BILL NO. 2420,  
SUBSTITUTE HOUSE BILL NO. 2478,  
ENGROSSED HOUSE BILL NO. 2672,  
SUBSTITUTE HOUSE BILL NO. 2785,  
HOUSE JOINT MEMORIAL NO. 4043, and the same are herewith transmitted.

March 7, 1996

TIMOTHY A. MARTIN, Chief Clerk

MR. PRESIDENT:

The House receded from its amendment(s) to SUBSTITUTE SENATE BILL NO. 6430 and passed the bill without the House amendment(s), and the same is herewith transmitted.

March 7, 1996

TIMOTHY A. MARTIN, Chief Clerk

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to HOUSE BILL NO. 2341 and passed the bill as amended by the Senate.

March 7, 1996

TIMOTHY A. MARTIN, Chief Clerk

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following House Bills and passed the bills as amended by the Senate:  
SUBSTITUTE HOUSE BILL NO. 2386,  
SUBSTITUTE HOUSE BILL NO. 2533.

March 7, 1996

TIMOTHY A. MARTIN, Chief Clerk

March 7, 1996

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to HOUSE BILL NO. 2567 and passed the bill as amended by the Senate.

TIMOTHY A. MARTIN, Chief Clerk

March 7, 1996

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SECOND SUBSTITUTION HOUSE BILL NO. 2856 and passed the bill as amended by the Senate.

TIMOTHY A. MARTIN, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1339,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1556,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2150,  
SUBSTITUTE HOUSE BILL NO. 2167,  
SUBSTITUTE HOUSE BILL NO. 2186,  
SUBSTITUTE HOUSE BILL NO. 2195,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2217,  
SUBSTITUTE HOUSE BILL NO. 2420,  
SUBSTITUTE HOUSE BILL NO. 2478,  
ENGROSSED HOUSE BILL NO. 2672,  
SUBSTITUTE HOUSE BILL NO. 2785,  
HOUSE JOINT MEMORIAL NO. 4043.

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

#### SECOND READING

SENATE BILL NO. 6510, by Senators Loveland and Hale (by request of Governor Lowry)

Changing the tax status of persons engaged in the business of cleaning up for the United States, or its instrumentalities, radioactive waste and other byproducts of weapons production and nuclear research and development.

#### MOTIONS

On motion of Senator Loveland, Substitute Senate Bill No. 6510 was substituted for Senate Bill No. 6510 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Snyder, the rules were suspended, Substitute Senate Bill No. 6510 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6510.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6510 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yeas: Senators Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senators Anderson, A. and Sellar - 2.

SUBSTITUTE SENATE BILL NO. 6510, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6656, by Senators Bauer, Cantu, Sutherland, Moyer, Owen, Hale, Hargrove, Schow, Heavey, Wood, Rasmussen, Strannigan, Sheldon, Finkbeiner, Franklin, Johnson, Snyder, West, Winsley, Zarelli, Long, Deccio, Oke, Spanel and A. Anderson

Providing sales and use tax exemptions for manufacturing machinery and equipment.

#### MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 6656 was substituted for Senate Bill No. 6656 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rinehart, the rules were suspended, Substitute Senate Bill No. 6656 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6656.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6656 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Voting nay: Senator Fairley - 1.

Absent: Senator Anderson, A. - 1.

SUBSTITUTE SENATE BILL NO. 6656, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2708, by House Committee on Finance (originally sponsored by Representatives Sheldon, Schoesler, Hatfield, Van Luven, B. Thomas, Silver, D. Schmidt, Cairnes, Cooke and Johnson)

Requiring a warehouse tax study.

The bill was read the second time.

#### MOTIONS

On motion of Senator Rinehart, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The department of revenue shall perform a study to:

(a) Determine the current and potential impact of warehouse and distribution activity on the Washington economy;

(b) Analyze how the current tax structure affects warehouse and distribution activity;

(c) Evaluate alternative methods of taxing warehouse and distribution activity;

(d) Identify the effects of tax incentives for warehouse and distribution activity; and

(e) Evaluate the impact of any potential changes in taxation of warehouse and distribution activity on equity among other industries and upon the overall state tax structure.

(2) To perform this study, the department shall form an advisory study committee which may include representation from warehouse and distribution interests, local government, and other interest groups. The advisory committee shall also include, but need not be limited to, two members from the house of representatives and two members from the senate.

(3) The department of revenue shall provide staff for the purpose of the study.

(4) The department of revenue shall present a final report of the findings of the study to the committees of the legislature that deal with revenue matters by December 1, 1996.

(5) The department of revenue shall not perform the study under this section unless matching funds in the amount of forty-five thousand dollars are provided from other public and private sources.

**NEW SECTION. Sec. 2.** If specific funding in the amount of forty-five thousand dollars for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1996, in the omnibus appropriations act, this act is null and void."

On motion of Senator Rinehart, the following title amendment was adopted:

On page 1, line 2 of the title, after "activity;" strike the remainder of the title and insert "and creating new sections."

#### MOTION

On motion of Senator Rinehart, the rules were suspended, Substitute House Bill No. 2708, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2708, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2708, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senators Newhouse and Strannigan - 2.

SUBSTITUTE HOUSE BILL NO. 2708, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2337, by Representatives Schoesler, Sheldon, Foreman, Grant, Sheahan, Mastin, Honeyford, Basich, Johnson and Mulliken

Defining distressed county designation.

The bill was read the second time.

MOTIONS

On motion of Senator Rinehart, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.160.210 and 1991 c 314 s 25 are each amended to read as follows:

(1) Except as authorized to the contrary under subsection (2) of this section, from all funds available to the board for loans and grants, the board shall spend at least twenty percent for grants and loans for projects in distressed counties. For purposes of this section, the term "distressed counties" includes any county, in which: (a) The average level of unemployment for the three years before the year in which an application for a loan or grant is filed, exceeds the average state employment for those years by twenty percent; or (b) a county that has a median household income that is less than seventy-five percent of the state median household income for the previous three years.

(2) If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified

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**Sec. 2.** RCW 43.165.010 and 1995 c 399 s 91 are each amended to read as follows:

Unless the context clearly requires to the contrary, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of community, trade, and economic development.

(2) "Director" means the director of the department.

(3) "Distressed area" means: (a) A county that has an unemployment rate that is twenty percent above the state-wide average for the previous three years; ~~((b))~~ (b) a county that has a median household income that is less than seventy-five percent of the state median household income for the previous three years; (c) a community or area that has experienced sudden and severe or long-term and severe loss of employment, or erosion of its economic base due to decline of its dominant industries; or ~~((d))~~ (d) an area within a county which area: (i) Is composed of contiguous census tracts; (ii) has a minimum population of five thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's unemployment rate. For purposes of this definition, "families and unrelated individuals" has the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.

(4) "Economic development revolving loan funds" means a local, not-for-profit or governmentally sponsored business loan program.

(5) "Team" means the community revitalization team.

(6) "Technical assistance" includes, but is not limited to, assistance with strategic planning, market research, business plan development review, organization and management development, accounting and legal services, grant and loan packaging, and other assistance which may be expected to contribute to the redevelopment and economic well-being of a distressed area.

**Sec. 3.** RCW 43.168.020 and 1995 c 226 s 27 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Committee" means the Washington state development loan fund committee.

(2) "Department" means the department of community, trade, and economic development.

(3) "Director" means the director of community, trade, and economic development.

(4) "Distressed area" means: (a) A county which has an unemployment rate which is twenty percent above the state average for the immediately previous three years; (b) a county that has a median household income that is less than seventy-five percent of the state median household income for the previous three years; (c) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent ~~((--Applications under this subsection (4)(b) shall be filed by April 30, 1989; (e)))~~; (d) an area within a county, which area: (i) Is composed of contiguous census tracts; (ii) has a minimum population of five thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's unemployment rate; or ~~((d))~~ (e) a county designated as a rural natural resources impact area under RCW 43.31.601 if an application is filed by July 1, ~~((1993))~~ 1997. For purposes of this definition, "families and unrelated individuals" has the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.

(5) "Fund" means the Washington state development loan fund.

(6) "Local development organization" means a nonprofit organization which is organized to operate within an area, demonstrates a commitment to a long-standing effort for an economic development program, and makes a demonstrable effort to assist in the employment of unemployed or underemployed residents in an area.

(7) "Project" means the establishment of a new or expanded business in an area which when completed will provide employment opportunities. "Project" also means the retention of an existing business in an area which when completed will provide employment opportunities.

**Sec. 4.** RCW 82.60.020 and 1995 1st sp.s. c 3 s 5 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; (b) a county that has a median household income that is less than seventy-five percent of the state median household income for the previous three years; (c) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; ~~((e))~~ (d) a designated community empowerment zone approved under RCW 43.63A.700 or a county containing such a community empowerment zone; ~~((d))~~ (e) a town with a population of less than twelve hundred persons in those counties that are not covered under (a) of this subsection that are timber impact areas as defined in RCW 43.31.601; ~~((e))~~ (f) a county designated by the governor as an eligible area under RCW 82.60.047; or ~~((f))~~ (g) a county that is contiguous to a county that qualifies as an eligible area under (a) or ~~((e))~~ (f) of this subsection.

(4)(a) "Eligible investment project" means:

(i) An investment project in an eligible area as defined in subsection (3)(a), (b), ~~((d), (e))~~ (c), (e), or (f) of this section; or

(ii) That portion of an investment project in an eligible area as defined in subsection (3)~~((e))~~(d) or ~~((f))~~ (g) of this section which is directly utilized to create at least one new full-time qualified employment position for each three hundred thousand dollars of investment on which a deferral is requested in an application approved before July 1, 1994, and for each seven hundred fifty thousand dollars of investment on which a deferral is requested in an application approved after June 30, 1994.

(b) The lessor/owner of a qualified building is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments.

(c) For purposes of (a)(ii) of this subsection:

(i) The department shall consider the entire investment project, including any investment in machinery and equipment that otherwise qualifies for exemption under RCW 82.08.02565 or 82.12.02565, for purposes of determining the portion of the investment project that qualifies for deferral as an eligible investment project; and

(ii) The number of new full-time qualified employment positions created by an investment project shall be deemed to be reduced by the number of full-time employment positions maintained by the recipient in any other community in this state that are displaced as a result of the investment project.

(d) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5), other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part, or investment projects which have already received deferrals under this chapter.

(5) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(6) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles.

"Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(7) "Person" has the meaning given in RCW 82.04.030.

(8) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for manufacturing and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(9) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.

(10) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(11) "Recipient" means a person receiving a tax deferral under this chapter.

(12) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

**Sec. 5.** RCW 82.62.010 and 1994 sp.s. c 7 s 705 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax credit under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; (b) a county that has a median household income that is less than seventy-five percent of the state median household income for the previous three years; (c) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; ~~((e))~~ (d) a designated community empowerment zone approved under RCW 43.63A.700; or ~~((f))~~ (e) subcounty areas in those counties that are not covered under (a) of this subsection that are timber impact areas as defined in RCW 43.31.601.

(4)(a) "Eligible business project" means manufacturing or research and development activities which are conducted by an applicant in an eligible area at a specific facility, provided the applicant's average full-time qualified employment positions at the specific facility will be at least fifteen percent greater in the year for which the credit is being sought than the applicant's average full-time qualified employment positions at the same facility in the immediately preceding year.

(b) "Eligible business project" does not include any portion of a business project undertaken by a light and power business as defined in RCW 82.16.010(5) or that portion of a business project creating qualified full-time employment positions outside an eligible area or those recipients of a sales tax deferral under chapter 82.61 RCW.

(5) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles.

"Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(6) "Person" has the meaning given in RCW 82.04.030.

(7) "Qualified employment position" means a permanent full-time employee employed in the eligible business project during the entire tax year.

(8) "Tax year" means the calendar year in which taxes are due.

(9) "Recipient" means a person receiving tax credits under this chapter.

(10) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

**Sec. 6.** RCW 82.08.02565 and 1995 1st sp.s. c 3 s 2 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales to a manufacturer or processor for hire of machinery and equipment used directly in a manufacturing operation, or to sales of or charges made for labor and services rendered in respect to installing the machinery and equipment, but only when the purchaser provides the seller with an exemption certificate in a form and manner prescribed by the department by rule, and the purchaser provides the department with a duplicate of the certificate or a summary of exempt sales as the department may require. The seller shall retain a copy of the certificate for the seller's files.

(2) For purposes of this section and RCW 82.12.02565:

(a) "Machinery and equipment" means industrial fixtures, devices, and support facilities. "Machinery and equipment" includes pollution control equipment installed and used in a manufacturing operation to prevent air pollution, water pollution, or contamination that might otherwise result from the manufacturing operation.

(b) "Machinery and equipment" does not include:

(i) Hand tools;

(ii) Property with a useful life of less than one year;  
(iii) Repair parts required to restore machinery and equipment to normal working order;  
(iv) Replacement parts that do not increase productivity, improve efficiency, or extend the useful life of the machinery and equipment; or  
(v) Building fixtures that are not integral to the manufacturing operation that are permanently affixed to and become a physical part of a building, such as utility systems for heating, ventilation, air conditioning, communications, plumbing, or electrical.  
(c) Machinery and equipment is "used directly" in a manufacturing operation if the machinery and equipment:  
(i) Acts upon or interacts with an item of tangible personal property;  
(ii) Conveys, transports, handles, or temporarily stores an item of tangible personal property at the manufacturing site;  
(iii) Controls, guides, measures, verifies, aligns, regulates, or tests tangible personal property;  
(iv) Provides physical support for or access to tangible personal property;  
(v) Produces power for, or lubricates machinery and equipment;  
(vi) Produces another item of tangible personal property for use in the manufacturing operation; or  
(vii) Places tangible personal property in the container, package, or wrapping in which the tangible personal property is normally sold or transported.  
(d) "Manufacturing operation" means the manufacturing of articles, substances, or commodities for sale as tangible personal property. The manufacturing operation begins at the point where the raw materials enter the manufacturing site and ends at the point where the finished product leaves the manufacturing site. In the case of the manufacturing of building trusses in eligible areas, as defined in RCW 82.60.020(3)(e), the manufacturing operation ends at the point where the finished product is delivered to the building site. The term also includes that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part. The term does not include research and development, the production of electricity by a light and power business as defined in RCW 82.16.010, or the preparation of food products on the premises of a person selling food products at retail.  
(e) "Cogeneration" means the simultaneous generation of electrical energy and low-grade heat from the same fuel.  
NEW SECTION. Sec. 7. Section 6 of this act applies to manufacturing machinery and equipment acquired after June 30, 1995.  
NEW SECTION. Sec. 8. (1) Section 6 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.  
(2) Section 1 of this act shall take effect June 30, 1997."  
On motion of Senator Rinehart, the following title amendment was adopted:  
On page 1, line 1 of the title, after "designation:" strike the remainder of the title and insert "amending RCW 43.160.210, 43.165.010, 43.168.020, 82.60.020, 82.62.010, and 82.08.02565; creating a new section; providing an effective date; and declaring an emergency."

#### MOTION

On motion of Senator Rinehart, the rules were suspended, House Bill No. 2337, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2337, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2337, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Voting nay: Senator Finkbeiner - 1.

HOUSE BILL NO. 2337, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2290, by Representatives Honeyford, Patterson, Lisk, Clements, Hankins, B. Thomas, Mulliken, McMahan, Thompson, Hargrove and Boldt

Exempting construction of wind energy and solar electric generating facilities from sales and use tax.

The bill was read the second time.

#### MOTIONS

On motion of Senator Sutherland, the following Committee on Energy, Telecommunications and Utilities amendments were considered simultaneously and adopted:

On page 2, line 2, after "equipment" strike "is defined as provided in RCW 82.08.02565" and insert "means industrial fixtures, devices, and support facilities that are integral and necessary to the generation of electricity using the wind or sun energy as the principal source of power"

On page 2, line 4, after "(b)" insert "'Machinery and equipment" does not include: (i) Hand tools; (ii) property with a useful life of less than one year; (iii) repair parts required to restore machinery and equipment to normal working order; (iv) replacement parts that do not increase productivity, improve efficiency, or extend the useful life of machinery and equipment; (v) buildings; or (vi) building fixtures that are not integral and necessary to the generation of electricity that are permanently affixed to and become a physical part of a building;  
(c)"

. On motion of Senator Sutherland, the rules were suspended, House Bill No. 2290, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2290, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2290, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

HOUSE BILL NO. 2290, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Wood, Senator Strannigan was excused.

#### SECOND READING

HOUSE BILL NO. 2190, by Representatives Dyer and B. Thomas

Exempting railroad associations from certain fees.

The bill was read the second time.

#### MOTION

On motion of Senator Rinehart, the rules were suspended, House Bill No. 2190 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2190.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2190 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Strannigan - 1.

HOUSE BILL NO. 2190, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2031, by House Committee on Transportation (originally sponsored by Representative K. Schmidt)

Eliminating the authority to impose storm water facility charges for state highway rights of way.

The bill was read the second time.

#### MOTIONS

On motion of Senator Owen, the following Committee on Transportation amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.03.525 and 1986 c 278 s 54 are each amended to read as follows:

(1) The rate charged by a local government utility to the department of transportation with respect to state highway right of way or any section of state highway right of way for the construction, operation, and maintenance of storm water control facilities under chapters 35.67, 35.92, 36.89, 36.94, 56.08, and 86.15 RCW, shall be thirty percent of the rate for comparable real property, except as otherwise provided in this section. The rate charged to the department with respect to state highway right of way or any section of state highway right of way within a local government utility's jurisdiction shall not, however, exceed the rate charged for comparable city street or county road right of way within the same jurisdiction. The legislature finds that the aforesaid rates are presumptively fair and equitable because of the traditional and continuing expenditures of the department of transportation for the construction, operation, and maintenance of storm water control facilities designed to control surface water or storm water runoff from state highway rights of way.

(2) Charges paid under subsection (1) of this section by the department of transportation must be used solely for storm water control facilities that directly reduce state highway runoff impacts or implementation of best management practices that will reduce the need for such facilities. By January 1st of each year, beginning with calendar year 1997, the local government utility, in coordination with the

department, shall develop a plan for the expenditure of the charges for that calendar year. The plan must be consistent with the objectives identified in section 3 of this act. In addition, beginning with the submittal for 1998, the utility shall provide a progress report on the use of charges assessed for the prior year. No charges may be paid until the plan and report have been submitted to the department.

(3) The utility imposing the charge and the department of transportation may, however, agree to either higher or lower rates with respect to the construction, operation, or maintenance of any specific storm water control facilities based upon the ~~((extent and adequacy of storm water control facilities constructed by the department and upon the actual benefits to state highway rights of way from the storm water control facilities constructed by the local government utility))~~ annual plan prescribed in subsection (2) of this section. If a different rate is agreed to, a report so stating shall be submitted to the legislative transportation committee. If, after mediation, the local government utility and the department of transportation cannot agree upon the proper rate, and after a report has been submitted to the legislative transportation committee and after ninety days from submission of such report, either may commence an action in the superior court for the county in which the state highway right of way is located to establish the proper rate. The court in establishing the proper rate shall take into account the extent and adequacy of storm water control facilities constructed by the department and the actual benefits to the sections of state highway rights of way from storm water control facilities constructed, operated, and maintained by the local government utility. Control of surface water runoff and storm water runoff from state highway rights of way shall be deemed an actual benefit to the state highway rights of way. The rate for sections of state highway right of way as determined by the court shall be set forth in terms of the percentage of the rate for comparable real property, but shall in no event exceed the rate charged for comparable city street or county road right of way within the same jurisdiction.

(4) The legislature finds that the federal Clean Water Act (national pollution discharge elimination system, 40 C.F.R. parts 122-124), the state water pollution control act, chapter 90.48 RCW, and the highway runoff program under chapter 90.70 RCW, mandate the treatment and control of storm water runoff from state highway rights of way owned by the department of transportation. Appropriations made by the legislature to the department of transportation for the construction, operation, and maintenance of storm water control facilities are intended to address applicable federal and state mandates related to storm water control and treatment. This section is not intended to limit opportunities for sharing the costs of storm water improvements between cities, counties, and the state.

NEW SECTION. Sec. 2. The legislature finds that the increasing population and continued development throughout the state have increased the need for storm water control. Storm water impacts have resulted in increased public health risks related to drinking water and agricultural and seafood products; increased disruption of economic activity, transportation facilities, and other public and private land and facilities due to the lack of adequate flood control measures; adverse effects on state fish populations; and contamination of sediments.

In addition, current storm water control and management efforts related to transportation projects lack necessary coordination on a watershed, regional, and state-wide basis; have inadequate funding; and fail to maximize use of available resources.

More stringent regulatory requirements have increased the costs that state and local governments must incur to deal with significant sources of pollution such as storm water. The costs estimated to properly maintain and construct storm water facilities far exceed available revenues.

Therefore, it is the intent of the legislature to establish a program to develop a state-wide coordination mechanism for the funding of state highway-related storm water management and control projects that will facilitate the completion of the state's most urgently needed storm water projects in the most cost-effective manner.

NEW SECTION. Sec. 3. The department of transportation, in cooperation with the department of ecology, cities, towns, counties, environmental organizations, business organizations, Indian tribes, and port districts, shall develop a storm water management funding and implementation program to address state highway-related problems. As part of the program, the department may provide grants to facilitate the construction of the highest priority state and local storm water management projects based on cost-effectiveness and contribution toward improved water quality and reduced flooding in a watershed.

The program shall address, but is not limited to, the following objectives: (1) Greater state-wide coordination of the construction of storm water treatment facilities; (2) encouraging multijurisdictional projects; (3) developing priorities and approaches for implementing activities within watersheds; (4) identification and prioritization of storm water retrofit programs; (5) evaluating methods to determine cost benefits of proposed projects; (6) identifying ways to facilitate the sharing of technical resources; (7) developing methods for monitoring and evaluating activities carried out under the program; and (8) identifying potential funding sources for continuation of the program.

NEW SECTION. Sec. 4. The department of transportation may provide grants to implement state highway-related storm water control measures. Cities, towns, counties, port districts, Indian tribes, and the department of transportation are eligible to receive grants, on a matching basis. A committee consisting of two representatives each from the department of transportation, with one as chair, the department of ecology, cities, and counties, and one representative each from an environmental organization and a business organization, shall oversee the grant program. The committee may add representatives of other agencies, organizations, or interest groups to serve as members of the committee or in an advisory capacity. In developing project criteria, the committee shall identify the most urgent state highway-related storm water management and control problems; develop methods for applying priorities across watersheds; give added weight to projects based on local contribution, multijurisdictional involvement, and whether the project is a priority for a local storm water utility; and determine the benefits of, and, if appropriate, provide incentives for off-site placement of storm water facilities and out-of-kind mitigation for storm water impact.

NEW SECTION. Sec. 5. This chapter expires July 1, 2003.

NEW SECTION. Sec. 6. A new section is added to chapter 90.03 RCW to read as follows:

In the development of highway construction improvement projects, the department of transportation shall coordinate with adjacent local governments, ports, and other public and private organizations to determine opportunities for cost effective joint storm water treatment facilities for both new and existing impervious surfaces.

NEW SECTION. Sec. 7. By December 1, 1996, the department of transportation shall submit to the legislative transportation committee and the office of financial management a report on the implementation of the storm water management funding and implementation program. The report must include proposed criteria for project selection, procedures for managing the program, and recommendations for achieving program objectives identified in section 3 of this act. The report must make recommendations for ongoing funding of the program after evaluating potential sources including, but not limited to, the federal transportation enhancements program, the motor vehicle fund, the transportation fund, local and private contributions, user fees, and other grant sources. The report will also make recommendations for improving coordination of joint applications between the department of transportation and local governments for funds administered by the department of ecology and other sources.

NEW SECTION. Sec. 8. Sections 2 through 5 of this act constitute a new chapter in Title 90 RCW."

On motion of Senator Owen, the following title amendment was adopted:

On line 2 of the title, after "way;" strike the remainder of the title and insert "amending RCW 90.03.525; adding a new section to chapter 90.03 RCW; adding a new chapter to Title 90 RCW; creating a new section; and providing an expiration date."

#### MOTION

On motion of Senator Owen, the rules were suspended, Second Substitute House Bill No. 2031, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 2031, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2031, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Strannigan - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 2031, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6382, by Senators Hochstatter, Rasmussen, Morton and Roach

Lowering the business and occupation taxation of the handling of hay, alfalfa, or seed.

#### MOTIONS

On motion of Senator Rinehart, Second Substitute Senate Bill No. 6382 was substituted for Senate Bill No. 6382 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Rinehart, the rules were suspended, Second Substitute Senate Bill No. 6382 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Heavey: "Senator Rinehart, could you explain the difference between a cube and a rectangle on the alfalfa?"

Senator Rinehart: "Yes, I could."

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6382.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6382, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 48.

Voting nay: Senator Wojahn - 1.

SECOND SUBSTITUTE SENATE BILL NO. 6382, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

#### MESSAGE FROM THE HOUSE

March 7, 1996

MR. PRESIDENT:

Under suspension of the rules, SUBSTITUTE SENATE BILL NO. 6637 was returned to second reading for purpose of amendment(s). The following amendment was adopted and the bill passed the House as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70A.270 and 1994 c 257 s 1 are each amended to read as follows:

Each growth (~~planning~~) management hearings board shall be governed by the following rules on conduct and procedure:

(1) Any board member may be removed for inefficiency, malfeasance, and misfeasance in office, under specific written charges filed by the governor. The governor shall transmit such written charges to the member accused and the chief justice of the supreme court. The chief justice shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Removal of any member of a board by the tribunal shall disqualify such member for reappointment.

(2) Each board member shall receive reimbursement for travel expenses incurred in the discharge of his or her duties in accordance with RCW 43.03.050 and 43.03.060. If it is determined that the review boards shall operate on a full-time basis, each member shall receive an annual salary to be determined by the governor pursuant to RCW 43.03.040. If it is determined that a review board shall operate on a part-time basis, each member shall receive compensation pursuant to RCW 43.03.250, provided such amount shall not exceed the amount that would be set if they were a full-time board member. The principal office of each board shall be located by the governor within the jurisdictional boundaries of each board. The boards shall operate on either a part-time or full-time basis, as determined by the governor.

(3) Each board member shall not: (a) Be a candidate for or hold any other public office or trust; (b) engage in any occupation or business interfering with or inconsistent with his or her duty as a board member; and (c) for a period of one year after the termination of his or her board membership, act in a representative capacity before the board on any matter.

(4) A majority of each board shall constitute a quorum for making orders or decisions, adopting rules necessary for the conduct of its powers and duties, or transacting other official business, and may act even though one position of the board is vacant. One or more

members may hold hearings and take testimony to be reported for action by the board when authorized by rule or order of the board. The board shall perform all the powers and duties specified in this chapter or as otherwise provided by law.

(5) The board may appoint one or more hearing examiners to assist the board in its hearing function, to make conclusions of law and findings of fact and, if requested by the board, to make recommendations to the board for decisions in cases before the board. Such hearing examiners must have demonstrated knowledge of land use planning and law. The boards shall specify in their joint rules of practice and procedure, as required by subsection (7) of this section, the procedure and criteria to be employed for designating hearing examiners as a presiding officer. Hearing examiners selected by a board shall meet the requirements of subsection (3) of this section. The findings and conclusions of the hearing examiner shall not become final until they have been formally approved by the board. This authorization to use hearing examiners does not waive the requirement of RCW 36.70A.300 that final orders be issued within one hundred eighty days of board receipt of a petition.

(6) Each board shall make findings of fact and prepare a written decision in each case decided by it, and such findings and decision shall be effective upon being signed by two or more members of the board and upon being filed at the board's principal office, and shall be open for public inspection at all reasonable times.

(7) All proceedings before the board, any of its members, or a hearing examiner appointed by the board shall be conducted in accordance with such administrative rules of practice and procedure as the boards jointly prescribe. All three boards shall jointly meet to develop and adopt joint rules of practice and procedure, including rules regarding expeditious and summary disposition of appeals. The boards shall publish such rules and decisions they render and arrange for the reasonable distribution of the rules and decisions. Except as it conflicts with provisions of this chapter, the administrative procedure act, chapter 34.05 RCW, shall govern the ((administrative rules of) practice and procedure ((adopted by) of the boards.

(8) A board member or hearing examiner is subject to disqualification ((for bias, prejudice, interest, or any other cause for which a judge is disqualified)) under chapter 34.05 RCW. The joint rules of practice of the boards shall establish procedures by which a party to a hearing conducted before the board may file with the board a motion to disqualify, with supporting affidavit, against a board member or hearing examiner assigned to preside at the hearing.

(9) The members of the boards shall meet jointly on at least an annual basis with the objective of sharing information that promotes the goals and purposes of this chapter.

**Sec. 2.** RCW 36.70A.280 and 1995 c 347 s 108 are each amended to read as follows:

(1) A growth management hearings board shall hear and determine only those petitions alleging either:

(a) That a state agency, county, or city planning under this chapter is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, or chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 90.58 RCW; or

(b) That the twenty-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted.

(2) A petition may be filed only by: (a) The state, or a county or city that plans under this chapter((-)); (b) a person who has ((either appeared)) participated orally or in writing before the county or city regarding the matter on which a review is being requested ((or)); (c) a person who is certified by the governor within sixty days of filing the request with the board((-); or (d) a person qualified pursuant to RCW 34.05.530.

(3) For purposes of this section "person" means any individual, partnership, corporation, association, state agency, governmental subdivision or unit thereof, or public or private organization or entity of any character.

(4) When considering a possible adjustment to a growth management planning population projection prepared by the office of financial management, a board shall consider the implications of any such adjustment to the population forecast for the entire state.

The rationale for any adjustment that is adopted by a board must be documented and filed with the office of financial management within ten working days after adoption.

If adjusted by a board, a county growth management planning population projection shall only be used for the planning purposes set forth in this chapter and shall be known as a "board adjusted population projection". None of these changes shall affect the official state and county population forecasts prepared by the office of financial management, which shall continue to be used for state budget and planning purposes.

**Sec. 3.** RCW 36.70A.300 and 1995 c 347 s 110 are each amended to read as follows:

(1) The board shall issue a final order within one hundred eighty days of receipt of the petition for review, or, when multiple petitions are filed, within one hundred eighty days of receipt of the last petition that is consolidated. Such a final order shall be based exclusively on whether or not a state agency, county, or city is in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to adoption or amendment of shoreline master programs, or chapter 43.21C RCW as it relates to plans, development regulations, and amendments thereto, adopted under RCW 36.70A.040 or chapter 90.58 RCW. In the final order, the board shall either: (a) Find that the state agency, county, or city is in compliance with the requirements of this chapter or chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs; or (b) find that the state agency, county, or city is not in compliance with the requirements of this chapter or chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs, in which case the board shall remand the matter to the affected state agency, county, or city and specify a reasonable time not in excess of one hundred eighty days within which the state agency, county, or city shall comply with the requirements of this chapter.

(2) A finding of noncompliance and an order of remand shall not affect the validity of comprehensive plans and development regulations during the period of remand ((- unless the board (-s)). In addition, the board may issue a determination of invalidity as part of its final order ((also)) of noncompliance which shall:

(a) Include ((s)) a determination, supported by findings of fact and conclusions of law, that the continued validity of the plan or regulation would substantially interfere with the fulfillment of the goals of this chapter; and

(b) ((Specifies)) Specify the particular part or parts of the plan or regulation that are determined to be invalid, the geographic area or areas where the determination of invalidity is applicable, if appropriate, and the reasons for their invalidity.

(3) A determination of invalidity shall ((- not take effect until at least ninety days after the determination of invalidity was made, during which period the board shall review the progress of the county or city. If, after holding a hearing on the matter, the board finds that the county or city is making substantial progress toward adopting a plan or regulations or taking other actions under this chapter, relating to the order, that would not be determined to be invalid under subsection (2) of this section, the board shall extend the ninety-day period for a reasonable period and continue its jurisdiction over the matter. If, after holding a hearing on the matter, the board finds that substantial progress is not being made, the board shall enter an order effectuating the determination of invalidity. The hearing must be held prior to the ninetieth day. Another hearing shall be held prior to the end of any extension granted by the board. Any order effectuating the determination of invalidity shall be prospective in effect and shall not extinguish rights that ((vested)) vest under state or local law before or after the date of the board's order((- and

((Subject)) effectuating the determination of invalidity. Any order effectuating the determination of invalidity shall not affect the validity of the comprehensive plan, development regulations, or other actions taken under this chapter, except that any ((development)) application for the division of land under chapter 58.17 RCW, in any geographic area or areas where the determination of invalidity is applicable, that would otherwise vest after the date of the board's order effectuating the determination of invalidity, shall vest to the local ordinance or resolution that ((both is enacted in response to the order of remand and determined by the board pursuant to RCW 36.70A.330 to comply with the requirements of this chapter)) the county or city adopts in response to the order effectuating the determination of invalidity

after the board determines that the response would not be invalidated under subsection (2) of this section. Boundary line adjustments that do not increase the number of lots are not affected by an order effectuating a determination of invalidity. The board shall hold a hearing before removing the order effectuating its determination of invalidity.

(4) ~~(If the ordinance that adopts a plan or development regulation under this chapter includes a savings clause intended to revive prior policies or regulations in the event the new plan or regulations are determined to be invalid, the board shall determine under subsection (2) of this section whether the prior policies or regulations are valid during the period of remand.)~~ A county or city for which a determination of invalidity was made prior to the effective date of this act may petition the board for a stay of the determination of invalidity, based on a showing under the procedures of subsection (3) of this section that it is making substantial progress toward adopting a plan or development regulations, or taking other actions under this chapter, relating to the order, that would not otherwise be declared invalid under subsection (2) of this section. After holding a hearing, the board shall enter an order rescinding, staying, modifying, or continuing the prior determination of invalidity.

(5) Any party aggrieved by a final decision of the hearings board may appeal the decision to superior court as provided in RCW 34.05.514 or 36.01.050 within thirty days of the final order of the board. The court shall conduct an independent review of the board's legal conclusions.

**NEW SECTION. Sec. 4.** A new section is added to chapter 36.70A RCW to read as follows:

The court shall provide expedited review of a determination of invalidity or an order effectuating a determination of invalidity made or issued under RCW 36.70A.300. The matter must be set for hearing within sixty days of the date set for submitting the board's record, absent a showing of good cause for a different date or a stipulation of the parties.

**Sec. 5.** RCW 36.70A.320 and 1995 c 347 s 111 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, designations, comprehensive plans ((and) development regulations, and other actions required by this chapter, and amendments thereto, adopted under this chapter are presumed valid upon adoption. In any petition under this chapter, the board, after full consideration of the petition, shall determine whether there is compliance with the requirements of this chapter. In recognition of the broad range of discretion that may be exercised by counties and cities consistent with the requirements of this chapter, the board shall not substitute its judgment for that of a county or city regarding the exercise of such discretion. In making its determination, the board shall consider the criteria adopted by the department under RCW 36.70A.190(4). The board has no discretion to prioritize, balance, or rank the goals set forth in RCW 36.70A.020, all of which shall be used by counties and cities as provided in RCW 36.70A.020.

(b) The burden of proof shall be on the petitioner. The board shall find compliance unless it finds ((by a preponderance of the evidence that the state agency, county, or city erroneously interpreted or applied this chapter)) that: (i) The state agency, county, or city erroneously interpreted this chapter; or (ii) the action of the state agency, county, or city is not supported by evidence that is substantial when reviewed in light of the whole record before the board.

(2) The shoreline element of a comprehensive plan and the applicable development regulations adopted by a county or city shall take effect as provided in chapter 90.58 RCW.

**NEW SECTION. Sec. 6.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Haugen moves that the Senate do concur in the House amendment to Substitute Senate Bill No. 6637.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate do concur in the House amendment to Substitute Senate Bill No. 6637.

The motion by Senator Haugen carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 6637.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6637, as amended by the House.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6637, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wood and Zarelli - 41.

Voting nay: Senators Drew, Fairley, Fraser, Heavey, Kohl, Pelz, Thibaudeau and Wojahn - 8.

SUBSTITUTE SENATE BILL NO. 6637, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

**EDITOR'S NOTE:** The House relieved the Conference Committee of further consideration of Engrossed Second Substitute Senate Bill No. 6705 and amended the bill as follows:

#### MESSAGE FROM THE HOUSE

March 7, 1996

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6705 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature recognizes that technology is an important tool in the preparation of an educated and knowledgeable work force and citizenry. The legislature supports the creation of a K-20 education network for the coordinated expansion of current technology and the development of new technologies that support an integrated and interoperable educational technology network serving kindergarten through higher education and promoting access for Washington citizens. The intent of the legislature is to significantly enhance the education system's ability to access telecommunications resources and to provide citizen access to quality primary, secondary, and postsecondary courses and degree programs state-wide through distance education. It is also the intent of the legislature that these services be

a collaborative endeavor and that resources be used effectively. The development of a distance education system using technology will provide great opportunities for change in the delivery of educational services and deserves due deliberation and coordinated policy planning to ensure that the high standards of program quality and cost-efficient service are enhanced. The legislature finds that, in order to facilitate lifelong learning, educational technology systems must be coordinated among all educational sectors, with the other entities of federal, state, and local government, and be readily accessible to the general population of the state. It is the intent of the legislature to make maximum use of a common telecommunications backbone network in building and expanding education technology systems. Therefore, coordinated policy and planning to ensure program quality, interoperability, and efficient service delivery are the highest priority of the legislature.

**NEW SECTION. Sec. 2.** (1) The K-20 telecommunications oversight and policy committee is established to: Adopt policy goals and objectives for a K-20 telecommunications system, adopt a network design and implementation plan, and authorize release of funds for network purposes.

(2) The duties of the committee shall include, but need not be limited to:

(a) The adoption of system goals and objectives and timelines for submission of the proposed plans under sections 4 through 6 and 8 of this act by June 1, 1996;

(b) The authorization of the construction and acquisition of a network backbone upon its approval of phase one of a technical plan for the network as specified in section 8(1) of this act;

(c) The preparation and subsequent updates of a network design and implementation plan that includes locations to be served by the network, service delivery specifications, a network governance structure, other appropriate components, and a phased technical plan in accordance with section 8(2) of this act. The plan shall be adopted after considering the recommendations of the information services board, the higher education coordinating board, and the superintendent of public instruction.

(d) The preparation of an implementation plan that prioritizes access to the network backbone and other telecommunication components; and

(e) The authorization of the release of funds for expenditures to construct the network and distance education components.

(3) By April 15, 1996, the department of information services shall convene the committee. The committee shall include the following voting members or their designees: The governor; one member from each caucus of the senate, appointed by the president of the senate; one member from each caucus of the house of representatives, appointed by the speaker of the house of representatives; the superintendent of public instruction; the chair of the higher education coordinating board; and the chair of the information services board. On a nonvoting basis, the committee shall include the following members or their designees: One community college or technical college president, appointed by the state board for community and technical colleges; one president of a public baccalaureate institution, appointed by the council of presidents; the state librarian; one educational service district superintendent, one school district superintendent, and one representative of an approved private school, each appointed by the superintendent of public instruction; one representative of independent nonprofit baccalaureate institutions, appointed by the Washington friends of higher education; and one representative of the computer or telecommunications industry, appointed by the information services board. The voting members must reach a consensus in approving the network design and implementation plan. The department shall provide staff support to the committee.

**NEW SECTION. Sec. 3.** The design and implementation plan for the K-20 telecommunication system shall: (1) Provide optimum geographic and social distribution of the benefits of a network; (2) minimize duplication of technology resources and education programs or degrees at public institutions of postsecondary education; (3) maximize existing networks and video telecommunications resources owned or operated by the state; (4) consider the benefits of purchasing additional hardware to expand the current telecommunications network versus leasing network services from the department of information services or from private sector providers; (5) foster partnerships among public, private, and nonprofit entities, including independent nonprofit baccalaureate institutions of higher education, libraries, and public hospitals; (6) ensure that each network site is designed to maximize utilization by the institutions of postsecondary education and public schools; (7) provide for future access by public entities on a no-cost or low-cost basis; and (8) ensure that the network can be expanded and upgraded, is based on an open-architecture model, and connects to national and world-wide information infrastructures.

**NEW SECTION. Sec. 4.** Within the timelines specified by the committee, the higher education coordinating board shall prepare and submit to the K-20 telecommunications oversight and policy committee a proposed location plan of higher education delivery sites proposed for connection to the K-20 education network. The development of the plan shall begin immediately. For each site proposed for connection to the network, the board shall recommend service delivery specifications that include, but need not be limited to, an assessment of community needs and programming and service levels that provide for effective use of network resources. The board shall prioritize the implementation of the proposed location plan. The board shall ensure that the proposed location plan adheres to the principles described in section 3 of this act and the goals and objectives adopted by the committee under section 2 of this act.

**NEW SECTION. Sec. 5.** Within timelines specified by the committee, the superintendent of public instruction shall prepare and submit to the K-20 telecommunications oversight and policy committee a proposed location plan of public education delivery sites proposed for connection to the K-20 education network. The development of the plan shall begin immediately. For each site proposed for connection to the network, the superintendent shall approve service delivery specifications that include, but need not be limited to, an assessment of community needs and programming and service levels that provide for effective use of network resources. The superintendent shall prioritize the implementation of the proposed location plan. The superintendent shall ensure that the proposed location plan adheres to the principles described in section 3 of this act and the goals and objectives adopted by the committee under section 2 of this act.

**NEW SECTION. Sec. 6.** Within timelines specified by the committee, the higher education coordinating board and the superintendent of public instruction shall recommend to the K-20 telecommunications oversight and policy committee network governance structure that ensures participation by all members of the network and, to the extent feasible, adheres to the goals and objectives adopted under section 2 of this act.

**NEW SECTION. Sec. 7.** The K-20 technology account is hereby created in the state treasury. The department of information services shall deposit into the account all moneys received from legislative appropriations, gifts, grants, and endowments for the K-20 telecommunication system. The account shall be subject to appropriation and may be expended solely for the K-20 telecommunication system approved by the committee under section 2 of this act. Disbursements from the account shall be on authorization of the director of the department of information services with approval of the committee under section 2 of this act.

**NEW SECTION. Sec. 8.** The information services board shall prepare a technical plan for the design and construction of the K-20 telecommunication system. The board shall ensure that the technical plan adheres to the principles described in section 3 of this act and the goals and objectives established by the committee under section 2 of this act. The board shall provide formal project approval and oversight during the development and implementation of the K-20 telecommunications network. In approving the plan, the board shall conduct a request for proposal process. The technical plan shall be developed in phases as follows:

(1) Phase one shall provide a telecommunication backbone connecting educational service districts, the main campuses of public baccalaureate institutions, the branch campuses of public research institutions, and the main campuses of community colleges and technical colleges.

(2) Phase two shall provide for (a) connection to the network by entities that include, but need not be limited to: School districts, public higher education off-campus and extension centers, branch campuses of community colleges and technical colleges, and independent nonprofit baccalaureate institutions, as prioritized by the telecommunications oversight and policy committee; and (b) distance education facilities and components for entities listed in subsections (1) and (2) of this section.

(3) Subsequent phases may include, but need not be limited to, connections to public libraries, state and local governments, community resource centers, and the private sector.

**Sec. 9.** RCW 28B.80.600 and 1990 c 208 s 9 are each amended to read as follows:

The higher education coordinating board shall provide state-wide coordination ~~((of video))~~ in telecommunications programming ~~((for the public four year higher education institutions)), location selection, meeting community needs, and development of a state-wide higher education telecommunications plan.~~

**Sec. 10.** RCW 43.105.032 and 1992 c 20 s 8 are each amended to read as follows:

There is hereby created the Washington state information services board. The board shall be composed of ~~((nine))~~ thirteen members. ~~((Seven))~~ Eight members shall be appointed by the governor, one of ~~((which))~~ whom shall be a representative of higher education, one of ~~((which))~~ whom shall be a representative of an agency under a state-wide elected official other than the governor, and ~~((one))~~ two of ~~((which))~~ whom shall be ~~((a))~~ representatives of the private sector. One member shall represent the judicial branch and be appointed by the chief justice of the supreme court. ~~((One member shall represent the legislative branch and shall be selected by the president of the senate and the speaker of the house of representatives.))~~ One member shall be the superintendent of public instruction or shall be appointed by the superintendent of public instruction. One member shall represent the house of representatives and shall be selected by the speaker of the house of representatives; one member shall represent the senate and shall be appointed by the president of the senate. The representatives of the house of representatives and senate shall not be from the same political party. One member shall be the director who shall be a voting member of the board. These members shall constitute the membership of the board with full voting rights. Members of the board shall serve at the pleasure of the appointing authority. ~~((The director shall be an ex-officio, nonvoting member of the board.))~~ The board shall select a chairperson from among its members.

Vacancies shall be filled in the same manner that the original appointments were made.

A majority of the members of the board shall constitute a quorum for the transaction of business.

Members of the board shall be compensated for service on the board in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

**Sec. 11.** RCW 43.105.041 and 1995 2nd sp.s. c 14 s 512 are each amended to read as follows:

The board shall have the following powers and duties related to information services:

- (1) To develop standards governing the acquisition and disposition of equipment, proprietary software and purchased services, and confidentiality of computerized data;
- (2) To purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services: PROVIDED, That, agencies and institutions of state government, except as provided in RCW 43.105.017(5) and section 507, chapter 14, Laws of 1995 2nd sp. sess., are expressly prohibited from acquiring or disposing of equipment, proprietary software, and purchased services without such delegation of authority. The acquisition and disposition of equipment, proprietary software, and purchased services is exempt from RCW 43.19.1919 and, as provided in RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200. This subsection does not apply to the legislative branch;
- (3) To develop state-wide or interagency technical policies, standards, and procedures;
- (4) To review and approve standards and common specifications for new or expanded telecommunications networks proposed by agencies, public postsecondary education institutions, educational service districts, or state-wide or regional providers of K-12 information technology services, and to assure the cost-effective development and incremental implementation of a state-wide video telecommunications system to serve: Public schools; educational service districts; vocational-technical institutes; community colleges; colleges and universities; state and local government; and the general public through public affairs programming;
- (5) To provide direction concerning strategic planning goals and objectives for the state. The board shall seek input from the legislature and the judiciary;
- (6) To develop and implement a process for the resolution of appeals by:
  - (a) Vendors concerning the conduct of an acquisition process by an agency or the department; or
  - (b) A customer agency concerning the provision of services by the department or by other state agency providers;
- (7) To establish policies for the periodic review by the department of agency performance which may include but are not limited to analysis of:
  - (a) Planning, management, control, and use of information services;
  - (b) Training and education; and
  - (c) Project management;
- (8) To set its meeting schedules and convene at scheduled times, or meet at the request of a majority of its members, the chair, or the director; and
- (9) To review and approve that portion of the department's budget requests that provides for support to the board.

**Sec. 12.** RCW 43.105.041 and 1990 c 208 s 6 are each amended to read as follows:

The board shall have the following powers and duties related to information services:

- (1) To develop standards governing the acquisition and disposition of equipment, proprietary software and purchased services, and confidentiality of computerized data;
- (2) To purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services: PROVIDED, That, agencies and institutions of state government are expressly prohibited from acquiring or disposing of equipment, proprietary software, and purchased services without such delegation of authority. The acquisition and disposition of equipment, proprietary software, and purchased services is exempt from RCW 43.19.1919 and, as provided in RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200. This subsection does not apply to the legislative branch;
- (3) To develop state-wide or interagency technical policies, standards, and procedures;
- (4) To review and approve standards and common specifications for new or expanded telecommunications networks proposed by agencies, public postsecondary education institutions, educational service districts, or state-wide or regional providers of K-12 information technology services, and to assure the cost-effective development and incremental implementation of a state-wide video telecommunications system to serve: Public schools; educational service districts; vocational-technical institutes; community colleges; colleges and universities; state and local government; and the general public through public affairs programming;
- (5) To provide direction concerning strategic planning goals and objectives for the state. The board shall seek input from the legislature and the judiciary;
- (6) To develop and implement a process for the resolution of appeals by:
  - (a) Vendors concerning the conduct of an acquisition process by an agency or the department; or
  - (b) A customer agency concerning the provision of services by the department or by other state agency providers;
- (7) To establish policies for the periodic review by the department of agency performance which may include but are not limited to analysis of:
  - (a) Planning, management, control, and use of information services;

(b) Training and education; and  
(c) Project management;  
(8) To set its meeting schedules and convene at scheduled times, or meet at the request of a majority of its members, the chair, or the director; and

(9) To review and approve that portion of the department's budget requests that provides for support to the board.

**Sec. 13.** RCW 43.105.170 and 1992 c 20 s 2 are each amended to read as follows:

(1) Each agency shall develop an agency strategic information technology plan which establishes agency goals and objectives regarding the development and use of information technology. The superintendent of public instruction shall develop its plan in conjunction with educational service districts and state-wide or regional providers of K-12 education information technology services. Plans shall include, but not be limited to, the following:

(a) A statement of the agency's mission, goals, and objectives for information technology;  
(b) An explanation of how the agency's mission, goals, and objectives for information technology support and conform to the state strategic information technology plan developed under RCW 43.105.160;

(c) Projects and resources required to meet the objectives of the plan; and

(d) Where feasible, estimated schedules and funding required to implement identified projects.

(2) Plans developed under subsection (1) of this section shall be submitted to the department for review and forwarded along with the department's recommendations to the board for review and approval. The board may reject, require modification to, or approve plans as deemed appropriate by the board. Plans submitted under this subsection shall be updated and submitted for review and approval as necessary.

(3) Each agency shall prepare and submit to the department a biennial performance report. The superintendent of public instruction shall develop its plan in conjunction with educational service districts and state-wide or regional providers of K-12 education information technology services. The report shall include:

(a) An evaluation of the agency's performance relating to information technology;

(b) An assessment of progress made toward implementing the agency strategic information technology plan; and

(c) An inventory of agency information services, equipment, and proprietary software.

(4) The department, with the approval of the board, shall establish standards, elements, form, and format for plans and reports developed under this section.

(5) The board may exempt any agency from any or all of the requirements of this section.

**Sec. 14.** RCW 43.105.180 and 1992 c 20 s 3 are each amended to read as follows:

Upon request of the office of financial management, the department shall evaluate agency budget requests for major information technology projects identified under RCW 43.105.190, including those proposed by the superintendent of public instruction, in conjunction with educational service districts, or state-wide or regional providers of K-12 education information technology services. The department shall submit recommendations for funding all or part of such requests to the office of financial management.

The department, with the advice and approval of the office of financial management, shall establish criteria for the evaluation of agency budget requests under this section. Criteria shall include, but not be limited to: Feasibility of the proposed projects, consistency with state and agency strategic information technology plans, consistency with agency goals and objectives, costs, and benefits.

**Sec. 15.** RCW 43.105.190 and 1992 c 20 s 4 are each amended to read as follows:

(1) The department, with the approval of the board, shall establish standards and policies governing the planning, implementation, and evaluation of major information technology projects, including those proposed by the superintendent of public instruction, in conjunction with educational service districts, or state-wide or regional providers of K-12 education information technology services. The standards and policies shall:

(a) Establish criteria to identify projects which are subject to this section. Such criteria shall include, but not be limited to, significant anticipated cost, complexity, or state-wide significance of the project; and

(b) Establish a model process and procedures which agencies shall follow in developing and implementing project plans. Agencies may propose, for approval by the department, a process and procedures unique to the agency. The department may accept or require modification of such agency proposals or the department may reject such agency proposals and require use of the model process and procedures established under this subsection. Any process and procedures developed under this subsection shall require (i) distinct and identifiable phases upon which funding may be based, (ii) user validation of products through system demonstrations and testing of prototypes and deliverables, and (iii) other elements identified by the board.

Project plans and any agreements established under such plans shall be approved and mutually agreed upon by the director, the director of financial management, and the head of the agency proposing the project.

The director may terminate a major project if the director determines that the project is not meeting or is not expected to meet anticipated performance standards.

(2) The office of financial management shall establish policies and standards governing the funding of projects developed under this section. The policies and standards shall provide for:

(a) Funding of a project under terms and conditions mutually agreed to by the director, the director of financial management, and the head of the agency proposing the project. However, the office of financial management may require incremental funding of a project on a phase-by-phase basis whereby funds for a given phase of a project may be released only when the office of financial management determines, with the advice of the department, that the previous phase is satisfactorily completed;

(b) Acceptance testing of products to assure that products perform satisfactorily before they are accepted and final payment is made; and

(c) Other elements deemed necessary by the office of financial management.

(3) The department shall evaluate projects at three stages of development as follows: (a) Initial needs assessment; (b) feasibility study including definition of scope, development of tasks and timelines, and estimated costs and benefits; and (c) final project implementation plan based upon available funding.

Copies of project evaluations conducted under this subsection shall be submitted to the office of financial management and the chairs, ranking minority members, and staff coordinators of the appropriations committees of the senate and house of representatives.

**NEW SECTION. Sec. 16.** Sections 1 through 8 of this act shall constitute a new chapter in Title 28D RCW.

**NEW SECTION. Sec. 17.** Section 11 of this act expires June 30, 1997.

**NEW SECTION. Sec. 18.** Section 12 of this act shall take effect June 30, 1997.

**NEW SECTION. Sec. 19.** Sections 1 through 11 and 13 through 15 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

**NEW SECTION. Sec. 20.** Nothing in this act shall prevent the ongoing maintenance and operation of existing telecommunications and information systems or programs."

On page 1, line 2 of the title, after "technology;" strike the remainder of the title and insert "amending RCW 28B.80.600, 43.105.032, 43.105.041, 43.105.041, 43.105.170, 43.105.180, and 43.105.190; adding a new title to the Revised Code of Washington to be codified as Title 28D RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.", and the same are herewith transmitted.

MOTION

TIMOTHY A. MARTIN, Chief Clerk

Senator Bauer moved that the Senate do concur in the House amendments to Engrossed Second Substitute Senate Bill No. 6705. Debate ensued.

The President declared the question before the Senate to be the motion by Senator Bauer that the Senate do concur in the House amendments to Engrossed Second Substitute Senate Bill No. 6705.

The motion by Senator Bauer carried and the Senate concurred in the House amendments to Engrossed Second Substitute Senate Bill No. 6705.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6705, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6705, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Voting nay: Senator McCaslin - 1.

Absent: Senator Hargrove - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6705, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 7, 1996

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2875 and passed the bill as amended by the Senate.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Bauer, the Conference Committee was relieved of further consideration of Engrossed Second Substitute House Bill No. 2222.

#### MOTIONS

On motion of Senator Bauer, the rules were suspended, Engrossed Second Substitute House Bill No. 2222 was returned to second reading and read the second time.

Senator Bauer moved that the following amendment by Senators Strannigan and Bauer be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The public expects the legislature to address citizens' increasing demand for the basic services of state government, while limiting the growth in spending. The public demands that public officials and state employees be accountable to provide maximum value for every dollar entrusted to state government. The public believes that it is possible to improve the responsiveness of state government and to save the taxpayers' money, and that efficiency and effectiveness should result in savings.

The legislature, public officials, state employees, and citizens need to know the extent to which state agencies, programs, and activities are achieving the purposes for which they were created. It is essential to compare the conditions, problems, and priorities that led to the creation of government programs with current conditions, problems, and priorities, and to examine the need for and performance of those programs in the current environment.

Along with examining the performance of state agencies and programs, the legislature, public officials, state employees, and citizens must also consider the effect that state government programs can reasonably expect to have on citizens' lives, how the level of programs and services of Washington state government compares with that of other states, and alternatives for service delivery, including other levels of government and the private sector including not-for-profit organizations. It is essential that the legislature, public officials, state employees, and citizens share a common understanding of the role of state government. The performance and relative priority of state agency programs and activities must be the basis for managing and allocating resources within Washington state government.

It is the intent of the legislature to strengthen the role of the current legislative budget committee so that it may more effectively examine how efficiently state agencies perform their responsibilities and whether the agencies are achieving their goals, and whether units of local government are using state funds for their intended purpose in an efficient and effective manner. It is also the intent of the legislature to enact a clear set of definitions for different types of audits in order to eliminate confusion with regard to government reviews.

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

(1) "Legislative auditor" means the executive officer of the joint legislative audit and review committee.

(2) "Economy and efficiency audits" means performance audits that establish: (a) Whether a state agency or unit of local government receiving state funds is acquiring, protecting, and using its resources such as personnel, property, and space economically and efficiently; (b) the causes of inefficiencies or uneconomical practices; and (c) whether the state agency or local government has complied with significant laws and rules in acquiring, protecting, and using its resources.

(3) "Final compliance report" means a written document, as approved by the joint committee, that states the specific actions a state agency or unit of local government receiving state funds has taken to implement recommendations contained in the final performance audit report and the preliminary compliance report. Any recommendations, including proposed legislation and changes in the agency's rules and practices or the local government's practices, based on testimony received, must be included in the final compliance report.

(4) "Final performance audit report" means a written document adopted by the joint legislative audit and review committee that contains the findings and proposed recommendations made in the preliminary performance audit report, the final recommendations adopted by the joint committee, any comments to the preliminary performance audit report by the joint committee, and any comments to the preliminary performance audit report by the state agency or local government that was audited.

(5) "Joint committee" means the joint legislative audit and review committee.

(6) "Local government" means a city, town, county, special purpose district, political subdivision, municipal corporation, or quasi-municipal corporation, including a public corporation created by such an entity.

(7) "Performance audit" means an objective and systematic assessment of a state agency or any of its programs, functions, or activities, or a unit of local government receiving state funds, by an independent evaluator in order to help public officials improve efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits. A performance audit of a

local government may only be made to determine whether the local government is using state funds for their intended purpose in an efficient and effective manner.

(8) "Performance measures" are a composite of key indicators of a program's or activity's inputs, outputs, outcomes, productivity, timeliness, and/or quality. They are means of evaluating policies and programs by measuring results against agreed upon program goals or standards.

(9) "Preliminary compliance report" means a written document that states the specific actions a state agency or unit of local government receiving state funds has taken to implement any recommendations contained in the final performance audit report.

(10) "Preliminary performance audit report" means a written document prepared for review and comment by the joint legislative audit and review committee after the completion of a performance audit. The preliminary performance audit report must contain the audit findings and any proposed recommendations to improve the efficiency, effectiveness, or accountability of the state agency or local government audited.

(11) "Program audits" means performance audits that determine: (a) The extent to which desired outcomes or results are being achieved; (b) the causes for not achieving intended outcomes or results; and (c) compliance with significant laws and rules applicable to the program.

(12) "State agency" or "agency" means a state agency, department, office, officer, board, commission, bureau, division, institution, or institution of higher education. "State agency" includes all elective offices in the executive branch of state government.

**Sec. 3.** RCW 44.28.010 and 1983 c 52 s 1 are each amended to read as follows:

~~(There is hereby created a)~~ The joint legislative ~~(budget)~~ audit and review committee is created, which shall consist of eight senators and eight representatives from the legislature. The senate members of the committee shall be appointed by the president of the senate, and the house members of the committee shall be appointed by the speaker of the house. Not more than four members from each house shall be from the same political party. Members shall be appointed before the close of each regular session of the legislature during an odd-numbered year (~~(- PROVIDED, That if prior to)~~). If before the close of a regular session during an odd-numbered year, the governor issues a proclamation convening the legislature into special session, or the legislature by resolution convenes the legislature into special session, following such regular session, then such appointments shall be made as a matter of closing business of such special session. Members shall be subject to confirmation, as to the senate members by the senate, and as to the house members by the house. In the event of a failure to appoint or confirm joint committee members, ~~((either on the part of the president of the senate or on the part of the speaker of the house, or in the event of a refusal by either the senate or the house to confirm appointments on the committee, then))~~ the members of the joint committee from either house in which there is a failure to appoint or confirm shall be elected ~~((forthwith))~~ by the members of such house.

**Sec. 4.** RCW 44.28.020 and 1980 c 87 s 31 are each amended to read as follows:

The term of office of the members of the joint committee who continue to be members of the senate and house shall be from the close of the session in which they were appointed or elected as provided in RCW 44.28.010 until the close of the next regular session during an odd-numbered year or special session following such regular session, or, in the event that such appointments or elections are not made, until the close of the next regular session during an odd-numbered year during which successors are appointed or elected. The term of office of ~~((such))~~ joint committee members ~~((as shall))~~ who do not continue to be members of the senate and house ~~((shall))~~ ceases upon the convening of the next regular session of the legislature during an odd-numbered year after their confirmation, election or appointment. Vacancies on the joint committee shall be filled by appointment by the remaining members. All such vacancies shall be filled from the same political party and from the same house as the member whose seat was vacated.

**Sec. 5.** RCW 44.28.030 and 1955 c 206 s 6 are each amended to read as follows:

On and after the commencement of a succeeding general session of the legislature, those members of the joint committee who continue to be members of the senate and house, respectively, shall continue as members of the joint committee as indicated in RCW 44.28.020 and the joint committee shall continue with all its powers, duties, authorities, records, papers, personnel and staff, and all funds made available for its use.

**Sec. 6.** RCW 44.28.040 and 1975-'76 2nd ex.s. c 34 s 134 are each amended to read as follows:

The members of the joint committee shall serve without additional compensation, but shall be reimbursed for their travel expenses ~~((:))~~ in accordance with RCW 44.04.120 ~~((as now existing or hereafter amended, incurred while))~~ for attending ~~((sessions))~~ meetings of the joint committee or ~~((meetings of any))~~ a subcommittee of the joint committee, or while engaged on other ~~((committee))~~ business authorized by the joint committee ~~((and while going to and coming from committee sessions or committee meetings))~~.

**Sec. 7.** RCW 44.28.060 and 1975 1st ex.s. c 293 s 13 are each amended to read as follows:

The members of the joint committee shall ~~((have the power and duty to appoint its own chairman, vice chairman, and other officers; to make rules and regulations for orderly procedure; to perform, either through the legislative budget committee or through subcommittees of the legislative budget committee, all duties and functions relating to improving the economy, efficiency, and effectiveness of state agency management by performance audits and other staff studies of state government, its officers, boards, committees, commissions, institutions, and other state agencies))~~ form an executive committee consisting of one member from each of the four major political caucuses, which shall include a chair and a vice-chair. The chair and vice-chair shall serve for a period not to exceed two years. The chair and the vice-chair may not be members of the same political party. The chair shall alternate between the members of the majority parties in the senate and the house of representatives.

The executive committee is responsible for performing all general administrative and personnel duties assigned to it in the rules and procedures adopted by the joint committee, as well as other duties delegated to it by the joint committee. The executive committee shall recommend applicants for the position of the legislative auditor to the membership of the joint committee. The legislative auditor shall be hired with the approval of a majority of the membership of the joint committee. The executive committee shall set the salary of the legislative auditor.

The joint committee shall adopt rules and procedures for its orderly operation. The joint committee may create subcommittees to perform duties under this chapter.

**Sec. 8.** RCW 44.28.140 and 1975 1st ex.s. c 293 s 17 are each amended to read as follows:

~~((The committee is hereby authorized and empowered to appoint an officer to be known as the legislative auditor, and to fix his compensation, who shall be the executive officer of the committee and assist in its duties and shall compile information for the committee. The committee is hereby authorized and empowered to select and employ other clerical, legal, accounting, research and other personnel that it may deem desirable in the performance of its duties, and the compensation and salaries shall be fixed by the legislative budget committee.))~~

The ~~((duties of the))~~ legislative auditor shall ~~((be as follows))~~:

(1) ~~((To ascertain the facts and make recommendations to the committee and under their direction to the committees of the state legislature concerning~~

(a) revenues and expenditures of the state; and

(b) the organization and functions of the state, its departments, subdivisions and agencies.

(2) ~~((To))~~ Establish and manage the office of the joint legislative audit and review committee to carry out the functions of this chapter;

(2) Direct the audit and review functions described in this chapter and ensure that performance audits are performed in accordance with the "Government Auditing Standards" published by the comptroller general of the United States as applicable to the scope of the audit;

(3) Make findings and recommendations to the joint committee and under its direction to the committees of the state legislature concerning the organization and operation of state agencies and the expenditure of state funds by units of local government;

(4) In consultation with and with the approval of the executive committee, hire staff necessary to carry out the purposes of this chapter. Employee salaries, other than the legislative auditor, shall be set by the legislative auditor with the approval of the executive committee;

(5) Assist the several standing committees of the house and senate in consideration of legislation affecting state departments and their efficiency; ~~((tø))~~ appear before other legislative committees; and ~~((tø))~~ assist any other legislative committee upon instruction by the joint legislative ~~((budget))~~ audit and review committee.

~~((3-Tø))~~ (6) Provide the legislature with information obtained under the direction of the joint legislative ~~((budget))~~ audit and review committee~~((--))~~;

~~((4-Tø))~~ (7) Maintain a record of all work performed by the legislative auditor under the direction of the joint legislative ~~((budget))~~ audit and review committee and ~~((tø))~~ keep and make available all documents, data, and reports submitted to ~~((him))~~ the legislative auditor by any legislative committee.

**NEW SECTION. Sec. 9.** (1) In conducting performance audits and other reviews, the legislative auditor shall work closely with the chairs and staff of standing committees of the senate and house of representatives, and may work in consultation with the state auditor and the director of financial management.

(2) The legislative auditor may contract with and consult with public and private independent professional and technical experts as necessary in conducting the performance audits. The legislative auditor should also involve front-line employees and internal auditors in the performance audit process to the highest possible degree.

(3) The legislative auditor shall work with the legislative evaluation and accountability program committee and the office of financial management to develop information system capabilities necessary for the performance audit requirements of this chapter.

(4) The legislative auditor shall work with the legislative office of performance review and the office of financial management to facilitate the implementation of effective performance measures throughout state government. In agencies and programs where effective systems for performance measurement exist, the measurements incorporated into those systems should be a basis for performance audits conducted under this chapter.

**NEW SECTION. Sec. 10.** (1) Subject to the requirements of the performance audit work plan approved by the joint committee under RCW 44.28.180, as recodified by this act, performance audits may, in addition to the determinations that may be made in such an audit as specified in section 2 of this act, include the following:

- (a) An examination of the costs and benefits of agency programs, functions, and activities;
- (b) Identification of viable alternatives for reducing costs or improving service delivery;
- (c) Identification of gaps and overlaps in service delivery, along with corrective action; and
- (d) Comparison with other states whose agencies perform similar functions, as well as their relative funding levels and performance.

(2) As part of a performance audit, the legislative auditor may review the costs of programs recently implemented by the legislature to compare actual agency costs with the appropriations provided and the cost estimates that were included in the fiscal note for the program at the time the program was enacted.

**Sec. 11.** RCW 44.28.080 and 1975 1st ex.s. c 293 s 14 are each amended to read as follows:

The joint committee ~~((shall have))~~ has the following powers:

(1) To make examinations and reports concerning whether or not appropriations are being expended for the purposes and within the statutory restrictions provided by the legislature; ~~((concerning the economic outlook and estimates of revenue to meet expenditures;))~~ and concerning the organization and operation of procedures necessary or desirable to promote economy, efficiency, and effectiveness in state government, its officers, boards, committees, commissions, institutions, and other state agencies, and to make recommendations and reports to the legislature.

(2) To make such other studies and examinations of economy, efficiency, and effectiveness of state government and its state agencies as it may find advisable, and to hear complaints, hold hearings, gather information, and make findings of fact with respect thereto.

(3) ~~((The committee shall have the power))~~ To conduct program and fiscal reviews of any state agency or program scheduled for termination under the process provided under chapter 43.131 RCW.

(4) To perform other legislative staff studies of state government or the use of state funds.

(5) To conduct performance audits in accordance with the work plan adopted by the joint committee under RCW 44.28.180.

(6) To receive a copy of each report of examination or audit issued by the state auditor for examinations or audits that were conducted at the request of the joint committee and to make recommendations as it deems appropriate as a separate addendum to the report or audit.

(7) To develop internal tracking procedures that will allow the legislature to measure the effectiveness of performance audits conducted by the joint committee including, where appropriate, measurements of cost-savings and increases in efficiency and effectiveness in how state agencies deliver their services.

(8) To receive messages and reports in person or in writing from the governor or any other state officials and to study generally any and all business relating to economy, efficiency, and effectiveness in state government and state agencies.

**Sec. 12.** RCW 44.28.180 and 1993 c 406 s 5 are each amended to read as follows:

(1) ~~((In conducting program evaluations as defined in RCW 43.88.020, the legislative budget committee may establish a biennial work plan))~~ During the regular legislative session of each odd-numbered year, beginning with 1997, the joint legislative audit and review committee shall develop and approve a performance audit work plan for the subsequent sixteen to twenty-four-month period and an overall work plan that identifies state agency programs for which formal evaluation appears necessary. Among the factors to be considered in preparing the work plans are:

(a) Whether a program newly created or significantly altered by the legislature warrants continued oversight because (i) the fiscal impact of the program is significant, or (ii) the program represents a relatively high degree of risk in terms of reaching the stated goals and objectives for that program;

(b) Whether implementation of an existing program has failed to meet its goals and objectives by any significant degree; and

(c) Whether a follow-up audit would help ensure that previously identified recommendations for improvements were being implemented.

(2) The project description for each ~~((program evaluation shall))~~ performance audit must include start and completion dates, the proposed ~~((research))~~ approach, and cost estimates.

(3) The legislative auditor may consult with the chairs and staff of appropriate legislative committees, the state auditor, and the director of financial management in developing the performance audit work plan.

(4) The performance audit work plan and the overall work plan may include proposals to employ contract ~~((evaluators))~~ resources. As conditions warrant, the ~~((program evaluation))~~ performance audit work plan and the overall work plan may be amended from time to time. All ~~((biennial))~~ performance audit work plans shall be transmitted to the appropriate fiscal and policy committees of the senate and the house of representatives no later than the sixtieth day of the regular legislative session of each odd-numbered year, beginning with 1997. All overall work plans shall be transmitted to the appropriate fiscal and policy committees of the senate and the house of representatives.

**NEW SECTION. Sec. 13.** (1) When the legislative auditor has completed a performance audit authorized in the performance audit work plan, the legislative auditor shall transmit the preliminary performance audit report to the affected state agency or local government and the office of financial management for comment. The agency or local government and the office of financial management shall provide

any response to the legislative auditor within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the joint committee. The legislative auditor shall incorporate the response of the agency or local government and the office of financial management into the final performance audit report.

(2) Before releasing the results of a performance audit to the legislature or the public, the legislative auditor shall submit the preliminary performance audit report to the joint committee for its review, comments, and final recommendations. Any comments by the joint committee must be included as a separate addendum to the final performance audit report. Upon consideration and incorporation of the review, comments, and recommendations of the joint committee, the legislative auditor shall transmit the final performance audit report to the affected agency or local government, the director of financial management, the leadership of the senate and the house of representatives, and the appropriate standing committees of the house of representatives and the senate and shall publish the results and make the report available to the public. For purposes of this section, "leadership of the senate and the house of representatives" means the speaker of the house, the majority leaders of the senate and the house of representatives, the minority leaders of the senate and the house of representatives, the caucus chairs of both major political parties of the senate and the house of representatives, and the floor leaders of both major political parties of the senate and the house of representatives.

**NEW SECTION. Sec. 14.** (1) No later than nine months after the final performance audit has been transmitted by the joint committee to the appropriate standing committees of the house of representatives and the senate, the joint committee in consultation with the standing committees may produce a preliminary compliance report on the agency's or local government's compliance with the final performance audit recommendations. The agency or local government may attach its comments to the joint committee's preliminary compliance report as a separate addendum.

(2) Within three months after the issuance of the preliminary compliance report, the joint committee may hold at least one public hearing and receive public testimony regarding the findings and recommendations contained in the preliminary compliance report. The joint committee may waive the public hearing requirement if the preliminary compliance report demonstrates that the agency or local government is in compliance with the audit recommendations. The joint committee shall issue any final compliance report within four weeks after the public hearing or hearings. The legislative auditor shall transmit the final compliance report in the same manner as a final performance audit is transmitted under section 13 of this act.

**NEW SECTION. Sec. 15.** Subject to the joint committee's approval, the office of the joint committee shall undergo an external quality control review within three years of the effective date of this act and at regular intervals thereafter. The review must be conducted by an independent organization that has experience in conducting performance audits. The quality control review must include, at a minimum, an evaluation of the quality of the audits conducted by the joint committee, an assessment of the audit procedures used by the joint committee, and an assessment of the qualifications of the joint committee staff to conduct performance audits.

**NEW SECTION. Sec. 16.** (1) The performance audit revolving fund is established in the state treasury. Expenditures from the fund may only be used for payment of the costs of performance audits performed pursuant to the performance audit work plan approved by the joint legislative audit and review committee under RCW 44.28.180. The costs of a performance audit shall include all direct and indirect costs. Moneys in the fund may only be spent after appropriation.

(2) The legislative auditor shall assess state agencies all or a portion of the costs of a performance audit from funds appropriated to the agencies for administrative expenses. Agencies operating in whole or in part from nonappropriated funds must pay into the revolving fund such funds as will fully reimburse for the costs of a performance audit.

(3) The costs of performance audits may also be paid from appropriations made for that purpose.

**NEW SECTION. Sec. 17.** To ensure the accuracy and timeliness of information used as the basis for performance audits and other responsibilities of the legislature, the legislative auditor or the legislative auditor's staff must be provided direct access to information held by any state agency. Agencies shall submit directly to the joint legislative audit and review committee all data and other information requested, including tax records and client data. Any confidential data or information provided to the committee must be kept confidential by the joint committee.

**Sec. 18.** RCW 44.28.087 and 1973 1st ex.s. c 197 s 2 are each amended to read as follows:

All agency reports concerning program performance, including administrative review, quality control, and other internal audit or performance reports, as requested by the (~~legislative budget~~) joint committee, shall be furnished by the agency requested to provide such report.

**Sec. 19.** RCW 44.28.100 and 1987 c 505 s 45 are each amended to read as follows:

The joint committee (~~shall have the power to~~) may make reports from time to time to the members of the legislature and to the public with respect to any of its findings or recommendations. The joint committee shall keep complete minutes of its meetings.

**Sec. 20.** RCW 44.28.120 and 1951 c 43 s 9 are each amended to read as follows:

In case of the failure on the part of any person to comply with any subpoena issued in behalf of the joint committee, or on the refusal of any witness to testify to any matters regarding which he or she may be lawfully interrogated, it shall be the duty of the superior court of any county, or of the judge thereof, on application of the joint committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

**Sec. 21.** RCW 44.28.130 and 1951 c 43 s 10 are each amended to read as follows:

Each witness who appears before the joint committee by its order, other than a state official or employee, shall receive for his or her attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers signed by such witness, verified by the legislative auditor, and approved by the (~~secretary and chairman~~) chair and the vice-chair of the joint committee.

**Sec. 22.** RCW 44.28.150 and 1975 1st ex.s. c 293 s 18 are each amended to read as follows:

The joint committee shall cooperate, act, and function with legislative committees and with the councils or committees of other states similar to this joint committee and with other interstate research organizations.

**Sec. 23.** RCW 43.88.020 and 1995 c 155 s 1 are each amended to read as follows:

(1) "Budget" means a proposed plan of expenditures for a given period or purpose and the proposed means for financing these expenditures.

(2) "Budget document" means a formal statement, either written or provided on any electronic media or both, offered by the governor to the legislature, as provided in RCW 43.88.030.

(3) "Director of financial management" means the official appointed by the governor to serve at the governor's pleasure and to whom the governor may delegate necessary authority to carry out the governor's duties as provided in this chapter. The director of financial management shall be head of the office of financial management which shall be in the office of the governor.

(4) "Agency" means and includes every state office, officer, each institution, whether educational, correctional, or other, and every department, division, board, and commission, except as otherwise provided in this chapter.

(5) "Public funds", for purposes of this chapter, means all moneys, including cash, checks, bills, notes, drafts, stocks, and bonds, whether held in trust, for operating purposes, or for capital purposes, and collected or disbursed under law, whether or not such funds are otherwise subject to legislative appropriation, including funds maintained outside the state treasury.

(6) "Regulations" means the policies, standards, and requirements, stated in writing, designed to carry out the purposes of this chapter, as issued by the governor or the governor's designated agent, and which shall have the force and effect of law.

(7) "Ensuing biennium" means the fiscal biennium beginning on July 1st of the same year in which a regular session of the legislature is held during an odd-numbered year pursuant to Article II, section 12 of the Constitution and which biennium next succeeds the current biennium.

(8) "Dedicated fund" means a fund in the state treasury, or a separate account or fund in the general fund in the state treasury, that by law is dedicated, appropriated, or set aside for a limited object or purpose; but "dedicated fund" does not include a revolving fund or a trust fund.

(9) "Revolving fund" means a fund in the state treasury, established by law, from which is paid the cost of goods or services furnished to or by a state agency, and which is replenished through charges made for such goods or services or through transfers from other accounts or funds.

(10) "Trust fund" means a fund in the state treasury in which designated persons or classes of persons have a vested beneficial interest or equitable ownership, or which was created or established by a gift, grant, contribution, devise, or bequest that limits the use of the fund to designated objects or purposes.

(11) "Administrative expenses" means expenditures for: (a) Salaries, wages, and related costs of personnel and (b) operations and maintenance including but not limited to costs of supplies, materials, services, and equipment.

(12) "Fiscal year" means the year beginning July 1st and ending the following June 30th.

(13) "Lapse" means the termination of authority to expend an appropriation.

(14) "Legislative fiscal committees" means the joint legislative (~~budget~~) audit and review committee, the legislative evaluation and accountability program committee, the ways and means committees of the senate and house of representatives, and, where appropriate, the legislative transportation committee.

(15) "Fiscal period" means the period for which an appropriation is made as specified within the act making the appropriation.

(16) "Primary budget driver" means the primary determinant of a budget level, other than a price variable, which causes or is associated with the major expenditure of an agency or budget unit within an agency, such as a caseload, enrollment, workload, or population statistic.

~~(17) ("Stabilization account" means the budget stabilization account created under RCW 43.88.525 as an account in the general fund of the state treasury.~~

~~(18))~~ "State tax revenue limit" means the limitation created by chapter 43.135 RCW.

~~((19))~~ (18) "General state revenues" means the revenues defined by Article VIII, section 1(c) of the state Constitution.

~~((20))~~ (19) "Annual growth rate in real personal income" means the estimated percentage growth in personal income for the state during the current fiscal year, expressed in constant value dollars, as published by the office of financial management or its successor agency.

~~((21))~~ (20) "Estimated revenues" means estimates of revenue in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast including estimates of revenues to support financial plans under RCW 44.40.070, that are prepared by the office of financial management in consultation with the interagency task force.

~~((22))~~ (21) "Estimated receipts" means the estimated receipt of cash in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast.

~~((23))~~ (22) "State budgeting, accounting, and reporting system" means a system that gathers, maintains, and communicates fiscal information. The system links fiscal information beginning with development of agency budget requests through adoption of legislative appropriations to tracking actual receipts and expenditures against approved plans.

~~((24))~~ (23) "Allotment of appropriation" means the agency's statement of proposed expenditures, the director of financial management's review of that statement, and the placement of the approved statement into the state budgeting, accounting, and reporting system.

~~((25))~~ (24) "Statement of proposed expenditures" means a plan prepared by each agency that breaks each appropriation out into monthly detail representing the best estimate of how the appropriation will be expended.

~~((26))~~ (25) "Undesignated fund balance (or deficit)" means unreserved and undesignated current assets or other resources available for expenditure over and above any current liabilities which are expected to be incurred by the close of the fiscal period.

~~((27))~~ (26) "Internal audit" means an independent appraisal activity within an agency for the review of operations as a service to management, including a systematic examination of accounting and fiscal controls to assure that human and material resources are guarded against waste, loss, or misuse; and that reliable data are gathered, maintained, and fairly disclosed in a written report of the audit findings.

~~((28))~~ (27) "Performance verification" means an analysis that (a) verifies the accuracy of data used by state agencies in quantifying intended results and measuring performance toward those results, and (b) verifies whether or not the reported results were achieved.

~~((29)) "Program evaluation" means the use of a variety of policy and fiscal research methods to (a) determine the extent to which a program is achieving its legislative intent in terms of producing the effects expected, and (b) make an objective judgment of the implementation, outcomes, and net cost or benefit impact of programs in the context of their goals and objectives. It includes the application of systematic methods to measure the results, intended or unintended, of program activities.)~~

(28) "Performance audit" has the same meaning as it is defined in section 2 of this act.

**Sec. 24.** RCW 43.88.090 and 1994 c 184 s 10 are each amended to read as follows:

(1) For purposes of developing budget proposals to the legislature, the governor shall have the power, and it shall be the governor's duty, to require from proper agency officials such detailed estimates and other information in such form and at such times as the governor shall direct. The estimates for the legislature and the judiciary shall be transmitted to the governor and shall be included in the budget without revision. The estimates for state pension contributions shall be based on the rates provided in chapter 41.45 RCW. Copies of all such estimates shall be transmitted to the standing committees on ways and means of the house and senate at the same time as they are filed with the governor and the office of financial management.

The estimates shall include statements or tables which indicate, by agency, the state funds which are required for the receipt of federal matching revenues. The estimates shall be revised as necessary to reflect legislative enactments and adopted appropriations and shall be included with the initial biennial allotment submitted under RCW 43.88.110. The estimates must include consideration of findings made by the legislative auditor of the office of the joint legislative audit and review committee under a performance audit of the agency.

(2) In the year of the gubernatorial election, the governor shall invite the governor-elect or the governor-elect's designee to attend all hearings provided in RCW 43.88.100; and the governor shall furnish the governor-elect or the governor-elect's designee with such information as will enable the governor-elect or the governor-elect's designee to gain an understanding of the state's budget requirements. The governor-elect or the governor-elect's designee may ask such questions during the hearings and require such information as the governor-elect or the governor-elect's designee deems necessary and may make recommendations in connection with any item of the budget which, with the governor-elect's reasons therefor, shall be presented to the legislature in writing with the budget document. Copies of all such estimates and other required information shall also be submitted to the standing committees on ways and means of the house and senate.

**Sec. 25.** RCW 43.88.160 and 1994 c 184 s 11 are each amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including

efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of financial management. The governor, through the director of financial management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources, and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for central accounts in the office of financial management at the level of detail deemed necessary by the director to perform central financial management. The director of financial management shall adopt and periodically update an accounting procedures manual. Any agency maintaining its own accounting and reporting system shall comply with the updated accounting procedures manual and the rules of the director adopted under this chapter. An agency may receive a waiver from complying with this requirement if the waiver is approved by the director. Waivers expire at the end of the fiscal biennium for which they are granted. The director shall forward notice of waivers granted to the appropriate legislative fiscal committees. The director of financial management may require such financial, statistical, and other reports as the director deems necessary from all agencies covering any period.

(2) The director of financial management is responsible for quarterly reporting of primary operating budget drivers such as applicable workloads, caseload estimates, and appropriate unit cost data. These reports shall be transmitted to the legislative fiscal committees or by electronic means to the legislative evaluation and accountability program committee. Quarterly reports shall include actual monthly data and the variance between actual and estimated data to date. The reports shall also include estimates of these items for the remainder of the budget period.

(3) The director of financial management shall report at least annually to the appropriate legislative committees regarding the status of all appropriated capital projects, including transportation projects, showing significant cost overruns or underruns. If funds are shifted from one project to another, the office of financial management shall also reflect this in the annual variance report. Once a project is complete, the report shall provide a final summary showing estimated start and completion dates of each project phase compared to actual dates, estimated costs of each project phase compared to actual costs, and whether or not there are any outstanding liabilities or unsettled claims at the time of completion.

(4) In addition, the director of financial management, as agent of the governor, shall:

(a) Develop and maintain a system of internal controls and internal audits comprising methods and procedures to be adopted by each agency that will safeguard its assets, check the accuracy and reliability of its accounting data, promote operational efficiency, and encourage adherence to prescribed managerial policies for accounting and financial controls. The system developed by the director shall include criteria for determining the scope and comprehensiveness of internal controls required by classes of agencies, depending on the level of resources at risk.

Each agency head or authorized designee shall be assigned the responsibility and authority for establishing and maintaining internal audits following the standards of internal auditing of the institute of internal auditors;

(b) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and the director shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(c) Establish policies for allowing the contracting of child care services;

(d) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(e) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact;

PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. The director shall advise and confer with agencies including appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned:  
Agencies headed by elective officials;

(f) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by the director except that the director shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials;

(g) ~~((Provide for transfers and repayments between the budget stabilization account and the general fund as directed by appropriation and RCW 43.88.525 through 43.88.540;~~

~~((h)))~~ Adopt rules to effectuate provisions contained in (a) through ~~((g)))~~ (f) of this subsection.

(5) The treasurer shall:

(a) Receive, keep, and disburse all public funds of the state not expressly required by law to be received, kept, and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Receive, disburse, or transfer public funds under the treasurer's supervision or custody;

(c) Keep a correct and current account of all moneys received and disbursed by the treasurer, classified by fund or account;

(d) Coordinate agencies' acceptance and use of credit cards and other payment methods, if the agencies have received authorization under RCW 43.41.180;

(e) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to disburse public funds in the treasury except upon forms or by alternative means duly prescribed by the director of financial management. These forms or alternative means shall provide for authentication and certification by the agency head or the agency head's designee that the services have been rendered or the materials have been furnished; or, in the case of loans or grants, that the loans or grants are authorized by law; or, in the case of payments for periodic maintenance services to be performed on state owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office of financial management; and the treasurer shall not be liable under the treasurer's surety bond for erroneous or improper payments so made. When services are lawfully paid for in advance of full performance by any private individual or business entity other than as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services. No payments shall be made in advance for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or the agency head's designee in accordance with regulations issued pursuant to this chapter. Nothing in this section shall be construed to permit a public body to advance funds to a private service provider pursuant to a grant or loan before services have been rendered or material furnished.

(6) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end the auditor may, in the auditor's discretion, examine the books and accounts of any agency, official, or employee charged with the

receipt, custody, or safekeeping of public funds. Where feasible in conducting examinations, the auditor shall utilize data and findings from the internal control system prescribed by the office of financial management. The current post audit of each agency may include a section on recommendations to the legislature as provided in (c) of this subsection.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make the auditor's official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include determinations as to whether agencies, in making expenditures, complied with the laws of this state. The state auditor is authorized to perform or participate in performance verifications ~~((only))~~ and performance audits as expressly authorized by the legislature in the omnibus biennial appropriations acts or in the performance audit work plan approved by the joint legislative audit and review committee. The state auditor, upon completing an audit for legal and financial compliance under chapter 43.09 RCW or a performance verification, may report to the joint legislative ~~((budget))~~ audit and review committee or other appropriate committees of the legislature, in a manner prescribed by the joint legislative ~~((budget))~~ audit and review committee, on facts relating to the management or performance of governmental programs where such facts are discovered incidental to the legal and financial audit or performance verification. The auditor may make such a report to a legislative committee only if the auditor has determined that the agency has been given an opportunity and has failed to resolve the management or performance issues raised by the auditor. If the auditor makes a report to a legislative committee, the agency may submit to the committee a response to the report. This subsection (6) shall not be construed to authorize the auditor to allocate other than de minimis resources to performance audits except as expressly authorized in the appropriations acts or in the performance audit work plan. The results of a performance audit conducted by the state auditor that has been requested by the joint legislative audit and review committee must only be transmitted to the joint legislative audit and review committee.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of financial management. It shall be the duty of the director of financial management to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.

(e) Promptly report any irregularities to the attorney general.

(f) Investigate improper governmental activity under chapter 42.40 RCW.

(7) The joint legislative ~~((budget))~~ audit and review committee may:

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as provided for in chapter 44.28 RCW ((44.28.085)) as well as performance audits and program evaluations. To this end the joint committee may in its discretion examine the books, accounts, and other records of any agency, official, or employee.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the performance and management of state agencies.

(c) Make a report to the legislature which shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs, and generally for an improved level of fiscal management.

**Sec. 26.** RCW 28A.630.830 and 1994 c 13 s 5 are each amended to read as follows:

(1) The selection advisory committee is created. The committee shall be composed of up to three members from the house of representatives, up to three members from the senate, up to two members from the office of the superintendent of public instruction, and one member from each of the following: The office of financial management, Washington state special education coalition, transitional bilingual instruction educators, and Washington education association.

(2) The joint legislative ~~((budget))~~ audit and review committee and the superintendent of public instruction shall provide staff for the selection advisory committee.

(3) The selection advisory committee shall:

(a) Develop appropriate criteria for selecting demonstration projects;

(b) Issue requests for proposals in accordance with RCW 28A.630.820 through 28A.630.845 for demonstration projects;

(c) Review proposals and recommend demonstration projects for approval by the superintendent of public instruction; and

(d) Advise the superintendent of public instruction on the evaluation design.

**Sec. 27.** RCW 28B.20.382 and 1987 c 505 s 13 are each amended to read as follows:

Until authorized and empowered to do so by statute of the legislature, the board of regents of the university, with respect to that certain tract of land in the city of Seattle originally known as the "old university grounds" and more recently known as the "Metropolitan Tract" and any land contiguous thereto, shall not sell ~~((said))~~ the land or any part thereof or any improvement thereon, or lease ~~((said))~~ the land or any part thereof or any improvement thereon or renew or extend any lease thereof for a term ending more than sixty years beyond midnight, December 31, 1980. Any sale of ~~((said))~~ the land or any part thereof or any improvement thereon, or any lease or renewal or extension of any lease of ~~((said))~~ the land or any part thereof or any improvement thereon for a term ending more than sixty years after midnight, December 31, 1980, made or attempted to be made by the board of regents shall be null and void unless and until the same has been approved or ratified and confirmed by legislative act.

The board of regents shall have power from time to time to lease ~~((said))~~ the land, or any part thereof or any improvement thereon for a term ending not more than sixty years beyond midnight, December 31, 1980. PROVIDED, That the board of regents shall make a full, detailed report of all leases and transactions pertaining to ~~((said))~~ the land or any part thereof or any improvement thereon to the joint legislative ~~((budget))~~ audit and review committee, including one copy to the staff of the committee, during an odd-numbered year: PROVIDED FURTHER, That any and all records, books, accounts ~~((and/or))~~, and agreements of any lessee or sublessee under this section, pertaining to compliance with the terms and conditions of such lease or sublease, shall be open to inspection by the board of regents ~~((and/or))~~, the ways and means committee~~((s))~~ of the senate ~~((or))~~, the appropriations committee of the house of representatives ~~((or))~~, and the joint legislative ~~((budget))~~ audit and review committee or any successor committees. It is not intended by this proviso that unrelated records, books, accounts ~~((and/or))~~, and agreements of lessees, sublessees, or related companies be open to such inspection.

**Sec. 28.** RCW 39.19.060 and 1993 c 512 s 9 are each amended to read as follows:

Each state agency and educational institution shall comply with the annual goals established for that agency or institution under this chapter for public works and procuring goods or services. This chapter applies to all public works and procurement by state agencies and educational institutions, including all contracts and other procurement under chapters 28B.10, 39.04, 39.29, 43.19, and 47.28 RCW. Each state agency shall adopt a plan, developed in consultation with the director and the advisory committee, to insure that minority and women-owned businesses are afforded the maximum practicable opportunity to directly and meaningfully participate in the execution of public contracts for public works and goods and services. The plan shall include specific measures the agency will undertake to increase the participation of certified minority and women-owned businesses. The office shall annually notify the governor, the state auditor, and the joint legislative ~~((budget))~~ audit and review committee of all agencies and educational institutions not in compliance with this chapter.

**Sec. 29.** RCW 39.29.016 and 1987 c 414 s 4 are each amended to read as follows:

Emergency contracts shall be filed with the office of financial management and the joint legislative ~~((budget))~~ audit and review committee and made available for public inspection within three working days following the commencement of work or execution of the contract, whichever occurs first. Documented justification for emergency contracts shall be provided to the office of financial management and the joint legislative ~~((budget))~~ audit and review committee when the contract is filed.

**Sec. 30.** RCW 39.29.018 and 1993 c 433 s 5 are each amended to read as follows:

(1) Sole source contracts shall be filed with the office of financial management and the joint legislative ((budget)) audit and review committee and made available for public inspection at least ten working days prior to the proposed starting date of the contract. Documented justification for sole source contracts shall be provided to the office of financial management and the joint legislative ((budget)) audit and review committee when the contract is filed. For sole source contracts of ten thousand dollars or more that are state funded, documented justification shall include evidence that the agency attempted to identify potential consultants by advertising through state-wide or regional newspapers.

(2) The office of financial management shall approve sole source contracts of ten thousand dollars or more that are state funded, before any such contract becomes binding and before any services may be performed under the contract. These requirements shall also apply to sole source contracts of less than ten thousand dollars if the total amount of such contracts between an agency and the same consultant is ten thousand dollars or more within a fiscal year. Agencies shall ensure that the costs, fees, or rates negotiated in filed sole source contracts of ten thousand dollars or more are reasonable.

**Sec. 31.** RCW 39.29.025 and 1993 c 433 s 3 are each amended to read as follows:

(1) Substantial changes in either the scope of work specified in the contract or in the scope of work specified in the formal solicitation document must generally be awarded as new contracts. Substantial changes executed by contract amendments must be submitted to the office of financial management and the joint legislative ((budget)) audit and review committee, and are subject to approval by the office of financial management.

(2) An amendment or amendments to personal service contracts, if the value of the amendment or amendments, whether singly or cumulatively, exceeds fifty percent of the value of the original contract must be provided to the office of financial management and the joint legislative ((budget)) audit and review committee.

(3) The office of financial management shall approve amendments provided to it under this section before the amendments become binding and before services may be performed under the amendments.

(4) The amendments must be filed with the office of financial management and made available for public inspection at least ten working days prior to the proposed starting date of services under the amendments.

(5) The office of financial management shall approve amendments provided to it under this section only if they meet the criteria for approval of the amendments established by the director of the office of financial management.

**Sec. 32.** RCW 39.29.055 and 1993 c 433 s 7 are each amended to read as follows:

(1) State-funded personal service contracts subject to competitive solicitation shall be filed with the office of financial management and the joint legislative ((budget)) audit and review committee and made available for public inspection at least ten working days before the proposed starting date of the contract.

(2) The office of financial management shall review and approve state-funded personal service contracts subject to competitive solicitation that provide services relating to management consulting, organizational development, marketing, communications, employee training, or employee recruiting.

**Sec. 33.** RCW 41.06.070 and 1995 c 163 s 1 are each amended to read as follows:

(1) The provisions of this chapter do not apply to:

(a) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, joint legislative ((budget)) audit and review committee, statute law committee, and any interim committee of the legislature;

(b) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(c) Officers, academic personnel, and employees of technical colleges;

(d) The officers of the Washington state patrol;

(e) Elective officers of the state;

(f) The chief executive officer of each agency;

(g) In the departments of employment security and social and health services, the director and the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his or her confidential secretary, and his or her statutory assistant directors;

(h) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(i) All members of such boards, commissions, or committees;

(ii) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: The secretary of the board, commission, or committee; the chief executive officer of the board, commission, or committee; and the confidential secretary of the chief executive officer of the board, commission, or committee;

(iii) If the members of the board, commission, or committee serve on a full-time basis: The chief executive officer or administrative officer as designated by the board, commission, or committee; and a confidential secretary to the chair of the board, commission, or committee;

(iv) If all members of the board, commission, or committee serve ex officio: The chief executive officer; and the confidential secretary of such chief executive officer;

(i) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(j) Assistant attorneys general;

(k) Commissioned and enlisted personnel in the military service of the state;

(l) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the Washington personnel resources board;

(m) The public printer or to any employees of or positions in the state printing plant;

(n) Officers and employees of the Washington state fruit commission;

(o) Officers and employees of the Washington state apple advertising commission;

(p) Officers and employees of the Washington state dairy products commission;

(q) Officers and employees of the Washington tree fruit research commission;

(r) Officers and employees of the Washington state beef commission;

(s) Officers and employees of any commission formed under chapter 15.66 RCW;

(t) Officers and employees of the state wheat commission formed under chapter 15.63 RCW;

(u) Officers and employees of agricultural commissions formed under chapter 15.65 RCW;

(v) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;

(w) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(x) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;

(y) All employees of the marine employees' commission;

(z) Up to a total of five senior staff positions of the western library network under chapter 27.26 RCW responsible for formulating policy or for directing program management of a major administrative unit. This subsection (1)(z) shall expire on June 30, 1997.

(2) The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(a) Members of the governing board of each institution of higher education and related boards, all presidents, vice-presidents, and their confidential secretaries, administrative, and personal assistants; deans, directors, and chairs; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington;

(b) Student, part-time, or temporary employees, and part-time professional consultants, as defined by the Washington personnel resources board, employed by institutions of higher education and related boards;

(c) The governing board of each institution, and related boards, may also exempt from this chapter classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training as determined by the board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the board under this provision;

(d) Printing craft employees in the department of printing at the University of Washington.

(3) In addition to the exemptions specifically provided by this chapter, the Washington personnel resources board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the Washington personnel resources board stating the reasons for requesting such exemptions. The Washington personnel resources board shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the board determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the Washington personnel resources board shall grant the request and such determination shall be final as to any decision made before July 1, 1993. The total number of additional exemptions permitted under this subsection shall not exceed one percent of the number of employees in the classified service not including employees of institutions of higher education and related boards for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The Washington personnel resources board shall report to each regular session of the legislature during an odd-numbered year all exemptions granted under subsections (1)(w) and (x) and (2) of this section, together with the reasons for such exemptions.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (1)(j) through (v) and (2) of this section, shall be determined by the Washington personnel resources board.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

**Sec. 34.** RCW 42.48.060 and 1985 c 334 s 6 are each amended to read as follows:

Nothing in this chapter is applicable to, or in any way affects, the powers and duties of the state auditor or the joint legislative audit and review committee.

**Sec. 35.** RCW 43.09.310 and 1995 c 301 s 22 are each amended to read as follows:

The state auditor shall annually audit the state-wide combined financial statements prepared by the office of financial management and make post-audits of state agencies. Post-audits of state agencies shall be made at such periodic intervals as is determined by the state auditor. Audits of combined financial statements shall include determinations as to the validity and accuracy of accounting methods, procedures and standards utilized in their preparation, as well as the accuracy of the financial statements themselves. A report shall be made of each such audit and post-audit upon completion thereof, and one copy shall be transmitted to the governor, one to the director of financial management, one to the state agency audited, one to the joint legislative audit and review committee, one each to the standing committees on ways and means of the house and senate, one to the chief clerk of the house, one to the secretary of the senate, and at least one shall be kept on file in the office of the state auditor. A copy of any report containing findings of noncompliance with state law shall be transmitted to the attorney general.

**Sec. 36.** RCW 43.21J.800 and 1993 c 516 s 11 are each amended to read as follows:

On or before June 30, 1998, the joint legislative audit and review committee shall prepare a report to the legislature evaluating the implementation of the environmental restoration jobs act of 1993, chapter 516, Laws of 1993.

**Sec. 37.** RCW 43.79.270 and 1973 c 144 s 2 are each amended to read as follows:

Whenever any money, from the federal government, or from other sources, which was not anticipated in the budget approved by the legislature has actually been received and is designated to be spent for a specific purpose, the head of any department, agency, board, or commission through which such expenditure shall be made is to submit to the governor a statement which may be in the form of a request for an allotment amendment setting forth the facts constituting the need for such expenditure and the estimated amount to be expended:

PROVIDED, That no expenditure shall be made in excess of the actual amount received, and no money shall be expended for any purpose except the specific purpose for which it was received. A copy of any proposal submitted to the governor to expend money from an appropriated fund or account in excess of appropriations provided by law which is based on the receipt of unanticipated revenues shall be submitted to the joint legislative audit and review committee and also to the standing committees on ways and means of the house and senate if the legislature is in session at the same time as it is transmitted to the governor.

**Sec. 38.** RCW 43.79.280 and 1973 c 144 s 3 are each amended to read as follows:

If the governor approves such estimate in whole or part, he shall endorse on each copy of the statement his approval, together with a statement of the amount approved in the form of an allotment amendment, and transmit one copy to the head of the department, agency, board, or commission authorizing the expenditure. An identical copy of the governor's statement of approval and a statement of the amount approved for expenditure shall be transmitted simultaneously to the joint legislative audit and review committee and also to the standing committee on ways and means of the house and senate of all executive approvals of proposals to expend money in excess of appropriations provided by law.

**Sec. 39.** RCW 43.88.205 and 1979 c 151 s 141 are each amended to read as follows:

(1) Whenever an agency makes application, enters into a contract or agreement, or submits state plans for participation in, and for grants of federal funds under any federal law, the agency making such application shall at the time of such action, give notice in such form and manner as the director of financial management may prescribe, or the ~~(chairman)~~ chair of the ~~joint legislative ((budget))~~ audit and review committee, standing committees on ways and means of the house and senate, the chief clerk of the house, or the secretary of the senate may request.

(2) Whenever any such application, contract, agreement, or state plan is amended, such agency shall notify each such officer of such action in the same manner as prescribed or requested pursuant to subsection (1) of this section.

(3) Such agency shall promptly furnish such progress reports in relation to each such application, contract, agreement, or state plan as may be requested following the date of the filing of the application, contract, agreement, or state plan; and shall also file with each such officer a final report as to the final disposition of each such application, contract, agreement, or state plan if such is requested.

**Sec. 40.** RCW 43.88.230 and 1981 c 270 s 12 are each amended to read as follows:

For the purposes of this chapter, the statute law committee, the ~~joint legislative ((budget))~~ audit and review committee, the legislative transportation committee, the legislative evaluation and accountability program committee, the office of state actuary, and all legislative standing committees of both houses shall be deemed a part of the legislative branch of state government.

**Sec. 41.** RCW 43.88.310 and 1993 c 157 s 1 are each amended to read as follows:

(1) The legislative auditor of the office of the ~~joint legislative audit and review committee~~, with the concurrence of the ~~joint legislative ((budget))~~ audit and review committee, may file with the attorney general any audit exceptions or other findings of any performance audit, management study, or special report prepared for the ~~joint legislative ((budget))~~ audit and review committee, any standing or special committees of the house or senate, or the entire legislature which indicate a violation of RCW 43.88.290, or any other act of malfeasance, misfeasance, or nonfeasance on the part of any state officer or employee.

(2) The attorney general shall promptly review each filing received from the legislative auditor and may act thereon as provided in RCW 43.88.300, or any other applicable statute authorizing enforcement proceedings by the attorney general. The attorney general shall advise the ~~joint legislative ((budget))~~ audit and review committee of the status of exceptions or findings referred under this section.

**Sec. 42.** RCW 43.88.510 and 1987 c 505 s 37 are each amended to read as follows:

Not later than ninety days after the beginning of each biennium, the director of financial management shall submit the compiled list of boards, commissions, councils, and committees, together with the information on each such group, that is required by RCW 43.88.505 to:

(1) The speaker of the house and the president of the senate for distribution to the appropriate standing committees, including one copy to the staff of each of the committees;

(2) The chair of the ~~joint legislative ((budget))~~ audit and review committee, including a copy to the staff of the committee;

(3) The chairs of the committees on ways and means of the senate and house of representatives; and

(4) Members of the state government committee of the house of representatives and of the governmental operations committee of the senate, including one copy to the staff of each of the committees.

**Sec. 43.** RCW 43.131.050 and 1990 c 297 s 2 are each amended to read as follows:

The ~~joint legislative ((budget))~~ audit and review committee shall cause to be conducted a program and fiscal review of any state agency or program scheduled for termination by the processes provided in this chapter. Such program and fiscal review shall be completed and a preliminary report prepared on or before June 30th of the year prior to the date established for termination. Upon completion of its preliminary report, the ~~joint legislative ((budget))~~ audit and review committee shall transmit copies of the report to the office of financial management. The office of financial management may then conduct its own program and fiscal review of the agency scheduled for termination and shall prepare a report on or before September 30th of the year prior to the date established for termination. Upon completion of its report the office of financial management shall transmit copies of its report to the ~~joint legislative ((budget))~~ audit and review committee. The ~~joint legislative ((budget))~~ audit and review committee shall prepare a final report that includes the reports of both the office of financial management and the ~~joint legislative ((budget))~~ audit and review committee. The ~~joint legislative ((budget))~~ audit and review committee and the office of financial management shall, upon request, make available to each other all working papers, studies, and other documents which relate to reports required under this section. The ~~joint legislative ((budget))~~ audit and review committee shall transmit the final report to the legislature, to the state agency concerned, to the governor, and to the state library.

**Sec. 44.** RCW 43.131.060 and 1988 c 17 s 1 are each amended to read as follows:

In conducting the review of a regulatory entity, the ~~joint legislative ((budget))~~ audit and review committee shall consider, but not be limited to, the following factors where applicable:

(1) The extent to which the regulatory entity has operated in the public interest and fulfilled its statutory obligations;

(2) The duties of the regulatory entity and the costs incurred in carrying out those duties;

(3) The extent to which the regulatory entity is operating in an efficient, effective, and economical manner;

(4) The extent to which the regulatory entity inhibits competition or otherwise adversely affects the state's economic climate;

(5) The extent to which the regulatory entity duplicates the activities of other regulatory entities or of the private sector, where appropriate; and

(6) The extent to which the absence or modification of regulation would adversely affect, maintain, or improve the public health, safety, or welfare.

**Sec. 45.** RCW 43.131.070 and 1977 ex.s. c 289 s 7 are each amended to read as follows:

In conducting the review of a state agency other than a regulatory entity, the ~~joint legislative ((budget))~~ audit and review committee shall consider, but not be limited to, the following factors where applicable:

(1) The extent to which the state agency has complied with legislative intent;

(2) The extent to which the state agency is operating in an efficient and economical manner which results in optimum performance;

(3) The extent to which the state agency is operating in the public interest by effectively providing a needed service that should be continued rather than modified, consolidated, or eliminated;

(4) The extent to which the state agency duplicates the activities of other state agencies or of the private sector, where appropriate; and

(5) The extent to which the termination or modification of the state agency would adversely affect the public health, safety, or welfare.

**Sec. 46.** RCW 43.131.080 and 1989 c 175 s 109 are each amended to read as follows:

(1) Following receipt of the final report from the ~~joint legislative ((budget))~~ audit and review committee, the appropriate committees of reference in the senate and the house of representatives shall each hold a public hearing, unless a joint hearing is held, to consider the final report and any related data. The committees shall also receive testimony from representatives of the state agency or agencies involved, which shall have the burden of demonstrating a public need for its continued existence; and from the governor or the governor's designee, and other interested parties, including the general public.

(2) When requested by either of the presiding members of the appropriate senate and house committees of reference, a regulatory entity under review shall mail an announcement of any hearing to the persons it regulates who have requested notice of agency rule-making proceedings as provided in RCW 34.05.320, or who have requested notice of hearings held pursuant to the provisions of this section. On request of either presiding member, such mailing shall include an explanatory statement not exceeding one page in length prepared and supplied by the member's committee.

(3) The presiding members of the senate committee on ways and means and the house committee on appropriations may designate one or more liaison members to each committee of reference in their respective chambers for purposes of participating in any hearing and in subsequent committee of reference discussions and to seek a coordinated approach between the committee of reference and the committee they represent in a liaison capacity.

(4) Following any hearing under subsection (1) of this section by the committees of reference, such committees may hold additional meetings or hearings to come to a final determination as to whether a state agency has demonstrated a public need for its continued existence or whether modifications in existing procedures are needed. In the event that a committee of reference concludes that a state agency shall be reestablished or modified or its functions transferred elsewhere, it shall make such determination as a bill. No more than one state agency shall be reestablished or modified in any one bill.

**Sec. 47.** RCW 43.131.110 and 1977 ex.s. c 289 s 11 are each amended to read as follows:

Any reference in this chapter to a committee of the legislature including the joint legislative ((budget)) audit and review committee shall also refer to the successor of that committee.

**Sec. 48.** RCW 43.250.080 and 1986 c 294 s 8 are each amended to read as follows:

At the end of each fiscal year, the state treasurer shall submit to the governor, the state auditor, and the joint legislative ((budget)) audit and review committee a summary of the activity of the investment pool. The summary shall indicate the quantity of funds deposited; the earnings of the pool; the investments purchased, sold, or exchanged; the administrative expenses of the investment pool; and such other information as the state treasurer deems relevant.

**Sec. 49.** RCW 44.40.025 and 1981 c 270 s 15 are each amended to read as follows:

In addition to the powers and duties authorized in RCW 44.40.020, the committee and the standing committees on transportation of the house and senate shall, in coordination with the joint legislative ((budget)) audit and review committee, the legislative evaluation and accountability program committee, and the ways and means committees of the senate and house of representatives, ascertain, study, and/or analyze all available facts and matters relating or pertaining to sources of revenue, appropriations, expenditures, and financial condition of the motor vehicle fund and accounts thereof, the highway safety fund, and all other funds or accounts related to transportation programs of the state.

The joint legislative ((budget)) audit and review committee, the legislative evaluation and accountability program committee, and the ways and means committees of the senate and house of representatives shall coordinate their activities with the legislative transportation committee in carrying out the committees' powers and duties under chapter 43.88 RCW in matters relating to the transportation programs of the state.

**Sec. 50.** RCW 67.70.310 and 1982 2nd ex.s. c 7 s 31 are each amended to read as follows:

The director of financial management may conduct a management review of the commission's lottery operations to assure that:

(1) The manner and time of payment of prizes to the holder of winning tickets or shares is consistent with this chapter and the rules adopted under this chapter;

(2) The apportionment of total revenues accruing from the sale of lottery tickets or shares and from all other sources is consistent with this chapter;

(3) The manner and type of lottery being conducted, and the expenses incidental thereto, are the most efficient and cost-effective; and

(4) The commission is not unnecessarily incurring operating and administrative costs.

In conducting a management review, the director of financial management may inspect the books, documents, and records of the commission. Upon completion of a management review, all irregularities shall be reported to the attorney general, the joint legislative ((budget)) audit and review committee, and the state auditor. The director of financial management shall make such recommendations as may be necessary for the most efficient and cost-effective operation of the lottery.

**Sec. 51.** RCW 79.01.006 and 1991 c 204 s 1 are each amended to read as follows:

(1) Every five years the department of social and health services and other state agencies that operate institutions shall conduct an inventory of all real property subject to the charitable, educational, penal, and reformatory institution account and other real property acquired for institutional purposes or for the benefit of the blind, deaf, mentally ill, developmentally disabled, or otherwise disabled. The inventory shall identify which of those real properties are not needed for state-provided residential care, custody, or treatment. By December 1, 1992, and every five years thereafter the department shall report the results of the inventory to the house of representatives committee on capital facilities and financing, the senate committee on ways and means, and the joint legislative ((budget)) audit and review committee.

(2) Real property identified as not needed for state-provided residential care, custody, or treatment shall be transferred to the corpus of the charitable, educational, penal, and reformatory institution account. This subsection shall not apply to real property subject to binding conditions that conflict with the other provisions of this subsection.

(3) The department of natural resources shall manage all property subject to the charitable, educational, penal, and reformatory institution account and, in consultation with the department of social and health services and other affected agencies, shall adopt a plan for the management of real property subject to the account and other real property acquired for institutional purposes or for the benefit of the blind, deaf, mentally ill, developmentally disabled, or otherwise disabled.

(a) The plan shall be consistent with state trust land policies and shall be compatible with the needs of institutions adjacent to real property subject to the plan.

(b) The plan may be modified as necessary to ensure the quality of future management and to address the acquisition of additional real property.

**Sec. 52.** RCW 44.--.-- and 1996 c . . . (ESSB 6680) s 4 are each amended to read as follows:

(1) Performance reviews under this chapter shall include a rethinking of the programs and functions of state agencies to assess whether or not they have a vital purpose or valid mission. The director shall work to involve frontline employees, agency and program managers, customers of the program or service, other taxpayers, legislators, legislative staff, office of financial management staff, and other external public and private sector experts as deemed appropriate in conducting performance reviews. The director shall, as necessary, contract with experts from either the private or public sector to assist in performance reviews.

(2) In preparation for a performance review, a state agency shall identify each of its discrete functions or activities, along with associated costs and full-time equivalent staff, as requested by the director. In reviewing the agency or program, the director shall identify those activities and programs that should be strengthened, those that should be abandoned, and those that need to be redirected or other alternatives explored. The review should consider: (a) Whether or not the purpose for which the agency or program was created is still valid based on the circumstances under which the program was created versus those that exist at the time of the review; (b) the extent to which the particular activity or function is specifically authorized in statute or is consistent with statutory direction and intent; (c) whether or not the agency or program is achieving the results for which it was established; (d) alternatives for delivering the program or service, either in the public or private sector; (e) duplication of services with other government programs or private enterprises or gaps in services; (f) the relative priority of the program among the agency's functions; ((e)) (g) costs or implications of not performing the function; ((f)) (h) citizen's individual responsibilities and freedoms; ((g)) (i) whether or not the mission of the agency or program is attainable considering the effect of factors and circumstances beyond the control of the agency; and ((h)) (j) in the event of inadequate performance by the program, the potential for a workable, affordable plan to improve performance.

(3) Performance reviews must also determine the existence and utility of an agency or program strategic plan that includes a concise statement of the agency's or program's mission, a vision for future direction, measurable goals and objectives, and clear strategies and

specific timelines to achieve them. The director shall determine the extent to which the plan: (a) Forms the basis of agency management practices and continuous process reevaluation and improvement; (b) can be used to clearly identify and prioritize agency functions; (c) provides a valuable basis for legislative policy and budget deliberations; (d) is used to ensure accountability of employees, particularly managers, for achieving program goals, and is a primary consideration in retention and promotion of staff; (e) is used to assess the quality and effectiveness of the agency's programs and activities; (f) appropriately balances cost objectives, quality objectives, and performance objectives; and (g) is useful in demonstrating public accountability. The agency strategic plan shall provide for periodic self-assessment by the agency to determine whether the agency is achieving the goals and objectives of its programs. Where self-assessments have been completed by an agency, the assessments must be incorporated into a performance review conducted under this chapter.

(4) If the state agency or program being reviewed has not identified acceptable organizations or programs in the public or private sector to be used as benchmarks against which to measure its performance, the director shall conduct a review sufficient to recommend such benchmarks to the agency, the governor, and the legislature.

(5) As a part of each performance review and in consultation with the director of the agency being reviewed and the director of financial management, the director of the legislative office of performance review shall develop recommendations regarding statutes that inhibit or do not contribute to the agency's ability to perform its functions effectively and efficiently.

(6) Based on the information and conclusions compiled from the work required in subsections (1) through (5) of this section, the director shall develop an advisory recommendation for the governor and the legislature regarding whether an agency, programs of an agency, or activities within an agency should be continued, abandoned, or restructured.

**Sec. 53.** RCW 43.88.030 and 1996 c . . . (ESSB 6680) s 9 are each amended to read as follows:

(1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. The director shall provide agencies that are required under RCW 44.40.070 to develop comprehensive six-year program and financial plans with a complete set of instructions for submitting these program and financial plans at the same time that instructions for submitting other budget requests are provided. The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period, as well as an outline of the proposed six-year financial policies where applicable, and shall describe in connection therewith the important features of the budget. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period, or six-year period where applicable, based upon the estimated revenues as approved by the economic and revenue forecast council or upon the estimated revenues of the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast, including those revenues anticipated to support the six-year programs and financial plans under RCW 44.40.070. In estimating revenues to support financial plans under RCW 44.40.070, the office of financial management shall rely on information and advice from the interagency revenue task force. Revenues shall be estimated for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document, including the supplemental budgets submitted in the even-numbered years of a biennium. However, the estimated revenues for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers and revenue estimates dependent upon budgetary assumptions of enrollments, workloads, and caseloads. All adjustments to the approved estimated revenues must be set forth in the budget document. The governor may additionally submit, as an appendix to each supplemental, biennial, or six-year agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

Supplemental and biennial documents shall reflect a six-year expenditure plan consistent with estimated revenues from existing sources and at existing rates for those agencies required to submit six-year program and financial plans under RCW 44.40.070. Any additional revenue resulting from proposed changes to existing statutes shall be separately identified within the document as well as related expenditures for the six-year period.

The budget document or documents shall also contain:

(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, those anticipated for the ensuing biennium, and those anticipated for the ensuing six-year period to support the six-year programs and financial plans required under RCW 44.40.070;

(b) The undesignated fund balance or deficit, by fund;

(c) Such additional information dealing with expenditures, revenues, workload, performance, and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, activity and object;

(f) A delineation of each agency's activities, including those activities funded from nonbudgeted, nonappropriated sources, including funds maintained outside the state treasury;

(g) Identification of all proposed direct expenditures to implement the Puget Sound water quality plan under chapter 90.70 RCW, shown by agency and in total; and

(h) Tabulations showing each postretirement adjustment by retirement system established after fiscal year 1991, to include, but not be limited to, estimated total payments made to the end of the previous biennial period, estimated payments for the present biennium, and estimated payments for the ensuing biennium.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of beginning undesignated fund balance and estimated revenues less working capital and other reserves shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

(a) Interest, amortization and redemption charges on the state debt;

(b) Payments of all reliefs, judgments and claims;

(c) Other statutory expenditures;

(d) Expenditures incident to the operation for each agency;

(e) Revenues derived from agency operations;

(f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium, as well as those required to support the six-year programs and financial plans required under RCW 44.40.070;

(g) A showing and explanation of amounts of general fund and other funds obligations for debt service and any transfers of moneys that otherwise would have been available for appropriation;

(h) Common school expenditures on a fiscal-year basis;

(i) A showing, by agency, of the value and purpose of financing contracts for the lease/purchase or acquisition of personal or real property for the current and ensuing fiscal periods;

(j) A showing and explanation of anticipated amounts of general fund and other funds required to amortize the unfunded actuarial accrued liability of the retirement system specified under chapter 41.45 RCW, and the contributions to meet such amortization, stated in total dollars and as a level percentage of total compensation; and

(k) For each agency, a description of the findings and recommendations of any applicable review by the legislative office of performance review conducted during the prior fiscal period. The budget document must describe the potential costs and savings associated with implementing the findings and recommendations, including any recommendations for program eliminations and alternative delivery methods.

(3) A separate capital budget document or schedule shall be submitted that will contain the following:

(a) A statement setting forth a long-range facilities plan for the state that identifies and includes the highest priority needs within affordable spending levels;

(b) A capital program consisting of proposed capital projects for the next biennium and the two biennia succeeding the next biennium consistent with the long-range facilities plan. Insomuch as is practical, and recognizing emergent needs, the capital program shall reflect the priorities, projects, and spending levels proposed in previously submitted capital budget documents in order to provide a reliable long-range planning tool for the legislature and state agencies;

(c) A capital plan consisting of proposed capital spending for at least four biennia succeeding the next biennium;

(d) A statement of the reason or purpose for a project;

(e) Verification that a project is consistent with the provisions set forth in chapter 36.70A RCW;

(f) A statement about the proposed site, size, and estimated life of the project, if applicable;

(g) Estimated total project cost;

(h) For major projects valued over five million dollars, estimated costs for the following project components: Acquisition, consultant services, construction, equipment, project management, and other costs included as part of the project. Project component costs shall be displayed in a standard format defined by the office of financial management to allow comparisons between projects;

(i) Estimated total project cost for each phase of the project as defined by the office of financial management;

(j) Estimated ensuing biennium costs;

(k) Estimated costs beyond the ensuing biennium;

(l) Estimated construction start and completion dates;

(m) Source and type of funds proposed;

(n) Estimated ongoing operating budget costs or savings resulting from the project, including staffing and maintenance costs;

(o) For any capital appropriation requested for a state agency for the acquisition of land or the capital improvement of land in which the primary purpose of the acquisition or improvement is recreation or wildlife habitat conservation, the capital budget document, or an omnibus list of recreation and habitat acquisitions provided with the governor's budget document, shall identify the projected costs of operation and maintenance for at least the two biennia succeeding the next biennium. Omnibus lists of habitat and recreation land acquisitions shall include individual project cost estimates for operation and maintenance as well as a total for all state projects included in the list. The document shall identify the source of funds from which the operation and maintenance costs are proposed to be funded;

(p) Such other information bearing upon capital projects as the governor deems to be useful;

(q) Standard terms, including a standard and uniform definition of maintenance for all capital projects;

(r) Such other information as the legislature may direct by law or concurrent resolution.

For purposes of this subsection (3), the term "capital project" shall be defined subsequent to the analysis, findings, and recommendations of a joint committee comprised of representatives from the house capital appropriations committee, senate ways and means committee, legislative transportation committee, legislative evaluation and accountability program committee, and office of financial management.

(4) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document or report presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative evaluation and accountability program committee if the legislature is not in session.

NEW SECTION. Sec. 54. Sections 2, 9, 10, and 13 through 17 of this act are each added to chapter 44.28 RCW.

NEW SECTION. Sec. 55. RCW 44.28.140, 44.28.180, and 44.28.087, as amended by this act, are each recodified within chapter 44.28 RCW in the order in which they appear in this act.

NEW SECTION. Sec. 56. If sections 4 and 9 of chapter . . . , Laws of 1996 (ESSB 6680) do not become law, sections 52 and 53 of this act are null and void.

NEW SECTION. Sec. 57. The following acts or parts of acts are each repealed:

(1) RCW 44.28.085 and 1993 c 406 s 6, 1975 1st ex.s. c 293 s 15, & 1971 ex.s. c 170 s 3; and

(2) RCW 44.28.086 and 1973 1st ex.s. c 197 s 1."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Strannigan and Bauer to Engrossed Second Substitute House Bill No. 2222, under suspension of the rules.

The motion by Senators Bauer carried and the striking amendment, under suspension of the rules, was adopted.

## MOTIONS

On motion of Senator Bauer, the following title amendment was adopted:

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 44.28.010, 44.28.020, 44.28.030, 44.28.040, 44.28.060, 44.28.140, 44.28.080, 44.28.180, 44.28.087, 44.28.100, 44.28.120, 44.28.130, 44.28.150, 43.88.020, 43.88.090, 43.88.160, 28A.630.830, 28B.20.382, 39.19.060, 39.29.016, 39.29.018, 39.29.025, 39.29.055, 41.06.070, 42.48.060, 43.09.310, 43.21J.800, 43.79.270, 43.79.280, 43.88.205, 43.88.230, 43.88.310, 43.88.510, 43.131.050, 43.131.060, 43.131.070, 43.131.080, 43.131.110, 43.250.080, 44.40.025, 67.70.310, 79.01.006, 44.--- (1996 c . . . (ESSB 6680) s 4), and 43.88.030; adding new sections to chapter 44.28 RCW; creating new sections; recodifying RCW 44.28.140, 44.28.180, and 44.28.087; and repealing RCW 44.28.085 and 44.28.086."

On motion of Senator Bauer, the rules were suspended, Engrossed Second Substitute House Bill No. 2222, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## MOTION

On motion of Senator Drew, Senator Rinehart was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 2222, as amended by the Senate under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2222, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 45.

Voting nay: Senators Fairley and Wojahn - 2.

Absent: Senator Hargrove - 1.

Excused: Senator Rinehart - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2222, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### CONFERENCE COMMITTEE REPORT

**HB 2490 March 5, 1996**

Includes "New Items": YES

Providing for credit for reinsurance of trust fund maintained that meets national association of insurance commissioners standards

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred HOUSE BILL NO. 2490, providing for credit for reinsurance of trust fund maintained that meets national association of insurance commissioners standards, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.12.160 and 1994 c 86 s 1 are each amended to read as follows:

(1) Any insurance company organized under the laws of this state may take credit as an asset or as a deduction from loss or claim, unearned premium, or life policy or contract reserves on risks ceded to a reinsurer to the extent reinsured by an insurer or insurers holding a certificate of authority to transact that kind of business in this state. The credit on ceded risks reinsured by any insurer which is not authorized to transact business in this state may be taken:

(a) Where the reinsurer is a group including incorporated and unincorporated underwriters, and the group maintains a trust fund in a United States bank that is determined by the national association of insurance commissioners to meet credit standards for issuing letters of credit in connection with reinsurance, which trust fund must be in an amount equal to the group's liabilities attributable to business written in the United States, and in addition, the group shall maintain a trustee surplus of which one hundred million dollars shall be held jointly and exclusively for the benefit of United States ceding insurers of any member of the group; the incorporated members of the group shall not be engaged in any business other than underwriting as a member of the group and shall be subject to the same level of solvency regulation and control by the group's domiciliary regulator as are the unincorporated members; and the group shall make available to the commissioner an annual certification of the solvency of each underwriter by the group's domiciliary regulator and its independent public accountants; ((€))

(b) Where the reinsurer does not meet the definition of (a) of this subsection, the reinsurer maintains a trust fund in a United States bank that is determined by the national association of insurance commissioners to meet credit standards for issuing letters of credit in connection with reinsurance, which trust fund must be in an amount equal to the reinsurer's liabilities attributable to reinsurance ceded by United States domiciled insurers, and in addition, the assuming insurer shall maintain a trustee surplus of not less than twenty million dollars; or

(c) In an amount not exceeding:

(i) The amount of deposits by and funds withheld from the assuming insurer pursuant to express provision therefor in the reinsurance contract, as security for the payment of the obligations thereunder, if the deposits or funds are assets of the types and amounts that are authorized under chapter 48.13 RCW and are held subject to withdrawal by and under the control of the ceding insurer or if the deposits or funds are placed in trust for these purposes in a bank which is a member of the federal reserve system and withdrawals from the trust cannot be made without the consent of the ceding company; or

(ii) The amount of a clean, irrevocable, and unconditional letter of credit issued by a United States bank that is determined by the national association of insurance commissioners to meet credit standards for issuing letters of credit in connection with reinsurance, and issued for a term of at least one year with provisions that it must be renewed unless the bank gives notice of nonrenewal at least thirty days before the expiration issued under arrangements satisfactory to the commissioner of insurance as constituting security to the ceding insurer substantially equal to that of a deposit under ((€)) (c) (i) of this subsection.

(2) Any reinsurance ceded by a company organized under the laws of this state or ceded by any company not organized under the laws of this state and transacting business in this state must be payable by the assuming insurer on the basis of liability of the ceding company under the contract or contracts reinsured without diminution because of the insolvency of the ceding company, and any such reinsurance agreement which may be canceled on less than ninety days notice must provide for a run-off of the reinsurance in force at the date of cancellation.

(3) A reinsurance agreement may provide that the liquidator or receiver or statutory successor of an insolvent ceding insurer shall give written notice of the pendency of a claim against the insolvent ceding insurer on the policy or bond reinsured within a reasonable time after such claim is filed in the insolvency proceeding and that during the pendency of such claim any assuming insurer may investigate such claim and interpose, at its own expense, in the proceeding where such claim is to be adjudicated, any defense or defenses which it may deem available to the ceding insurer or its liquidator or receiver or statutory successor.

The expense thus incurred by the assuming insurer shall be chargeable subject to court approval against the insolvent ceding insurer as a part of the expense of liquidation to the extent of a proportionate share of the benefit which may accrue to the ceding insurer solely as a result of the defense undertaken by the assuming insurer.

(4) Where two or more assuming insurers are involved in the same claim and a majority in interest elect to interpose to such claim, the expense shall be apportioned in accordance with the terms of the reinsurance agreement as though such expense had been incurred by the ceding insurer.

**NEW SECTION. Sec. 2.** The insurance commissioner shall adopt rules to implement and administer the amendatory changes made by section 1 of this act.

**NEW SECTION. Sec. 3.** (1) The insurance commissioner shall conduct a study to determine what rules or requirements are necessary to ensure the safety, soundness, and regulatory oversight of the practice set forth in section 1(1)(b) of this act.

(2) There is appropriated from the insurance commissioner's regulatory account, over and above the appropriation for the insurance commissioner for the fiscal year ending June 30, 1997, the sum of ten thousand dollars, or as much thereof as may be necessary, for the insurance commissioner to conduct the study in subsection (1) of this section.

**NEW SECTION. Sec. 4.** (1) Sections 2 and 3 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

(2) Section 1 of this act shall take effect January 1, 1997."

On page 1, line 1 of the title, after "risks;" strike the remainder of the title and insert "amending RCW 48.12.160; creating new sections; making an appropriation; providing an effective date; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by: Senators Prentice, Hale, Fraser; Representatives L. Thomas, Smith and Wolfe.

#### MOTION

Senator Prentice moved that the Senate adopt the Conference Committee Report on House Bill No. 2490.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Prentice that the Senate adopt the Conference Committee Report on House Bill No. 2490.

The motion by Senator Prentice carried and the Conference Committee Report on House Bill No. 2490 was adopted.

#### MOTION

On motion of Senator Hale, Senator Deccio was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2490, as recommended by the Conference Committee.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2490, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Excused: Senators Deccio and Rinehart - 2.

HOUSE BILL NO. 2490, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Moyer, Gubernatorial Appointment No. 9241, Maurice McGrath, as a member of the Spokane Joint Center for Higher Education, was confirmed.

#### MOTION

On motion of Senator Wood, Senator Schow was excused.

#### APPOINTMENT OF MAURICE McGRATH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Roach, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46.

Absent: Senator Pelz - 1.

Excused: Senators Rinehart and Schow - 2.

#### MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9248, William F. Dewey, as a member of the Puget Sound Water Quality Authority, was confirmed.

#### POINT OF INQUIRY

Senator Wood: "I have a point of inquiry. Why are we confirming a gentlemen to the Puget Sound Water Quality Authority when we just passed a bill that eliminated it and started another group?"

Senator Fraser: "To respond to what I think is a very legitimate question, in the bill that we passed earlier this evening, which I understand has now passed the House, we will be eliminating the Water Quality Authority, as a separate agency and there will be a successor agency. I think the purpose in doing this confirmation is to show our confidence and support and the Water Quality Authority will continue to exist for a few months longer."

#### APPOINTMENT OF WILLIAM F. DEWEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 6; Absent, 2; Excused, 2.  
Voting yea: Senators Bauer, Deccio, Drew, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 39.  
Voting nay: Senators Anderson, A., Cantu, Johnson, Morton, Roach and Wood - 6.  
Absent: Senators Finkbeiner and Pelz - 2.  
Excused: Senators Rinehart and Schow - 2.

#### MOTION

On motion of Senator Drew, Gubernatorial Appointment No. 9257, Dr. Martin Kaatz, as a member of the Forest Practices Appeals Board, was confirmed.

#### APPOINTMENT OF DR. MARTIN KAATZ

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.  
Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45.  
Absent: Senators Kohl, Pelz and Strannigan - 3.  
Excused: Senator Rinehart - 1.

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

#### MOTION

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

#### SENATE RESOLUTION 1996-8711

By Senator Sellar

WHEREAS, The Knights, the Wenatchee Valley College Mens' Basketball Team, won the championship game of the Northwest Athletic Association of Community Colleges on March 2, 1996; and  
WHEREAS, The Knights defeated Clark College in a resounding 79-63 victory in the final game of the tournament; and  
WHEREAS, Wenatchee Valley College Freshman Justin Brager was named the Tournament's Most Valuable Player; and  
WHEREAS, Teammates Ladd Preppernau and Brent Darnell also received All-Tournament honors; and  
WHEREAS, The Knights' head coach Greg Franz was selected as Conference Coach of the Year; and  
WHEREAS, During the three days of the Tournament several players scored in the double digits, including Justin Brager, Brent Darnell, Kailana Knell, Jason Peterson, Ladd Preppernau, and Erik Vance; and  
WHEREAS, This championship is the first for the Knights since 1980;  
NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and congratulate the long, hard work, blood, sweat, and tears that all the players, coaches, and staff of the Knights' Mens' Basketball Team of the Wenatchee Valley College have devoted to making themselves not only great Champions but a proud reminder to us all that we can achieve anything we desire if we continuously strive to be the best.

#### MOTION

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

#### SENATE RESOLUTION 1996-8715

By Senators Spanel and Haugen

WHEREAS, The beautiful Skagit Valley is the tulip capital of the Northwest; and  
WHEREAS, Every April the tulips are in bloom, celebrating the beginning of spring; and  
WHEREAS, The Skagit Valley begins the festival season in Washington State with the Skagit Valley Tulip Festival; and  
WHEREAS, This year's thirteenth annual event will run from March 29 through April 14, focusing on the communities of Sedro-Woolley, Burlington, Anacortes, La Conner, and Mount Vernon; and  
WHEREAS, Nearly half a million people visited the Skagit Valley Tulip Festival last year, participating in the joy and excitement of this annual event and contributing to the economy of the Skagit Valley; and

WHEREAS, This year's visitors will be overwhelmed by more than one thousand five hundred acres of tulips reflecting all the colors of the rainbow and by the fullness of life in the valley and its wonderful people; and

WHEREAS, Highlights of the event include the Mount Vernon Street Fair, a 10K Tour de Fleur, a Volkswagen, a 10K Slug Run, an Easter Egg Hunt, and Sea Kayak Rides;

NOW, THEREFORE, BE IT RESOLVED, That the Senate salute the five communities of the Skagit Valley and their Chambers of Commerce for their Skagit Valley Tulip Festival; and

BE IT FURTHER RESOLVED, That the Senate commend the community leaders and corporate sponsors responsible for the success of this important event and encourage citizens from across Washington State to take the time to enjoy this spectacular display; and

BE IT FURTHER RESOLVED, That the Senate issue this resolution in recognition of the Skagit Valley Tulip Festival, March 29 through April 14, 1996.

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

#### MOTION

On motion of Senator Spanel, Senate Bill No. 6778 and Senate Concurrent Resolution No. 8426, which were on the second reading calendar, were returned to the Committee on Rules.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2590, by House Committee on Finance (originally sponsored by Representatives Van Luven, Dickerson and B. Thomas) (by request of Department of Revenue)

Implementing excise tax changes needed as a result of Jefferson Lines v. Oklahoma.

The bill was read the second time.

#### MOTIONS

Senator Snyder moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.04.050 and 1995 1st sp.s. c 12 s 2 are each amended to read as follows:

(1) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who presents a resale certificate under RCW 82.04.470 and who:

(a) Purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person; or

(b) Installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person; or

(c) Purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale; or

(d) Purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon; or

(e) Purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), (c), (d), or (e) of this subsection following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280 (2) and (7) and 82.04.290.

(2) The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following:

(a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding sales of laundry service to members by nonprofit associations composed exclusively of nonprofit hospitals, and excluding services rendered in respect to live animals, birds and insects;

(b) The constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture;

(c) The charge for labor and services rendered in respect to constructing, repairing, or improving any structure upon, above, or under any real property owned by an owner who conveys the property by title, possession, or any other means to the person performing such construction, repair, or improvement for the purpose of performing such construction, repair, or improvement and the property is then reconveyed by title, possession, or any other means to the original owner;

(d) The sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting;

(e) The sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW;

(f) The sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same;

(g) The sale of or charge made for tangible personal property, labor and services to persons taxable under (a), (b), (c), (d), (e), and (f) of this subsection when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this subsection shall be construed to modify subsection (1) of this section and nothing contained in subsection (1) of this section shall be construed to modify this subsection.

(3) The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal, business, or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities:

(a) Amusement and recreation services including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows, day trips for sightseeing purposes, and others, when provided to consumers;

(b) Abstract, title insurance, and escrow services;

(c) Credit bureau services;

(d) Automobile parking and storage garage services;

(e) Landscape maintenance and horticultural services but excluding (i) horticultural services provided to farmers and (ii) pruning, trimming, repairing, removing, and clearing of trees and brush near electric transmission or distribution lines or equipment, if performed by or at the direction of an electric utility;

(f) Service charges associated with tickets to professional sporting events; and

(g) ~~((Guided tours and guided charters; and~~

~~(h))~~ The following personal services: Physical fitness services, tanning salon services, tattoo parlor services, steam bath services, turkish bath services, escort services, and dating services.

(4) The term shall also include the renting or leasing of tangible personal property to consumers and the rental of equipment with an operator.

(5) The term shall also include the providing of telephone service, as defined in RCW 82.04.065, to consumers.

(6) The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind.

(7) The term shall also not include sales of feed, seed, seedlings, fertilizer, agents for enhanced pollination including insects such as bees, and spray materials to persons who participate in the federal conservation reserve program or its successor administered by the United States department of agriculture, or to farmers for the purpose of producing for sale any agricultural product, nor shall it include sales of chemical sprays or washes to persons for the purpose of post-harvest treatment of fruit for the prevention of scald, fungus, mold, or decay.

(8) The term shall not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor shall the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority.

NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW to read as follows:

For the purposes of this chapter, unless the context requires otherwise, "travel agent" has the same meaning as a "seller of travel" in RCW 19.138.021.

Sec. 3. RCW 82.04.060 and 1983 2nd ex. s. c 3 s 26 are each amended to read as follows:

"Sale at wholesale" or "wholesale sale" means any sale of tangible personal property, any sale of amusement or recreation services as defined in RCW 82.04.050(3)(a), or any sale of telephone service as defined in RCW 82.04.065, which is not a sale at retail and means any charge made for labor and services rendered for persons who are not consumers, in respect to real or personal property, if such charge is expressly defined as a retail sale by RCW 82.04.050 when rendered to or for consumers: PROVIDED, That the term "real or personal property" as used in this section shall not include any natural products named in RCW 82.04.100.

Sec. 4. RCW 82.04.190 and 1995 1st sp.s. c 3 s 4 are each amended to read as follows:

"Consumer" means the following:

(1) Any person who purchases, acquires, owns, holds, or uses any article of tangible personal property irrespective of the nature of the person's business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than for the purpose (a) of resale as tangible personal property in the regular course of business or (b) of incorporating such property as an ingredient or component of real or personal property when installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating such real or personal property of or for consumers or (c) of consuming such property in producing for sale a new article of tangible personal property or a new substance, of which such property becomes an ingredient or component or as a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale or (d) purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon;

(2)(a) Any person engaged in any business activity taxable under RCW 82.04.290 ~~((and));~~ (b) any person who purchases, acquires, or uses any telephone service as defined in RCW 82.04.065, other than for resale in the regular course of business; and (c) any person who purchases, acquires, or uses any amusement and recreation service defined in RCW 82.04.050(3)(a), other than for resale in the regular course of business;

(3) Any person engaged in the business of contracting for the building, repairing or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state of Washington or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind as defined in RCW 82.04.280, in respect to tangible personal property when such person incorporates such property as an ingredient or component of such publicly owned street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle by installing, placing or spreading the property in or upon the right of way of such street, place, road, highway, easement, bridge, tunnel, or trestle or in or upon the site of such mass public transportation terminal or parking facility;

(4) Any person who is an owner, lessee or has the right of possession to or an easement in real property which is being constructed, repaired, decorated, improved, or otherwise altered by a person engaged in business, excluding only (a) municipal corporations or political subdivisions of the state in respect to labor and services rendered to their real property which is used or held for public road purposes, and (b) the United States, instrumentalities thereof, and county and city housing authorities created pursuant to chapter 35.82 RCW

in respect to labor and services rendered to their real property. Nothing contained in this or any other subsection of this definition shall be construed to modify any other definition of "consumer";

(5) Any person who is an owner, lessee, or has the right of possession to personal property which is being constructed, repaired, improved, cleaned, imprinted, or otherwise altered by a person engaged in business;

(6) Any person engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation; also, any person engaged in the business of clearing land and moving earth of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW. Any such person shall be a consumer within the meaning of this subsection in respect to tangible personal property incorporated into, installed in, or attached to such building or other structure by such person; and

(7) Any person who is a lessor of machinery and equipment, the rental of which is exempt from the tax imposed by RCW 82.08.020 under RCW 82.08.02565, with respect to the sale of or charge made for tangible personal property consumed and for labor and services rendered in respect to repairing the machinery and equipment.

Nothing contained in this or any other subsection of this definition shall be construed to modify any other definition of "consumer."

**Sec. 5.** RCW 82.12.020 and 1994 c 93 s 2 are each amended to read as follows:

(1) There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any article of tangible personal property purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280 (2) or (7), or any amusement or recreation service defined as a retail sale in RCW 82.04.050(3)(a).

(2) This tax shall apply to the use of every service defined as a retail sale in RCW 82.04.050(3)(a) and the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state.

(3) Except as provided in RCW 82.12.0252, payment by one purchaser or user of tangible personal property or service of the tax imposed by chapter 82.08 or 82.12 RCW shall not have the effect of exempting any other purchaser or user of the same property or service from the taxes imposed by such chapters.

(4) The tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate in effect for the retail sales tax under RCW 82.08.020.

**Sec. 6.** RCW 82.12.035 and 1987 c 27 s 2 are each amended to read as follows:

A credit shall be allowed against the taxes imposed by this chapter upon the use of tangible personal property, or services taxable under RCW 82.04.050(3)(a), in the state of Washington in the amount that the present user thereof or his or her bailor or donor has paid a retail sales or use tax with respect to such property to any other state of the United States, any political subdivision thereof, the District of Columbia, and any foreign country or political subdivision thereof, prior to the use of such property in Washington.

**NEW SECTION. Sec. 7.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 8.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect April 1, 1996."

On motion of Senator Snyder, the following amendment by Senators Rinehart and Snyder to the Committee on Ways and Means striking amendment was adopted:

On page 5 of the amendment, after line 4, strike all of section 2 and insert the following:

**"Sec. 2.** RCW 82.04.260 and 1995 2nd sp.s. c 12 s 1 and 1995 2nd sp.s. c 6 s 1 are each reenacted and amended to read as follows:

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, dry beans, lentils, triticale, canola, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of 0.011 percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola byproducts, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, oil, canola meal, or canola byproduct manufactured, multiplied by the rate of 0.138 percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of 0.275 percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of 0.138 percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of 0.33 percent.

(6) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(7) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(8) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of 0.275 percent.

(9) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of 0.275 percent.

(10) Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(11) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.363 percent.

(12) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business

shall be equal to the gross proceeds derived from such activities multiplied by the rate of 0.363 percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(13) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(14) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of 0.55 percent.

(15) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter. The moneys collected under this subsection shall be deposited in the health services account created under RCW 43.72.900."

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Substitute House Bill No. 2590.

The Committee on Ways and Means striking amendment, as amended, to Substitute House Bill No. 2590 was adopted.

#### MOTIONS

On motion of Senator Snyder, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "Oklahoma;" strike the remainder of the title and insert "amending RCW 82.04.050, 82.04.060, 82.04.190, 82.12.020, and 82.12.035; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency."

On page 9, line 6 of the title amendment, strike "adding a new section to chapter 82.04 RCW;" and insert "reenacting and amending RCW 82.04.260;"

On motion of Senator Snyder, the rules were suspended, Substitute House Bill No. 2590, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2590, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2590, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2590, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2484, by Representatives Van Luven, Sheldon, Radcliff, Hatfield, Sherstad, D. Schmidt, Cooke, Conway, Goldsmith, Silver, Kessler and Johnson

Allowing sales and use tax exemptions for manufacturing machinery and equipment used for maintenance, improvement, and research and development.

The bill was read the second time.

#### MOTIONS

On motion of Senator Rinehart, the following Committee on Ways and Means striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that the health, safety, and welfare of the people of the state of Washington are heavily dependent upon the continued encouragement, development, and expansion of opportunities for family wage employment in the state's manufacturing industries.

The legislature also finds that sales and use tax exemptions for manufacturing machinery and equipment enacted by the 1995 legislature have improved Washington's ability to compete with other states for manufacturing investment, but that additional incentives for manufacturers need to be adopted to solidify and enhance the state's competitive position.

The legislature intends to accomplish this by extending the current manufacturing machinery and equipment exemptions to include machinery and equipment used for research and development with potential manufacturing applications.

**Sec. 2.** RCW 82.08.02565 and 1995 1st sp.s. c 3 s 2 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales to a manufacturer or processor for hire of machinery and equipment used directly in a manufacturing operation or research and development operation, or to sales of or charges made for labor and services rendered in respect to installing the machinery and equipment, but only when the purchaser provides the seller with an exemption certificate in a form and manner prescribed by the department by rule, and the purchaser provides the department with a duplicate of the certificate or a summary of exempt sales as the department may require. The seller shall retain a copy of the certificate for the seller's files.

(2) For purposes of this section and RCW 82.12.02565:

(a) "Machinery and equipment" means industrial fixtures, devices, and support facilities. "Machinery and equipment" includes pollution control equipment installed and used in a manufacturing operation or research and development operation to prevent air pollution, water pollution, or contamination that might otherwise result from the manufacturing operation or research and development operation.

(b) "Machinery and equipment" does not include:

(i) Hand tools;  
(ii) Property with a useful life of less than one year;  
(iii) Repair parts required to restore machinery and equipment to normal working order;  
(iv) Replacement parts that do not increase productivity, improve efficiency, or extend the useful life of the machinery and equipment; ~~((v))~~

(v) Buildings, other than machinery and equipment that is permanently affixed to or becomes a physical part of a building; and  
(vi) Building fixtures that are not integral to the manufacturing operation or research and development operation that are permanently affixed to and become a physical part of a building, such as utility systems for heating, ventilation, air conditioning, communications, plumbing, or electrical.

(c) Machinery and equipment is "used directly" in a manufacturing operation or research and development operation if the machinery and equipment:

(i) Acts upon or interacts with an item of tangible personal property;  
(ii) Conveys, transports, handles, or temporarily stores an item of tangible personal property at the manufacturing site;  
(iii) Controls, guides, measures, verifies, aligns, regulates, or tests tangible personal property;  
(iv) Provides physical support for or access to tangible personal property;  
(v) Produces power for, or lubricates machinery and equipment;  
(vi) Produces another item of tangible personal property for use in the manufacturing operation or research and development operation; ~~((vii))~~  
(vii) Places tangible personal property in the container, package, or wrapping in which the tangible personal property is normally sold or transported; or  
(viii) Is integral to research and development as defined in RCW 82.63.010.

(d) "Manufacturing operation" means the manufacturing of articles, substances, or commodities for sale as tangible personal property. The manufacturing operation begins at the point where the raw materials enter the manufacturing site and ends at the point where the finished product leaves the manufacturing site. The term also includes that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part. The term does not include ~~((research and development))~~ the production of electricity by a light and power business as defined in RCW 82.16.010~~((v))~~ or the preparation of food products on the premises of a person selling food products at retail.

(e) "Cogeneration" means the simultaneous generation of electrical energy and low-grade heat from the same fuel.

(f) "Research and development operation" means engaging in research and development as defined in RCW 82.63.010 by a manufacturer or processor for hire.

**Sec. 3.** RCW 82.12.02565 and 1995 1st sp.s. c 3 s 3 are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use by a manufacturer or processor for hire of machinery and equipment used directly in a manufacturing operation or research and development operation, but only when the user provides the department with:

(1) An exemption certificate in a form and manner prescribed by the department within sixty days of the first use of the machinery and equipment in this state; or

(2) An annual summary listing the machinery and equipment by January 31 of the year following the calendar year in which the machinery and equipment is first used in this state.

**NEW SECTION. Sec. 4.** A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales of materials used in designing and developing aircraft parts, auxiliary equipment, and aircraft modification whether from enterprise funds or on a contract or fee basis for a taxpayer with gross sales of less than twenty million dollars per year. This exemption may not exceed one hundred thousand dollars for a taxpayer in a year.

**NEW SECTION. Sec. 5.** A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply with respect to the use of materials used in designing and developing aircraft parts, auxiliary equipment, and aircraft modification whether from enterprise funds or on a contract or fee basis for a taxpayer with gross sales of less than twenty million dollars per year. This exemption may not exceed one hundred thousand dollars for a taxpayer in a year.

**NEW SECTION. Sec. 6.** (1) Sections 4 and 5 of this act take effect July 1, 1996.

(2) Sections 1 through 3 of this act take effect July 1, 1997."

On motion of Senator Rinehart, the following title amendment was adopted:

On page 1, line 2 of the title, after "equipment;" strike the remainder of the title and insert "amending RCW 82.08.02565 and 82.12.02565; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing effective dates."

#### MOTION

On motion of Senator Rinehart, the rules were suspended, House Bill No. 2484, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2484, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2484, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen,

Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Voting nay: Senator Fairley - 1.

HOUSE BILL NO. 2484, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 10:23 p.m., on motion of Senator Spanel, the Senate was declared to be at ease.

The Senate was called to order at 11:25 p.m. by President Pritchard.

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

#### MESSAGES FROM THE HOUSE

March 7, 1996

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8435, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 7, 1996

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 2119,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2214,  
HOUSE BILL NO. 2341,  
SUBSTITUTE HOUSE BILL NO. 2386,  
SUBSTITUTE HOUSE BILL NO. 2447,  
SUBSTITUTE HOUSE BILL NO. 2533,  
HOUSE BILL NO. 2567,  
HOUSE BILL NO. 2593,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2695,  
HOUSE BILL NO. 2716,  
SUBSTITUTE HOUSE BILL NO. 2778,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2828,  
SECOND SUBSTITUTE HOUSE BILL NO. 2856,  
HOUSE BILL NO. 2861,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2875,  
HOUSE CONCURRENT RESOLUTION NO. 4423,  
HOUSE CONCURRENT RESOLUTION NO. 4424, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 2119,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2214,  
HOUSE BILL NO. 2341,  
SUBSTITUTE HOUSE BILL NO. 2386,  
SUBSTITUTE HOUSE BILL NO. 2447,  
SUBSTITUTE HOUSE BILL NO. 2533,  
HOUSE BILL NO. 2567,  
HOUSE BILL NO. 2593,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2695,  
HOUSE BILL NO. 2716,  
SUBSTITUTE HOUSE BILL NO. 2778,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2828,  
SECOND SUBSTITUTE HOUSE BILL NO. 2856,  
HOUSE BILL NO. 2861,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2875,  
HOUSE CONCURRENT RESOLUTION NO. 4423,  
HOUSE CONCURRENT RESOLUTION NO. 4424.

#### SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE SENATE BILL NO. 5258,  
SENATE BILL NO. 6174,  
SENATE BILL NO. 6247,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6257,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6285,  
SUBSTITUTE SENATE BILL NO. 6430,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6666,  
SUBSTITUTE SENATE BILL NO. 6767,  
ENGROSSED SENATE BILL NO. 6776.

#### SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 6401,  
SENATE BILL NO. 6511,  
SENATE BILL NO. 6526,  
SUBSTITUTE SENATE BILL NO. 6637,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6705,  
SENATE CONCURRENT RESOLUTION NO. 8435.

MESSAGE FROM THE HOUSE

March 7, 1996

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6111 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** (1) The legislature finds that:

(a) The state enhanced 911 excise tax imposed at the current rate of twenty cents per switched access line per month generates adequate tax revenues to enhance the 911 telephone system for switched access lines state-wide by December 31, 1998, as mandated in RCW 38.52.510;

(b) The tax revenues generated from the state enhanced 911 excise tax when the tax rate decreases to a maximum of ten cents per switched access line on January 1, 1999, will not be adequate to fund the long-term operation and equipment replacement costs for the enhanced 911 telephone systems in the counties that receive financial assistance from the state enhanced 911 office;

(c) Some counties will need financial assistance from the state enhanced 911 office to implement and maintain enhanced 911 for radio access lines because the tax revenue generated from the county enhanced 911 excise tax on radio access lines is not adequate;

(d) Some counties currently incur costs due to enhanced 911 calls from radio access lines that are not eligible for funding under chapter 365-300 WAC;

(e) The tax revenues generated when the state enhanced 911 excise tax rate drops to a maximum of ten cents per switched access line on January 1, 1999, will not be adequate to implement and maintain enhanced 911 for radio access lines in counties that require financial assistance from the state;

(f) The state does not impose the state enhanced 911 excise tax on radio access lines;

(g) Counties should not request state financial assistance for implementation and maintenance of enhanced 911 for switched access lines or radio access lines unless the county has imposed the maximum enhanced 911 tax authorized in RCW 82.14B.030; and

(h) Counties that provide 911 service through intergovernmental agencies may not be eligible for county or city risk pools and must purchase insurance on an individual basis. Insurance costs are increasing for these counties. Insurance costs could be reduced if county 911 centers were granted immunity from civil liability except for an act or omission constituting gross negligence or wanton or willful misconduct.

(2) The intent of this act is to acknowledge the recommendations contained in the report the legislature dated July 1, 1995, entitled "Enhanced 911 Excise Taxes" to insure long-term funding of the enhanced 911 emergency telephone systems.

**Sec. 2.** RCW 82.14B.030 and 1994 c 96 s 3 are each amended to read as follows:

(1) The legislative authority of a county may impose a county enhanced 911 excise tax on the use of switched access lines in an amount not exceeding fifty cents per month for each switched access line. The amount of tax shall be uniform for each switched access line. Each county shall provide notice of such tax to all local exchange companies serving in the county at least sixty days in advance of the date on which the first payment is due.

(2) The legislative authority of a county may also impose a county 911 excise tax on the use of radio access lines located within the county in an amount not exceeding twenty-five cents per month for each radio access line. The amount of tax shall be uniform for each radio access line. The county shall provide notice of such tax to all radio communications service companies serving in the county at least sixty days in advance of the date on which the first payment is due. Any county imposing this tax shall include in its ordinance a refund mechanism whereby the amount of any tax ordered to be refunded by the judgment of a court of record, or as a result of the resolution of any appeal therefrom, shall be refunded to the radio communications service company or local exchange company that collected the tax, and those companies shall reimburse the users who paid the tax. The ordinance shall further provide that to the extent the users who paid the tax cannot be identified or located, the tax paid by those users shall be returned to the county.

(3) ~~(Beginning January 1, 1992,) A~~ state enhanced 911 excise tax is imposed on the use of all switched access lines and all radio access lines in the state. ~~(For 1992, the tax shall be set at a rate of twenty cents per month for each switched access line. Until December 31, 1998,) The amount of tax shall not exceed twenty cents per month for each switched access line ((and thereafter shall not exceed ten cents per month for each switched access line)) or radio access line.~~ The tax shall be uniform for each switched access line or radio access line. The tax imposed under this subsection shall be remitted to the state treasurer by local exchange companies and radio communications service companies on a tax return provided by the military department within thirty days after the end of the month in which the tax was collected. A local exchange company that serves less than two percent of the access lines in the state of Washington may remit the tax to the state treasurer thirty days after the last day of the calendar quarter in which the tax was due to the local exchange company. Tax proceeds shall be deposited by the treasurer in the enhanced 911 account created in RCW 38.52.540.

(4) By August 31st of each year the state enhanced 911 coordinator shall recommend the level for the next year of the state enhanced 911 excise tax, based on a systematic cost and revenue analysis, to the utilities and transportation commission. The commission shall by the following October 31st determine the level of the state enhanced 911 excise tax on switched access lines for the following year. The state enhanced 911 excise tax rate on radio access lines shall be the same as the state enhanced 911 excise tax rate on switched access lines.

**Sec. 3.** RCW 38.52.540 and 1994 c 96 s 7 are each amended to read as follows:

The enhanced 911 account is created in the state treasury. All receipts from the state enhanced 911 excise tax imposed by RCW 82.14B.030 shall be deposited into the account. Moneys in the account shall be used only to help implement and operate enhanced 911 state-wide ~~((, and to conduct a study of the tax base and rate for the 911 excise tax)).~~ All receipts from the state enhanced 911 excise tax on radio access lines imposed by RCW 82.14B.030 shall be used to fund planning and implementation of enhanced 911 for radio access lines, and to assist counties that need additional resources to cover unfunded costs that can be shown to result from handling 911 calls from radio access line callers, until automatic location identification is operational for radio access line subscribers in all the counties in Washington state. However, funds shall not be distributed to any county that has not imposed the maximum county enhanced 911 taxes allowed under RCW 82.14B.030 (1) and (2). The state enhanced 911 coordinator, with the advice and assistance of the enhanced 911 advisory committee, shall specify by rule the purposes for which moneys may be expended from this account.

**NEW SECTION. Sec. 4.** Sections 1 through 3 of this act shall take effect January 1, 1997.

**NEW SECTION. Sec. 5.** This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

On page 1, line 3 of the title, after "funding;" strike the remainder of the title and insert "amending RCW 82.14B.030 and 38.52.540; creating a new section; providing an effective date; and providing for submission of this act to a vote of the people.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Rinehart moved that the Senate refuse to concur in the House amendments to Substitute Senate Bill No. 6111 and asks the House to recede therefrom.

#### MOTION

Senator Strannigan moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 6111.

#### MOTION

Senator Spanel moved that further consideration of Substitute Senate Bill No. 6111 be deferred.  
Senator McDonald demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Spanel to defer further consideration of Substitute Senate Bill No. 6111.

#### ROLL CALL

The Secretary called the roll and the motion to defer further consideration of Substitute Senate Bill No. 6111 carried by the following vote: Yeas, 25; Nays, 22; Absent, 2; Excused, 0.

Voting yea: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau and Wojahn - 25.

Voting nay: Senators Anderson, A., Cantu, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prince, Roach, Schow, Sellar, Swecker, West, Winsley, Wood and Zarelli - 22.

Absent: Senators Deccio and Strannigan - 2.

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

#### SECOND READING

ENGROSSED HOUSE BILL NO. 2841, by Representatives Carrell, B. Thomas, Mulliken, Cooke, Hymes, Chandler, Foreman, Hargrove, McMorris, Lambert, Talcott, Mastin, Lisk, Johnson, Clements, Mitchell, Skinner, Sherstad, Koster, K. Schmidt, L. Thomas, Campbell, Smith, Goldsmith, Backlund, Elliot, Boldt, Thompson, McMahan, Dyer, Huff, Carlson, Robertson, Quall, Reams and Hicel

Limiting property tax increases additionally to the rate of inflation.

The bill was read the second time.

#### MOTIONS

Senator Rinehart moved that the following Committee on Ways and Means striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 84.55 RCW to read as follows:

- (1) The state property tax levy for collection in 1997 shall be reduced by 4.7187 percent of the full levy for that year.
- (2) In addition to the reduction under subsection (1) of this section, the state levy for collection in 1997 shall be reduced by 5.0 percent of the full levy for that year.
- (3) State levies for collection after 1997 shall be set at the amount that would be allowed otherwise under this chapter if the state levy for collection in 1997 had been set without the reduction under subsection (1) of this section, and levies collected before 1997 shall not be used as a base for calculating limits for state levies for collection after 1997.
- (4) As used in this section, "full levy" means the levy amount that would be allowed otherwise under this chapter without regard to this section.

**Sec. 2.** RCW 84.48.080 and 1995 2nd sp.s. c 13 s 3 are each amended to read as follows:

(1) Annually during the months of September and October, the department of revenue shall examine and compare the returns of the assessment of the property in the several counties of the state, and the assessment of the property of railroad and other companies assessed by the department, and proceed to equalize the same, so that each county in the state shall pay its due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the valuation of the property in each county bears to the total valuation of all property in the state.

First. The department shall classify all property, real and personal, and shall raise and lower the valuation of any class of property in any county to a value that shall be equal, so far as possible, to the true and fair value of such class as of January 1st of the current year for the purpose of ascertaining the just amount of tax due from each county for state purposes. In equalizing personal property as of January 1st of the current year, the department shall use the assessment level of the preceding year. Such classification may be on the basis of types of property, geographical areas, or both. For purposes of this section, for each county that has not provided the department with an assessment return by December 1st, the department shall proceed, using facts and information and in a manner it deems appropriate, to estimate the value of each class of property in the county.

Second. The department shall keep a full record of its proceedings and the same shall be published annually by the department.

(2) The department shall levy the state taxes authorized by law. The amount levied in any one year for general state purposes shall not exceed the lawful dollar rate on the dollar of the assessed value of the property of the entire state, which assessed value shall be one hundred percent of the true and fair value of such property in money. The department shall apportion the amount of tax for state purposes levied by the department, among the several counties, in proportion to the valuation of the taxable property of the county for the year as equalized by the department: PROVIDED, That for purposes of this apportionment, the department shall recompute the previous year's levy and the apportionment thereof to correct for changes and errors in taxable values reported to the department after October 1 of the preceding

year and shall adjust the apportioned amount of the current year's state levy for each county by the difference between the apportioned amounts established by the original and revised levy computations for the previous year. For purposes of this section, changes in taxable values mean a final adjustment made by a county board of equalization, the state board of tax appeals, or a court of competent jurisdiction and shall include additions of omitted property, other additions or deletions from the assessment or tax rolls, any assessment return provided by a county to the department subsequent to December 1st, or a change in the indicated ratio of a county. Errors in taxable values mean errors corrected by a final reviewing body.

In addition to computing a levy under this subsection that is reduced under ((RCW 84.55.012)) section 1 of this act, the department shall compute a hypothetical levy without regard to the reduction under ((RCW 84.55.012)) section 1(1) of this act. This hypothetical levy shall also be apportioned among the several counties in proportion to the valuation of the taxable property of the county for the year, as equalized by the department, in the same manner as the actual levy and shall be used by the county assessors for the purpose of recomputing and establishing a consolidated levy under RCW 84.52.010.

(3) The department shall have authority to adopt rules and regulations to enforce obedience to its orders in all matters in relation to the returns of county assessments, the equalization of values, and the apportionment of the state levy by the department.

(4) After the completion of the duties prescribed in this section, the director of the department shall certify the record of the proceedings of the department under this section, the tax levies made for state purposes and the apportionment thereof among the counties, and the certification shall be available for public inspection.

**Sec. 3.** RCW 84.52.010 and 1995 2nd sp.s. c 13 s 4 are each amended to read as follows:

Except as is permitted under RCW 84.55.050, all taxes shall be levied or voted in specific amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 84.52.069, 84.34.230, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, and 84.52.105, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies shall be reduced as follows: (a) The portion of the levy by a metropolitan park district that is protected under RCW 84.52.120 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; (b) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, shall be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; and (c) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(2) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, the consolidated property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, shall be reduced on a pro rata basis or eliminated;

(d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 shall be reduced on a pro rata basis or eliminated; and

(e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, library districts, metropolitan park districts under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, shall be reduced on a pro rata basis or eliminated.

In determining whether the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.050, exceeds the limitations provided in that section, the assessor shall use the hypothetical state levy, as apportioned to the county under RCW 84.48.080, that was computed under RCW 84.48.080 without regard to the reduction under ((RCW 84.55.012)) section 1(1) of this act."

Senator Cantu moved that the following amendment to the Committee on Ways and Means striking amendment be adopted:

On page 5, after line 22 of the amendment, insert the following:

"NEW SECTION. **Sec. 4.** This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Cantu on page 5, after line 22, to the Committee on Ways and Means striking amendment to Engrossed House Bill No. 2841.

#### ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Cantu, Deccio, Finkbeiner, Hale, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Prince, Roach, Schow, Sellar, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 24.

Voting nay: Senators Bauer, Drew, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, Rinehart, Sheldon, Smith, Snyder, Spanel, Sutherland, Thibaudeau and Wojahn - 25.

#### MOTION

Senator Bauer moved that the following amendment by Senators Bauer and Swecker to the Committee on Ways and Means striking amendment be adopted:

On page 5 of the amendment, after line 22, insert the following:

"Sec. 4. RCW 84.56.050 and 1991 c 245 s 17 are each amended to read as follows:

On receiving the tax rolls the treasurer shall post all real and personal property taxes from the rolls to the treasurer's tax roll, and shall carry forward to the current tax rolls a memorandum of all delinquent taxes on each and every description of property, and enter the same on the property upon which the taxes are delinquent showing the amounts for each year. The treasurer shall notify each taxpayer in the county, at the expense of the county, of the amount of the real and personal property, and the current and delinquent amount of tax due on the same; and the treasurer shall have printed on the notice the name of each tax and the levy made on the same. The state property tax shall be labeled "state collected property tax." The county treasurer shall be the sole collector of all delinquent taxes and all other taxes due and collectible on the tax rolls of the county: PROVIDED, That the term "taxpayer" as used in this section shall mean any person charged, or whose property is charged, with property tax; and the person to be notified is that person whose name appears on the tax roll herein mentioned: PROVIDED, FURTHER, That if no name so appears the person to be notified is that person shown by the treasurer's tax rolls or duplicate tax receipts of any preceding year as the payer of the tax last paid on the property in question."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Bauer and Swecker on page 5, after line 22, to the Committee on Ways and Means striking amendment to Engrossed House Bill No. 2841.

The motion by Senator Bauer carried and the amendment to the committee striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Engrossed House Bill No. 2841.

The Committee on Ways and Means striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Bauer, the following title amendments were considered simultaneously and adopted:

On page 1, line 1 of the title, after "taxes;" strike the remainder of the title and insert "amending RCW 84.48.080 and 84.52.010; and adding a new section to chapter 84.55 RCW."

On page 5, line 27 of the title amendment, strike "and 84.52.010" and insert "84.52.010, and 84.56.050"

On motion of Senator Bauer, the rules were suspended, Engrossed House Bill No. 2841, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2841, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2841, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wood and Zarelli - 45.

Voting nay: Senators Fairley, Pelz, Thibaudeau and Wojahn - 4.

ENGROSSED HOUSE BILL NO. 2841, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6775, by Senators Sutherland, Swecker, Haugen, Quigley, Wojahn, Goings, Spanel, Rasmussen, Fraser and Kohl

Providing property tax relief for destroyed property.

#### MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 6775 was substituted for Senate Bill No. 6775 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rinehart, the rules were suspended, Substitute Senate Bill No. 6775 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6775.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6775, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Owen,

Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Schow, Sellar, Sheldon, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6775, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Snyder, Substitute Senate Bill No. 6775 was immediately transmitted to the House of Representatives.

#### SECOND READING

SENATE JOINT RESOLUTION NO. 8220, by Senators Sutherland and Swecker

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

#### MOTIONS

On motion of Senator Rinehart, Substitute Senate Joint Resolution No. 8220 was substituted for Senate Joint Resolution No. 8220 and the substitute joint resolution was placed on second reading and read the second time.

On motion of Senator Swecker, the following amendment by Senators Swecker and Sutherland was adopted:  
On page 1, line 12, after "purposes." insert "No credit may result in increased property taxes on other taxpayers."

#### MOTION

On motion of Senator Swecker, the rules were suspended, Engrossed Substitute Senate Joint Resolution No. 8220 was advanced to third reading, the second reading considered the third and the joint resolution was placed on final passage.  
Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Joint Resolution No. 8220.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Joint Resolution No. 8220, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, A., Bauer, Cantu, Deccio, Drew, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kohl, Long, McCaslin, McDonald, Morton, Moyer, Newhouse, Oke, Pelz, Prentice, Quigley, Rasmussen, Roach, Schow, Sellar, Smith, Snyder, Spanel, Strannigan, Sutherland, Swecker, West, Winsley, Wood and Zarelli - 41.

Voting nay: Senators Loveland, McAuliffe, Owen, Prince, Rinehart, Sheldon, Thibaudeau and Wojahn - 8.

ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 8220, having received the constitutional majority, was declared passed.

#### MOTION

On motion of Senator Snyder, Engrossed Substitute Senate Joint Resolution No. 8220 was immediately transmitted to the House of Representatives.

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

#### MESSAGES FROM THE HOUSE

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2222 and passed the bill as amended by the Senate.

March 7, 1996

TIMOTHY A. MARTIN, Chief Clerk

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to HOUSE BILL NO. 2290 and passed the bill as amended by the Senate.

March 7, 1996

TIMOTHY A. MARTIN, Chief Clerk

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to HOUSE BILL NO. 2337 and passed the bill as amended by the Senate.

March 7, 1996

TIMOTHY A. MARTIN, Chief Clerk

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2708 and passed the bill as amended by the Senate.

March 7, 1996

MOTION

At 12:05 p.m., on motion of Senator Snyder, the Senate was declared to be at ease.

The Senate was called to order at 12:22 p.m. by President Pritchard.  
There being no objection, the President advanced the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING

SCR 8434 by Senators Snyder and McDonald

Adjourning the 1996 session of the fifty-fourth Legislature SINE DIE.

MOTIONS

On motion of Senator Spanel, the rules were suspended, Senate Concurrent Resolution No. 8434 was advanced to second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, Senate Concurrent Resolution No. 8434 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

SENATE CONCURRENT RESOLUTION NO. 8434 was adopted by voice vote.

MOTION

On motion of Senator Spanel, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1996-8718

By Senators Snyder and McDonald

WHEREAS, The 1996 Regular Session of the Fifty-fourth Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the 1996 Regular Session of the Fifty-fourth Legislature and the convening of the next regular session;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Facilities and Operations Committee shall have full authority and direction over the authorization and execution of any personal services contracts or subcontracts that necessitate the expenditure of Senate appropriations; and

BE IT FURTHER RESOLVED, That the Senate Facilities and Operations Committee may, as they deem appropriate, authorize out-of-state travel for which members and staff may receive therefor their actual necessary expenses, and such per diem as may be authorized by law, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Senate Facilities and Operations Committee be, and they hereby are, authorized to retain such employees as they may deem necessary and that said employees be allowed such rate of pay therefor as the Secretary of the Senate and the Senate Facilities and Operations Committee shall deem proper; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he hereby is, authorized and directed to make out and execute the necessary vouchers upon which warrants for legislative expenses and expenditures shall be drawn from funds provided therefor; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Facilities and Operations Committee be, and they hereby are, authorized to approve written requests by standing committees to meet during the interim period; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to have printed a copy of the Senate Journals of the 1996 Regular Session of the Fifty-fourth Legislature; and

BE IT FURTHER RESOLVED, That the President Pro Tempore of the Senate, the Vice-President Pro Tempore of the Senate, the Senate Majority and Minority Leadership, are each authorized to attend the annual meetings of the National Conference of State Legislatures and the Council of State Governments, and to receive therefor their actual necessary expenses, and such per diem as may be authorized by law, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Rules Committee is authorized to assign subject matters to standing committees for study during the interims, and the Majority Leader is authorized to create special committees as may be necessary to carry out the functions of the Senate in an orderly manner and appoint members thereto with the approval of the Facilities and Operations Committee; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized to express the sympathy of the Senate by sending flowers or memorials in the event of a bereavement in a legislator's family; and

BE IT FURTHER RESOLVED, That such use of the Senate facilities is permitted upon such terms as the Secretary of the Senate shall deem proper.

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

MESSAGES FROM THE HOUSE

March 7, 1996

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following House Bills and passed the bills as amended by the Senate:  
SECOND SUBSTITUTE HOUSE BILL NO. 2031,  
SUBSTITUTE HOUSE BILL NO. 2590.

TIMOTHY A. MARTIN, Chief Clerk

March 7, 1996

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to HOUSE BILL NO. 2484 and passed the bill as amended by the Senate.

TIMOTHY A. MARTIN, Chief Clerk

March 7, 1996

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on HOUSE BILL NO. 2490 and passed the bill as recommended by the Conference Committee.

TIMOTHY A. MARTIN, Chief Clerk

March 7, 1996

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6510, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 7, 1996

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6656, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 7, 1996

MR. PRESIDENT:

The Speaker has signed:  
HOUSE BILL NO. 2190,  
HOUSE BILL NO. 2290, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 2190,  
HOUSE BILL NO. 2290.

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE SENATE BILL NO. 6510,  
SUBSTITUTE SENATE BILL NO. 6656.

MESSAGE FROM THE HOUSE

March 7, 1996

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4425, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

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

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4425 by Representatives Foreman and Brown

Transmitting bills, resolutions, and memorials to house of origin prior to adjournment Sine Die.

#### MOTIONS

On motion of Senator Spanel, the rules were suspended, House Concurrent Resolution No. 4425 was advanced to second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, Senate Concurrent Resolution No. 4425 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

HOUSE CONCURRENT RESOLUTION NO. 4425 was adopted by voice vote.

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

MESSAGES FROM THE HOUSE

March 7, 1996

MR. PRESIDENT:

The Speaker has signed:  
SECOND SUBSTITUTE SENATE BILL NO. 5258,  
SENATE BILL NO. 6174,  
SENATE BILL NO. 6247,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6257,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6285,  
SENATE BILL NO. 6401,  
SUBSTITUTE SENATE BILL NO. 6430,  
SUBSTITUTE SENATE BILL NO. 6510,  
SENATE BILL NO. 6511,  
SENATE BILL NO. 6526,  
SUBSTITUTE SENATE BILL NO. 6637,  
SUBSTITUTE SENATE BILL NO. 6656,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6666,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6705,  
SUBSTITUTE SENATE BILL NO. 6767,  
ENGROSSED SENATE BILL NO. 6776,  
SENATE CONCURRENT RESOLUTION NO. 8435, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 7, 1996

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8434, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 7, 1996

MR. PRESIDENT:

The Speaker has signed:  
ENGROSSED HOUSE BILL NO. 2132,  
SUBSTITUTE HOUSE BILL NO. 2140,  
HOUSE BILL NO. 2365,  
ENGROSSED HOUSE BILL NO. 2472,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2537,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2832, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 7, 1996

MR. PRESIDENT:

The Speaker has signed:  
SECOND SUBSTITUTE HOUSE BILL NO. 2031,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2222,  
HOUSE BILL NO. 2337,  
HOUSE BILL NO. 2484,  
HOUSE BILL NO. 2490,  
SUBSTITUTE HOUSE BILL NO. 2590,  
SUBSTITUTE HOUSE BILL NO. 2708, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SENATE CONCURRENT RESOLUTION NO. 8434.

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED HOUSE BILL NO. 2132,  
SUBSTITUTE HOUSE BILL NO. 2140,  
HOUSE BILL NO. 2365,  
ENGROSSED HOUSE BILL NO. 2472,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2537,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2832.

SIGNED BY THE PRESIDENT

The President signed:  
SECOND SUBSTITUTE HOUSE BILL NO. 2031,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2222,  
HOUSE BILL NO. 2337,  
HOUSE BILL NO. 2484,  
HOUSE BILL NO. 2490,  
SUBSTITUTE HOUSE BILL NO. 2590,  
SUBSTITUTE HOUSE BILL NO. 2708.

RETURN OF HOUSE BILLS TO THE HOUSE OF REPRESENTATIVES

Under the provisions of House Concurrent Resolution No. 4425, the following bills were returned to the House of Representatives:

THIRD SUBSTITUTE HOUSE BILL NO. 1004,  
SECOND ENGROSSED HOUSE BILL NO. 1016,  
HOUSE BILL NO. 1019,  
ENGROSSED HOUSE BILL NO. 1023,  
SUBSTITUTE HOUSE BILL NO. 1032,  
HOUSE BILL NO. 1048,  
HOUSE BILL NO. 1049,  
HOUSE BILL NO. 1051,  
SUBSTITUTE HOUSE BILL NO. 1052,  
SECOND SUBSTITUTE HOUSE BILL NO. 1097,  
ENGROSSED HOUSE BILL NO. 1099,  
SUBSTITUTE HOUSE BILL NO. 1100,  
HOUSE BILL NO. 1104,  
SUBSTITUTE HOUSE BILL NO. 1133,  
HOUSE BILL NO. 1142,  
HOUSE BILL NO. 1151,  
ENGROSSED HOUSE BILL NO. 1155,  
HOUSE BILL NO. 1256,  
SUBSTITUTE HOUSE BILL NO. 1259,  
SUBSTITUTE HOUSE BILL NO. 1276,  
ENGROSSED HOUSE BILL NO. 1323,  
SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1330,  
SUBSTITUTE HOUSE BILL NO. 1337,  
HOUSE BILL NO. 1361,  
SUBSTITUTE HOUSE BILL NO. 1396,  
HOUSE BILL NO. 1412,  
HOUSE BILL NO. 1436,  
SUBSTITUTE HOUSE BILL NO. 1447,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1451,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1459,  
FOURTH SUBSTITUTE HOUSE BILL NO. 1481,  
SUBSTITUTE HOUSE BILL NO. 1484,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1491,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1508,  
SECOND SUBSTITUTE HOUSE BILL NO. 1514,  
SUBSTITUTE HOUSE BILL NO. 1548,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1555,  
HOUSE BILL NO. 1562,  
SUBSTITUTE HOUSE BILL NO. 1597,  
SUBSTITUTE HOUSE BILL NO. 1623,  
SECOND SUBSTITUTE HOUSE BILL NO. 1625,  
SUBSTITUTE HOUSE BILL NO. 1626,  
SUBSTITUTE HOUSE BILL NO. 1634,  
SUBSTITUTE HOUSE BILL NO. 1639,  
SECOND SUBSTITUTE HOUSE BILL NO. 1645,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1648,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1649,  
SUBSTITUTE HOUSE BILL NO. 1654,  
HOUSE BILL NO. 1667,  
HOUSE BILL NO. 1727,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1733,  
SECOND SUBSTITUTE HOUSE BILL NO. 1774,  
HOUSE BILL NO. 1792,  
SUBSTITUTE HOUSE BILL NO. 1813,  
SECOND ENGROSSED HOUSE BILL NO. 1835,  
SUBSTITUTE HOUSE BILL NO. 1857,  
SUBSTITUTE HOUSE BILL NO. 1862,  
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1877,  
SUBSTITUTE HOUSE BILL NO. 1905,  
SUBSTITUTE HOUSE BILL NO. 1911,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1921,  
SECOND SUBSTITUTE HOUSE BILL NO. 1938,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1957,  
SECOND SUBSTITUTE HOUSE BILL NO. 1989,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2004,  
HOUSE BILL NO. 2016,  
ENGROSSED HOUSE BILL NO. 2032,  
SUBSTITUTE HOUSE BILL NO. 2043,  
SUBSTITUTE HOUSE BILL NO. 2049,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2097,  
SUBSTITUTE HOUSE BILL NO. 2116,  
HOUSE BILL NO. 2117,  
SUBSTITUTE HOUSE BILL NO. 2118,  
SUBSTITUTE HOUSE BILL NO. 2130,  
SUBSTITUTE HOUSE BILL NO. 2135,  
SUBSTITUTE HOUSE BILL NO. 2138,  
HOUSE BILL NO. 2145,  
HOUSE BILL NO. 2153,

SUBSTITUTE HOUSE BILL NO. 2155,  
SUBSTITUTE HOUSE BILL NO. 2158,  
SUBSTITUTE HOUSE BILL NO. 2162,  
SUBSTITUTE HOUSE BILL NO. 2163,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2164,  
SUBSTITUTE HOUSE BILL NO. 2169,  
SUBSTITUTE HOUSE BILL NO. 2171,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2175,  
SUBSTITUTE HOUSE BILL NO. 2176,  
SUBSTITUTE HOUSE BILL NO. 2178,  
SECOND SUBSTITUTE HOUSE BILL NO. 2181,  
SECOND SUBSTITUTE HOUSE BILL NO. 2198,  
SECOND SUBSTITUTE HOUSE BILL NO. 2200,  
SUBSTITUTE HOUSE BILL NO. 2201,  
ENGROSSED HOUSE BILL NO. 2202,  
HOUSE BILL NO. 2203,  
HOUSE BILL NO. 2206,  
SUBSTITUTE HOUSE BILL NO. 2207,  
HOUSE BILL NO. 2212,  
SUBSTITUTE HOUSE BILL NO. 2215,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2216,  
SUBSTITUTE HOUSE BILL NO. 2218,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2219,  
SECOND SUBSTITUTE HOUSE BILL NO. 2220,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2221,  
SUBSTITUTE HOUSE BILL NO. 2223,  
SUBSTITUTE HOUSE BILL NO. 2224,  
SECOND SUBSTITUTE HOUSE BILL NO. 2225,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2226,  
SUBSTITUTE HOUSE BILL NO. 2236,  
SUBSTITUTE HOUSE BILL NO. 2239,  
SUBSTITUTE HOUSE BILL NO. 2240,  
SUBSTITUTE HOUSE BILL NO. 2248,  
SUBSTITUTE HOUSE BILL NO. 2253,  
SUBSTITUTE HOUSE BILL NO. 2255,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2261,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2262,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2264,  
SUBSTITUTE HOUSE BILL NO. 2266,  
SUBSTITUTE HOUSE BILL NO. 2274,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2279,  
HOUSE BILL NO. 2280,  
SUBSTITUTE HOUSE BILL NO. 2281,  
SUBSTITUTE HOUSE BILL NO. 2284,  
HOUSE BILL NO. 2285,  
SUBSTITUTE HOUSE BILL NO. 2288,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2289,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2302,  
SUBSTITUTE HOUSE BILL NO. 2303,  
SUBSTITUTE HOUSE BILL NO. 2316,  
SUBSTITUTE HOUSE BILL NO. 2318,  
SUBSTITUTE HOUSE BILL NO. 2326,  
HOUSE BILL NO. 2327,  
SECOND SUBSTITUTE HOUSE BILL NO. 2330,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2331,  
HOUSE BILL NO. 2336,  
SUBSTITUTE HOUSE BILL NO. 2342,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2345,  
HOUSE BILL NO. 2350,

HOUSE BILL NO. 2356,  
SECOND SUBSTITUTE HOUSE BILL NO. 2363,  
SUBSTITUTE HOUSE BILL NO. 2366,  
HOUSE BILL NO. 2367,  
HOUSE BILL NO. 2368,  
HOUSE BILL NO. 2370,  
SUBSTITUTE HOUSE BILL NO. 2372,  
SUBSTITUTE HOUSE BILL NO. 2374,  
HOUSE BILL NO. 2375,  
SUBSTITUTE HOUSE BILL NO. 2377,  
SUBSTITUTE HOUSE BILL NO. 2378,  
HOUSE BILL NO. 2387,  
HOUSE BILL NO. 2393,  
SUBSTITUTE HOUSE BILL NO. 2395,  
SUBSTITUTE HOUSE BILL NO. 2397,  
HOUSE BILL NO. 2398,  
HOUSE BILL NO. 2402,

SUBSTITUTE HOUSE BILL NO. 2403,  
SUBSTITUTE HOUSE BILL NO. 2416,  
HOUSE BILL NO. 2424,  
SUBSTITUTE HOUSE BILL NO. 2428,  
HOUSE BILL NO. 2432,  
ENGROSSED HOUSE BILL NO. 2433,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2436,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2442,  
SUBSTITUTE HOUSE BILL NO. 2448,  
SUBSTITUTE HOUSE BILL NO. 2449,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2462,  
HOUSE BILL NO. 2466,  
HOUSE BILL NO. 2474,  
SUBSTITUTE HOUSE BILL NO. 2476,  
HOUSE BILL NO. 2501,  
SUBSTITUTE HOUSE BILL NO. 2504,  
SUBSTITUTE HOUSE BILL NO. 2505,  
ENGROSSED HOUSE BILL NO. 2507,  
ENGROSSED HOUSE BILL NO. 2510,  
HOUSE BILL NO. 2511,  
SUBSTITUTE HOUSE BILL NO. 2516,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2529,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2534,  
SUBSTITUTE HOUSE BILL NO. 2543,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2548,  
SUBSTITUTE HOUSE BILL NO. 2556,  
SUBSTITUTE HOUSE BILL NO. 2557,  
HOUSE BILL NO. 2558,  
SUBSTITUTE HOUSE BILL NO. 2565,  
HOUSE BILL NO. 2566,  
SUBSTITUTE HOUSE BILL NO. 2578,  
HOUSE BILL NO. 2585,  
HOUSE BILL NO. 2594,  
SUBSTITUTE HOUSE BILL NO. 2607,  
HOUSE BILL NO. 2611,  
SUBSTITUTE HOUSE BILL NO. 2615,  
SUBSTITUTE HOUSE BILL NO. 2616,  
HOUSE BILL NO. 2621,  
HOUSE BILL NO. 2625,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2627,  
HOUSE BILL NO. 2635,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2644,  
HOUSE BILL NO. 2646,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2654,  
SUBSTITUTE HOUSE BILL NO. 2658,  
HOUSE BILL NO. 2665,  
HOUSE BILL NO. 2668,  
SUBSTITUTE HOUSE BILL NO. 2669,  
HOUSE BILL NO. 2683,  
SUBSTITUTE HOUSE BILL NO. 2684,  
SUBSTITUTE HOUSE BILL NO. 2693,  
SUBSTITUTE HOUSE BILL NO. 2701,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2707,  
HOUSE BILL NO. 2710,  
SUBSTITUTE HOUSE BILL NO. 2711,  
SUBSTITUTE HOUSE BILL NO. 2721,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2723,  
HOUSE BILL NO. 2734,  
HOUSE BILL NO. 2736,  
SUBSTITUTE HOUSE BILL NO. 2739,  
SUBSTITUTE HOUSE BILL NO. 2743,  
SUBSTITUTE HOUSE BILL NO. 2745,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2747,  
SUBSTITUTE HOUSE BILL NO. 2748,  
HOUSE BILL NO. 2760,  
HOUSE BILL NO. 2761,  
HOUSE BILL NO. 2769,  
HOUSE BILL NO. 2776,  
SUBSTITUTE HOUSE BILL NO. 2780,  
HOUSE BILL NO. 2786,  
HOUSE BILL NO. 2800,  
HOUSE BILL NO. 2817,  
HOUSE BILL NO. 2822,  
HOUSE BILL NO. 2834,  
SUBSTITUTE HOUSE BILL NO. 2840,  
ENGROSSED HOUSE BILL NO. 2847,  
ENGROSSED HOUSE BILL NO. 2853,  
HOUSE BILL NO. 2862,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2863,

ENGROSSED HOUSE BILL NO. 2867,  
SUBSTITUTE HOUSE BILL NO. 2883,  
SUBSTITUTE HOUSE BILL NO. 2893,  
HOUSE BILL NO. 2894,  
SUBSTITUTE HOUSE BILL NO. 2903,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2910,  
HOUSE BILL NO. 2911,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2926,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2929,  
SUBSTITUTE HOUSE BILL NO. 2944,  
SUBSTITUTE HOUSE BILL NO. 2945,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2947,  
ENGROSSED HOUSE BILL NO. 2951,  
ENGROSSED HOUSE BILL NO. 2952,  
ENGROSSED HOUSE BILL NO. 2953,  
HOUSE JOINT MEMORIAL NO. 4001,  
HOUSE JOINT MEMORIAL NO. 4003,  
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4012,  
HOUSE JOINT MEMORIAL NO. 4020,  
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4034,  
HOUSE JOINT MEMORIAL NO. 4039,  
HOUSE JOINT MEMORIAL NO. 4041,  
SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4213,  
HOUSE CONCURRENT RESOLUTION NO. 4416,  
ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4422,  
ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4426,  
ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4427.

MESSAGE FROM THE HOUSE

March 7, 1996

MR. PRESIDENT:

Under the provisions of House Concurrent Resolution No. 4425, the House returns the following Senate Bills to the Senate:  
SECOND SUBSTITUTE SENATE BILL NO. 5002,  
SENATE BILL NO. 5041,

SECOND SUBSTITUTE SENATE BILL NO. 5049,  
SENATE BILL NO. 5054,  
SENATE BILL NO. 5068,  
SUBSTITUTE SENATE BILL NO. 5071,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5104,  
SENATE BILL NO. 5124,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5139,  
SECOND SUBSTITUTE SENATE BILL NO. 5247,  
SUBSTITUTE SENATE BILL NO. 5350,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5359,  
SUBSTITUTE SENATE BILL NO. 5473,  
THIRD SUBSTITUTE SENATE BILL NO. 5476,  
SUBSTITUTE SENATE BILL NO. 5477,  
SENATE BILL NO. 5510,  
SECOND SUBSTITUTE SENATE BILL NO. 5568,  
SENATE BILL NO. 5614,  
SENATE BILL NO. 5615,  
SECOND SUBSTITUTE SENATE BILL NO. 5687,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5700,  
ENGROSSED SENATE BILL NO. 5837,  
SECOND SUBSTITUTE SENATE BILL NO. 5841,  
SUBSTITUTE SENATE BILL NO. 5947,  
SUBSTITUTE SENATE BILL NO. 5993,  
SUBSTITUTE SENATE BILL NO. 6033,  
SENATE BILL NO. 6086,  
SENATE BILL NO. 6087,  
SENATE BILL NO. 6088,  
SUBSTITUTE SENATE BILL NO. 6095,  
SUBSTITUTE SENATE BILL NO. 6096,  
SUBSTITUTE SENATE BILL NO. 6097,  
SENATE BILL NO. 6098,  
SENATE BILL NO. 6099,  
SENATE BILL NO. 6100,  
SUBSTITUTE SENATE BILL NO. 6104,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6107,  
SENATE BILL NO. 6108,  
SUBSTITUTE SENATE BILL NO. 6109,  
SENATE BILL NO. 6110,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6112,  
SENATE BILL NO. 6114,  
SENATE BILL NO. 6116,  
ENGROSSED SENATE BILL NO. 6118,  
SUBSTITUTE SENATE BILL NO. 6119,

SECOND SUBSTITUTE SENATE BILL NO. 6121,  
SUBSTITUTE SENATE BILL NO. 6122,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6130,  
SUBSTITUTE SENATE BILL NO. 6131,  
SENATE BILL NO. 6132,  
SUBSTITUTE SENATE BILL NO. 6133,  
SENATE BILL NO. 6135,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6137,  
SENATE BILL NO. 6147,  
SENATE BILL NO. 6151,  
SUBSTITUTE SENATE BILL NO. 6154,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6155,  
SENATE BILL NO. 6156,  
SUBSTITUTE SENATE BILL NO. 6158,  
SENATE BILL NO. 6160,  
SENATE BILL NO. 6163,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6166,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6170,  
SUBSTITUTE SENATE BILL NO. 6172,  
SENATE BILL NO. 6175,  
SENATE BILL NO. 6179,  
SUBSTITUTE SENATE BILL NO. 6182,  
SUBSTITUTE SENATE BILL NO. 6186,  
SUBSTITUTE SENATE BILL NO. 6190,  
SUBSTITUTE SENATE BILL NO. 6205,  
SUBSTITUTE SENATE BILL NO. 6206,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6207,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6208,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6209,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6210,  
SUBSTITUTE SENATE BILL NO. 6223,  
ENGROSSED SENATE BILL NO. 6230,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6231,  
SUBSTITUTE SENATE BILL NO. 6232,  
SUBSTITUTE SENATE BILL NO. 6235,  
SUBSTITUTE SENATE BILL NO. 6239,  
SUBSTITUTE SENATE BILL NO. 6245,  
SENATE BILL NO. 6252,  
SUBSTITUTE SENATE BILL NO. 6254,  
SUBSTITUTE SENATE BILL NO. 6273,  
SUBSTITUTE SENATE BILL NO. 6282,  
SENATE BILL NO. 6283,  
SUBSTITUTE SENATE BILL NO. 6288,  
SUBSTITUTE SENATE BILL NO. 6290,  
SUBSTITUTE SENATE BILL NO. 6293,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6299,  
SUBSTITUTE SENATE BILL NO. 6300,  
SENATE BILL NO. 6306,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6313,  
SENATE BILL NO. 6314,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6330,  
SUBSTITUTE SENATE BILL NO. 6334,  
SENATE BILL NO. 6341,  
SUBSTITUTE SENATE BILL NO. 6347,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6348,  
SENATE BILL NO. 6349,  
SUBSTITUTE SENATE BILL NO. 6351,  
SENATE BILL NO. 6352,  
SENATE BILL NO. 6368,  
SECOND SUBSTITUTE SENATE BILL NO. 6382,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6387,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6390,  
SUBSTITUTE SENATE BILL NO. 6391,  
SUBSTITUTE SENATE BILL NO. 6395,  
SUBSTITUTE SENATE BILL NO. 6397,  
SENATE BILL NO. 6405,  
SENATE BILL NO. 6407,  
ENGROSSED SENATE BILL NO. 6410,  
SENATE BILL NO. 6416,  
SENATE BILL NO. 6417,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6420,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6426,  
SENATE BILL NO. 6443,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6445,  
SUBSTITUTE SENATE BILL NO. 6446,  
SENATE BILL NO. 6453,  
SENATE BILL NO. 6462,  
SUBSTITUTE SENATE BILL NO. 6468,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6479,

SUBSTITUTE SENATE BILL NO. 6484,  
SENATE BILL NO. 6485,  
SENATE BILL NO. 6494,  
SENATE BILL NO. 6495,  
SENATE BILL NO. 6496,  
SUBSTITUTE SENATE BILL NO. 6504,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6505,  
SECOND SUBSTITUTE SENATE BILL NO. 6507,  
SECOND SUBSTITUTE SENATE BILL NO. 6508,  
SENATE BILL NO. 6516,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6518,  
SUBSTITUTE SENATE BILL NO. 6522,  
SENATE BILL NO. 6524,  
SUBSTITUTE SENATE BILL NO. 6530,  
SUBSTITUTE SENATE BILL NO. 6535,  
SUBSTITUTE SENATE BILL NO. 6540,  
SUBSTITUTE SENATE BILL NO. 6543,  
SENATE BILL NO. 6561,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6589,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6594,  
ENGROSSED SENATE BILL NO. 6595,  
ENGROSSED SENATE BILL NO. 6596,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6598,  
SUBSTITUTE SENATE BILL NO. 6599,  
SUBSTITUTE SENATE BILL NO. 6600,  
SUBSTITUTE SENATE BILL NO. 6605,  
SUBSTITUTE SENATE BILL NO. 6614,  
SENATE BILL NO. 6616,  
SUBSTITUTE SENATE BILL NO. 6620,  
ENGROSSED SENATE BILL NO. 6621,  
SUBSTITUTE SENATE BILL NO. 6626,  
ENGROSSED SENATE BILL NO. 6628,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6638,  
SUBSTITUTE SENATE BILL NO. 6639,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6646,  
SUBSTITUTE SENATE BILL NO. 6653,  
SENATE BILL NO. 6663,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6667,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6669,  
SUBSTITUTE SENATE BILL NO. 6671,  
SENATE BILL NO. 6690,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6701,  
SENATE BILL NO. 6703,  
SENATE BILL NO. 6704,  
ENGROSSED SENATE BILL NO. 6708,  
SENATE BILL NO. 6720,  
SUBSTITUTE SENATE BILL NO. 6735,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6736,  
SUBSTITUTE SENATE BILL NO. 6746,  
SUBSTITUTE SENATE BILL NO. 6769,  
SUBSTITUTE SENATE BILL NO. 6775,  
SENATE JOINT MEMORIAL NO. 8017,  
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8022,  
SENATE JOINT MEMORIAL NO. 8027,  
SENATE JOINT MEMORIAL NO. 8029,  
SUBSTITUTE SENATE JOINT RESOLUTION NO. 8220,  
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8400,  
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8404, and the same are herewith transmitted:  
TIMOTHY A. MARTIN, Chief Clerk

MESSAGE FROM THE HOUSE

March 7, 1996

MR. PRESIDENT:

Under the provisions of House Concurrent Resolution No. 4425, the House returns the following Senate Bills to the Senate:  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5375,  
SENATE BILL NO. 6250,  
SUBSTITUTE SENATE BILL NO. 6432,  
ENGROSSED SENATE BILL NO. 6774, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Spanel, the following bills, which were on the second and third reading calendars, were returned to the Committee on Rules:

E3SSB 6062 f Making welfare work  
SSB 6069 \$ Supplemental operating budgt  
SSB 6111 911 communications funding  
SB 6184 f Insurance premium tax credit

ESSB 6316 \$ Capital budget  
2SSB 6336 Water resources board  
SSB 6513 U.S.S. Missouri homeport  
SSB 6597 Developmnt/preapplctn meetng  
SSB 6618 State fiscal conditions  
SB 6777 Residence/property tx credit

MESSAGES FROM THE HOUSE

March 7, 1996

MR. PRESIDENT:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8434, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 7, 1996

MR. PRESIDENT:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4425, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4425.

MOTION

On motion of Senator Spanel, the Senate Journal for the sixtieth day of the 1996 Regular Session of the Fifty-fourth Legislature was approved.

MOTION

At 12:47 a.m., on motion of Senator Snyder, the 1996 Regular Session of the Fifty-fourth Legislature adjourned SINE DIE.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTIETH DAY, MARCH 7, 1996

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